For Release
02/06/2019

Cascade County Planning Division

Proposes Substantial Changes to The Current Cascade County Zoning Regulations

Great Falls, MT— 02/06/2019 — The Cascade County Planning Division is proposing substantial changes to the current Cascade County Zoning Regulations. The Planning Division will hold a public hearing with the Planning Board on **February 19, 2019 at 9 AM in Room 105 of the Courthouse Annex (325 2nd Ave North, Great Falls, MT)** to allow for the presentation of oral comments regarding the proposed changes. Planning anticipates holding a subsequent Planning Board hearing in March at which point a recommendation to the County Commission from that body will be requested. A location, date, and time for future meetings addressing the revisions have currently not been set and will vary depending on the level of public interest. All meetings will be noticed in the Great Falls Tribune and on the Planning Division's website.

Written comments (please provide your **name** and **address** along with your comments, anonymous comments may not be considered) are being accepted at the planning office; by U.S. Mail to 121 4th St N, STE 2H/I, Great Falls, MT 59401, by email at planningcomments@cascadecountymt.gov, or fax at (406)454-6919. If you are submitting comments, please fill out the "Comment Form" or include it with your materials. The comment form is available on the Cascade County website or at the Cascade County Planning Division (121 4th Street North Suite 2H, Great Falls, MT).

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Public Hearing Process

The Cascade County Planning Division will be providing the following opportunities for oral public comment on the proposed zoning regulation and zoning map amendments:

1. First (1st) Cascade County Planning Board public hearing
    - When: February 19th, 2019 at 9:00AM
    - Where: Room 105 in the Cascade County Courthouse Annex located at 325 2nd Ave North Great Falls, MT.
    - What: This public hearing before the Cascade County Planning Board will be an opportunity for the public to be heard concerning the proposed Cascade County zoning regulation and map amendments. This meeting will not involve a decision by the Planning Board on the proposed changes and is only for the purpose of providing a public forum.
2. Second (2nd) Cascade County Planning Board public hearing
    - When: TBD (anticipated to be March 2019).
    - Where: TBD.
    - What: This public hearing before the Cascade County Planning Board will be an opportunity for the public to be heard concerning the proposed Cascade County zoning regulation and map amendments. This meeting may involve a decision by the Planning Board on the proposed changes.
3. Cascade County Board of County Commissioners Public Hearing
    - When: TBD, after 45 days notice and comment period pursuant to Montana Code Annotated (MCA) §76-2-205 (anticipated to be in April or May 2019).
    - Where: TBD.

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- What: Public hearing before the Board and may involve adoption of the proposal of the Planning Board.

For full details concerning the adoption process and public notification requirements refer to MCA §76-2-205 and §14 of the Cascade County Zoning Regulations.

For more information and/or to keep informed on updates:

http://www.cascadecountymt.gov/departments/public-works/planning

Cascade County Planning Division

121 4th Street North, Suite 2H

Great Falls, MT 59404

Phone: (406)454-6905

Email: planningcomments@cascadecountymt.gov

Hours of Operation:

8:00am-5:00pm, closed daily from 12:00-1:00pm.

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Text of Ad: 01/30/2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Cascade County Planning Board will hold a public hearing on Tuesday, February 19, 2019 at 9:00 a.m. in Room 105 of the Courthouse Annex (325 2nd Ave N, Great Falls, Montana) for the purpose of gathering public comments regarding proposed changes to the Cascade County Zoning Regulations for the entirety of Cascade County excepting incorporated areas (Great Falls, Belt, Neihart, & Cascade).

The proposed zoning regulations are on file for public inspection at the office of the Cascade County Public Works Department Planning Division, 121 4th Street N Suite 2H/I, Great Falls, MT 59401, and on the Planning Division's website at www.cascadecountymt.gov. Any interested person may appear and speak for or against the proposed Zoning Regulations and may submit in writing, any comments regarding said request to the Cascade County Planning Division prior to or during said public hearing. The Planning Division may be contacted at (406) 454-6905.

CASCADE COUNTY
PLANNING DIVISION

/s/ Sandor Hopkins, Planner

(3366035) 2/3, 2/10/19

MNAXLP

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construction, *n.*

Pronunciation: /kənˈstrʌkʃən/

Forms: Also ME **construccioun**, ME–15 **construccion**, **construcyon**, 15 **constructyon**, **constructione** , etc.

Frequency (in current use):

Etymology: < Latin *constructiōn-em*, noun of action < *construĕre* to CONSTRUE *v.*, CONSTRUCT *n.* The French *construction* is cited by Littré from 12th cent., and may have been the immediate source.

I. The action of constructing.

1.

a. The action of framing, devising, or forming, by the putting together of parts; erection, building.

arch of construction: an arch built in the body of a wall or other structure, to relieve the part below it from superincumbent weight.

c1440 *Promptorium Parvulorum* 91 Construccyon or construynge, *construccio*.

?*a*1475 (▸ ?*a*1425) tr. R. Higden *Polychron.* (Harl. 2261) (1865) I. 19 The construccion of the cite of Rome.

1727 J. ARBUTHNOT *Tables Anc. Coins* 259 The Construction of Ships was forbidden to Senators.

1837 H. MARTINEAU *Society in Amer.* II. 186 From whence a [railroad] line is now in course of construction to the Hudson.

