

7.2 RURAL RESIDENTIAL (RR-5) DISTRICT

7.2.1 INTENT

The RR-5 District is intended to provide for exurban residential development that allows for residential services and limited agricultural uses. This district serves as a buffer between the residential uses of the SR-1 and SR-2 Districts and the mixed uses of the MU-20 and A Districts.

7.2.2 PERMITTED PRINCIPAL USES

- (1) Agricultural Uses of Land and Usual Agricultural Buildings and Structures.
- (2) Bed and Breakfast.
- (3) Community Cultural Facility (Public and Non-Profit Exhibits, Libraries, Museums, and Art Galleries or Other Similar Institutions).
- (4) Community Garden.
- (5) Community Residential Facility with eight occupants or fewer.
- (6) Day Care Center.
- (7) Educational Facility.
- (8) Family Day Care Home.
- (9) Group Day Care Home.
- (10) Limited Agricultural uses.
 - a. The keeping of livestock animals, except bison, by a resident of the parcel requires that the parcel must be a minimum of one (1) acre in area.
 - b. Large livestock animals, except bison, are allowed on a permanent basis at a ratio of two (2) animals per acre. Small livestock animals are allowed on a permanent basis at a ratio of four (4) per acre.
 - c. Any stable, barn, shed, coop or other such structure to house livestock animals shall be a distance of at least twenty-five (25) feet from the property line of an adjacent owner and at least fifty (50) feet from any dwelling unit other than that of owner.
- (11) Nursing Home.
- (12) One Single-Family Dwelling per tract of land.
- (13) On-Site Construction Office.
- (14) Park, where off-street parking is provided for the users of such facilities.
- (15) Public Building.

- (16) Public Institution.
- (17) Public Safety Facility.
- (18) Retirement Home.
- (19) Worship Facility, where off-street parking is provided as set forth in Section 8.4.

7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE

- (1) Accessory Building/Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Customary Home Occupation (see definition of Home Occupation and Section 8.16).
- (3) Private Garage (accessory use only).
- (4) Professional Office in a Residence.
- (5) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Community Residential Facility with nine occupants or more.
- (2) Excavation of Sand and Gravel.
- (3) Recreation Building or Area operated by membership clubs for the benefit of members and not for gain.
- (4) Second Dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).
- (5) Structures meeting the definition of accessory building/structure but without a principal use – residential use only; no commercial use allowed, (not accessory, stand-alone structure).
- (6) Tourist Home.
- (7) Utility Installation, Minor.

7.2.5 GENERAL REQUIREMENTS AS PER SECTION 7.1.

7.3 SUBURBAN RESIDENTIAL 1 & 2 (SR-1 and SR-2) DISTRICTS

7.3.1 INTENT

The SR-1 and SR-2 Districts are intended to provide for low-density suburban residential development in close proximity to the City of Great Falls that allows for limited agricultural uses as well as residential services.

7.3.2 PERMITTED PRINCIPAL USES

- (1) Agricultural Uses of Land and Usual Agricultural Buildings and Structures.
- (2) Community Garden.
- (3) Community Residential Facility with eight (8) occupants or fewer.
- (4) Day Care Center, Family Day Care Home, Group Day Care Home.
- (5) Educational Facility.
- (6) Limited Agricultural Uses.
 - a. The keeping of livestock animals, except bison, by a resident of the parcel requires that the parcel must be a minimum of one (1) acre in area.
 - b. Large livestock animals, except bison, are allowed on a permanent basis at a ratio of two (2) animals per acre. Small livestock animals are allowed on a permanent basis at a ratio of four (4) per acre.
 - c. Any stable, barn, shed, coop or other such structure to house livestock animals shall be a distance of at least twenty-five (25) feet from the property line of an adjacent owner and at least fifty (50) feet from any dwelling unit other than that of owner.
- (7) Nursing Home.
- (8) One Single-Family Dwelling per tract of land.
- (9) On-Site Construction Office.
- (10) Park, where off-street parking is provided for the users of such facilities.
- (11) Public Building.
- (12) Public Institution.
- (13) Public Safety Facility.
- (14) Retirement Home.
- (15) Worship Facility where off-street parking is provided as set forth in Section 8.4.

7.3.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

- (1) Accessory Building / Structure (i.e. carport, bathhouse, greenhouse, gardening shed, recreation room and similar structure) which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Customary Home Occupation (see definition of Home Occupation and Section 8.16).
- (3) Private Garage (accessory use only).
- (4) Professional Office in a Residence.
- (5) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

7.3.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

- (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts.
- (2) Bed and Breakfast.

7.3.5 GENERAL REQUIREMENTS AS PER SECTION 7.1.

SECTION 10. STANDARDS FOR SPECIAL USE PERMITS

10.1 GENERAL PROVISIONS

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A Special Use Permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be that listed in the Cascade County Planning Department's Fee Schedule.

10.2 REQUIRED PLAN

An Applicant must notify the Planning Department and request a pre-application meeting. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the special use permit process, including a signed Use Statement Form.

The application for a Special Use Permit must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the Special Use Permit:

- (1) A Special Use Permit Application signed by the land owner and by the Applicant if different from the land owner.
- (2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
- (3) A legal description of the property.
- (4) A lot layout plan may be required indicating some or all of the following:
 - a. Identify any covenants, liens, easements, or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the County Clerk and Recorder's Office or Planning Department).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a Site Plan, indicate the dimensions of the property under

consideration, the size and placement of existing structures, parking areas and landscaping areas.

