

- g. Location and type of existing and proposed landscaping or buffering.
- h. Location, type and height of existing and proposed fencing and screening.
- i. Location, type, and height of sight-obscuring improvement surrounding areas of storage for raw materials, finished products, machinery, and equipment.

8.6 FLOODPLAIN REGULATIONS

The Board of County Commissioners adopted the "Cascade County Floodplain Regulations" which are incorporated as fully as if set out at length herein, the provisions thereof controlling within Cascade County and outside of the City Limits of the City of Great Falls. The Cascade County Floodplain Regulations for the above-described area, copies of which are available at the Office of the Cascade County Planning Department and Zoning Administrator, shall be administered and enforced by the Zoning Administrator.

A Location/Conformance Permit shall not be issued for any non-residential use or structure within a designated floodplain area until all applicable floodplain permits have been issued. A Location/Conformance Permit shall not be issued for any residential structure within a designated floodplain area until a Letter of Map Change (LOMC) has been obtained from the Federal Emergency Management Agency.

8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

- (1) Pet Wholesalers.
- (2) Pet Breeders.

8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO:

- (1) Retail Pet Stores/Pet Adoption Accessory Use.
- (2) Public Animal Shelter.
- (3) Laboratory Animal Dealers and Breeders.
- (4) Animal Brokers.
- (5) Wild Animal Dealers.

8.7.3 OTHER REQUIREMENTS:

- (1) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from a Residential Districts.

an application involving a minor deviation shall not prohibit or affect the right of the Applicant to file an application for a variance.

9.5 VARIANCES

9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS

- (1) **Submittal of application.** The Applicant shall submit a completed application to the County Planning Department along with the application/appeal fee as established by the County Commission.
- (2) **Determination of completeness.** Within ten (10) working days of submittal, the Zoning Administrator shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the Applicant and the Applicant has six (6) months to resubmit the application or forfeit the application fee. The Administrator shall take no further steps to process the application until the deficiencies are remedied.
- (3) **Notice.** Consistent with Section 12 of these regulations, the Zoning Administrator shall provide for public notice, property owner notification, and agency notification, when applicable. If a variance is requested for Military Overlay District height regulations, 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's reviewing staff 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.
- (4) **Staff Report.** The Zoning Administrator shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment (ZBOA), the Applicant, and the Applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- (5) **DNRC notification of application.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the application to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- (6) **Public hearing.** Allowing for proper notice, the ZBOA shall hold a public hearing to review the application.
- (7) **Decision.** Within thirty (30) days of the determination of completeness, the ZBOA shall approve the application, approve it with conditions, or deny

it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.

- (8) **DNRC notification of decision.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the decision to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- (9) **Applicant notification.** Within 5 days following the decision, the Zoning Administrator shall mail the Applicant the original (signed) copy of the decision and retain a copy for the public record.
- (10) **Additional procedural steps.** If the Board grants the variance, the Applicant shall then follow other review procedures as may be required.

9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE

A dimensional variance shall only be granted when the evidence shows, and a finding can be made that each of the following conditions exists:

- (1) The variance is not contrary to the public interest.
- (2) A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
- (3) The spirit of this Section would be observed, and substantial justice done by granting the variance.

9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE

In addition to the general findings required above, the following findings shall apply to variances from floodplain requirements:

- (1) The proposed use will be flood-proofed.
- (2) A reasonable alternate location outside the floodplain is not available.
- (3) The granting of the variance will not cause increased flood hazards, present additional threats to public safety, create an extraordinary public expense, create a nuisance, or otherwise conflict with federal, State, or other local laws.

9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION

The concurring vote of three (3) members shall be necessary to approve a variance.

9.5.5 LIMITATIONS ON ISSUING A VARIANCE

The following actions shall not be allowed by a variance:

- (1) Expansion of a nonconforming use;

- (2) Modification to lot or other requirements so as to increase the permitted density or intensity of use;
- (3) Any project within a floodway that increases flood velocities or elevations; and
- (4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the ZBOA may impose such conditions and restriction as may be necessary to grant approval.

9.5.7 AIRPORT HEIGHT VARIANCES

If a variance to the height restrictions for parcels in the vicinity of the Great Falls International Airport is granted, the County may require the Applicant, at the Applicant's expense, to install, operate, and maintain the lights and markers necessary to warn pilots of the presence of an airport hazard.

9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES

If a variance is granted to allow construction of a structure below the 100-year floodplain elevation, the Floodplain Administrator shall notify the Applicant that flood insurance premium rates may be higher than normal and such construction increases risks to life and property.

9.5.9 STAFF REPORT CONTENT

At a minimum, the Staff Report shall contain the following information:

- (1) A summary of the comments received from the interdepartmental/agency review.
- (2) Findings for each of the decision criteria listed in this article.
- (3) A preliminary list of conditions if approval is recommended; and
- (4) A recommendation to approve the application, approve it with conditions, or deny the application.

9.5.10 EFFECT OF APPROVAL

An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed.

9.5.11 EXPIRATION OF APPROVAL

The variance shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

9.5.12 APPEAL

The Applicant and/or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.



Photograph by Rhianna Robertson, 2020. Second place winner of the 2020 Photograph Contest.