- f. On a Site Plan, indicate the location of existing curb cuts or access points, traffic access and circulation, drives, signs, exterior lighting, required yards and open spaces, landscaping, and screening.
- g. On a Site Plan, indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application and/or other pertinent information as required in Section 10.5 that may be necessary to determine if the special use meets the requirements of these regulations.

10.3 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications heard by the ZBOA. Notice shall be provided for as set by MCA § 7-1-2121. The notice shall be published in a newspaper of general circulation in Cascade County, twice with at least six (6) days separating each publication.

The owner of the property for which a special use is sought, or their agent and all adjacent land owners shall be notified of the hearing by certified mail. At the public hearing, the ZBOA will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the ZBOA may approve, deny, approve with conditions, or table for further consideration until the next ZBOA meeting, the special use permit.

10.4 EXPIRATION

A Special Use Permit Application, once deemed sufficient and prior to the hearing by the ZBOA, shall be scheduled for the next Board meeting unless a hold request is submitted. Only the Applicant may submit a hold request to the Planning Department and a hold request must include a set timeline for lifting the hold. No request to place an application on hold shall exceed six (6) months. An application shall expire after being on hold for six (6) months, or a material change to the application has been submitted. Upon expiration, a new Special Use Permit must be applied for.

The ZBOA approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of the approval if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension on the ZBOA approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

10.5 EXISTING VIOLATIONS

No permit shall be issued for a special use where there is an existing violation of these regulations or any other existing violations of Cascade County, State, or Federal Regulations or laws, or for delinquent county taxes.

10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES

Before the ZBOA can approve any Special Use Permit, it must first reach each of the following conclusions:

- (1) Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
- (2) The proposed development will not materially endanger the public health or safety. Considerations are the following:
 - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
 - b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
 - c. Soil erosion, sedimentation, and storm water runoff.
 - d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.
- (3) The proposed development will not substantially injure the value of adjoining property or is a public necessity.-Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
 - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
- (4) The proposed development will be in harmony with the area in which it is located. Considerations are the following:
 - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- (5) The proposed development will be consistent with the Cascade County Growth Policy. Considerations are the following:
 - a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
 - b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

10.7 OPERATIONS

Operations in connection with Special Use Permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

10.8 STAFF REVIEW

After an application is reviewed by the Planning Staff and deemed to be complete, staff will proceed with notification of adjoining property owners, posting of the notification of public hearings, and determine the date, time, and place for the public hearing to occur before the ZBOA.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the ZBOA will hold a public hearing to allow the staff, petitioner, and other interested parties to present competent, substantial, and material factual evidence relating to the required conclusions. The Board will then discuss the petition and make findings of fact supported by the presented evidence. Based on those findings, the Board will decide whether or not it can reach each of the required conclusions. The Board may approve a petition only if it reaches all of the required conclusions. The Board may approve a petition subject to conditions reasonably necessary to carry out the purposes of this ordinance.

Note: The petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions.

After hearing presented evidence and the Board’s discussion, the petitioner may ask the Board’s permission to revise the petition to address raised concerns. If the Board grants the request, the Board may either adjust conditions to the Special Use Permit or table the review process until the next ZBOA meeting to allow all interested parties the ability to submit additional comments to the revised petition.

If the petition is approved, the Planning Staff will prepare and issue the petitioner a Conditional Letter of Approval indicating the conditions upon which the Special Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the ZBOA, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the ZBOA decision shall follow the process as outlined in Section 12 of these regulations.

10.11 REVOCABILITY

A violation of a Special Use Permit will be treated as any other violation under Section 13 of these regulations.

SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD)

The only purpose and intent of this section is to promote cooperation between Cascade County, property owners, and Malmstrom Air Force Base (Malmstrom) in order to reduce potential conflicts and protect the current and future military missions and Missile Alert Facilities (MAFs) and Launch Facilities (LFs) of Malmstrom Air Force Base by restricting height of structures near these facilities as outlined in the Malmstrom Joint Land Use Study. The Height Military Overlay District Map (Figure 4.1-2 Height Military Overlay District from the JLUS) and the Proposed Height MODs Figure (Figure 4.1-3 Proposed Height MODs from the JLUS) are hereby incorporated into and made a part of these regulations.

16.1 MALMSTROM RUNWAY AREA

The following height limits are based on the elevation of the helicopter runway at Malmstrom (3,526 feet) which is based on the North American Vertical Datum of 1988 (NAVD 88):

16.1.1 CLEAR ZONE SURFACE – MOD-A:

No structures greater than fifty (50) feet in height.

16.1.2 TRANSITIONAL SURFACE – MOD-B:

No structures greater than fifty (50) feet in height.

16.1.3 INNER HORIZONTAL SURFACE – MOD-C:

No structures greater than one hundred and fifty (150) feet in height.

16.1.4 CONICAL SURFACE – MOD-D:

No structures greater than one hundred and fifty (150) feet in height.

16.1.5 APPROACH/DEPARTURE CLEARANCE SURFACE – MOD-E:

No structures greater than fifty (50) feet in height.

16.1.6 OUTER HORIZONTAL SURFACE – MOD-F:

No structures greater than five hundred (500) feet in height.

Any proposed structures exceeding the above heights will require the approval of a variance by the Zoning Board of Adjustment. A copy of the application will be sent to Malmstrom for review and comments. Any comments or recommended mitigations will be forwarded to the ZBOA to consider with their decision. If no comments are received within 15 working days, it will be determined Malmstrom had no objections. A height variance may only be denied due to a concern expressed by the US Military that cannot be mitigated to the Military's satisfaction.