1849 E. A. FREEMAN *Hist. Archit.* 198 Others have only an arch of construction above the flat lintel.

b. of immaterial objects, systems, organizations, etc.

1841–8 F. MYERS *Catholic Thoughts* II. IV. xxv. 302 The Mosaic system was the first construction of a special instrumentality for a special end.

c. The art or science of constructing.

1842 J. GWILT *Encycl. Archit.* Gloss. 956 *Construction*... Amongst architects it is more particularly used to denote the art of distributing the different forces and strains of the parts and materials of a building in so scientific a manner as to avoid failure and insure durability.

1864 C. VAUX *Villas & Cottages* 70 To study the capabilities and varieties of wooden construction.

1891 *Graphic* 28 Feb. [The] Assistant-Controller of the Navy and Director of Naval Construction, who has designed the new ships.

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2.

a. The manner in which a thing is artificially constructed or naturally formed; structure, conformation, disposition.

1707 tr. P. Le Lorrain de Vallemont *Curiosities in Husbandry & Gardening* 28 The Order and..Construction of their essential or organical Parts.

1791 *Gentleman's Mag.* **61** II. 769 To build it [a dry dock] with a timberfloor of a new and peculiar construction.

1799 *Med. & Physical Jrnl.* **1** 461 The bad construction of the hospitals.

1841 T. R. JONES *Gen. Outl. Animal Kingdom* xv. 255 Beneath the mandibles is situated another pair of jaws, of similar construction.

1866 C. ENGEL *Introd. Study National Music* i. 15 The rather unusual rhythmical construction of six bars in the first part, and eight in the second.

b. The mental building up of materials; constructive faculty.

1826 B. DISRAELI *Vivian Grey* II. III. vii. 90 At last, he burst forth with an immense deal of science, and a great want of construction—a want, which scientific men often experience.

3. *Geometry.*

a. The action or method of drawing a figure for the purpose of solving a problem or proving a proposition.

1570 H. BILLINGSLEY tr. Euclid *Elements Geom.* I. f. 9 Then is set the construction of suche things which are necessary ether for the doing of the proposition, or for the demonstration.

1660 tr. I. Barrow *Euclide's Elements* I. 10 The construction, and the demonstration, are every where alike.

1840 D. LARDNER *Treat. Geom.* 133 Of the construction of equal and similar figures.

1882 G. M. MINCHIN *Uniplanar Kinematics* 57 Graphic construction for Resultant Acceleration.

b. *Nautical.* 'The method of ascertaining a ship's course by trigonometrical diagrams' (Smyth *Sailor's Word-bk.*).

1828 *Moore's Pract. Navigator* (ed. 20) 41 By construction.

c. construction of equations *n.* see quot. 1728.

1728 E. CHAMBERS *Cycl.* *Construction of Equations*, is the Method of reducing a known Equation into Lines and Figures; whereby the Truth of the Rule, Canon, or Equation, may be demonstrated geometrically.

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d. *transf.*

1884 tr. H. Lotze *Logic* 123 A generic concept derived from experience, the inner organisation of which can only be represented imperfectly by description, not exactly by construction.

4.

a. A thing constructed; a material structure; a formation of the mind or genius.

1796 J. MORSE *Amer. Universal Geogr.* (new ed.) II. 424 The subterraneous constructions of Italy are as stupendous as those above ground.

1862 M. HOPKINS *Hawaii* 71 A number of other constructions were discovered.

1875 H. J. S. MAINE *Lect. Early Hist. Inst.* i. 11 The Brehon laws are in no sense a legislative construction.

b. A mechanical structure used in a stage setting, or forming the setting itself.

1924 H. CARTER *New Theatre Soviet Russia* 71 Instead of painted planes he [*sc.* Meierhold] uses constructions in volumes made of wood, iron and other suitable material.

1924 H. CARTER *New Theatre Soviet Russia* 72 Construction as it is now understood as an aid to acting and nothing more..arrived in April, 1922.

1929 H. CARTER *New Spirit Russ. Theatre* 221 The bridge of Life and Death that forms the chief construction on the Japanese stage.

1929 *Encycl. Brit.* XXII. 34/2 High platforms, skeletonized structures, inclined planes, all manner of bare, unsentimentalized construction provide the footing as well as the background for the actors.

c. *Art.* A sculptural creation, composed from a number of pieces, often of different material, and usually non-representational.

1944 H. READ in *Horizon* July 63 Dear Gabo,..it is easier for me to sympathize with those lovers of art who but dimly apprehend the formal unity of one of your constructions.

1956 F. GORE *Abstract Art* 30 Arp is opposed to the 'technoid' constructions of Mondrian.

1964 H. READ *Hist. Mod. Sculpture* iii. 89 From 1914 onwards a group of artists in Moscow attempted to apply engineering techniques to the construction of sculpture, and the objects thus made were called 'constructions'.

II. The action of construing, and connected senses.

5. *Grammar.*

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a. The action of syntactically arranging words in a sentence; 'the putting of words, duly chosen, together in such a manner as is proper to convey a complete sense' (Johnson).

1591 R. PERCYVALL *Bibliotheca Hispanica* Gram. sig. E3 Construction is the apt ioining of words in framing of a sentence.

1612 J. BRINSLEY *Posing of Parts* f. 26

1656 J. SMITH *Myst. Rhetorique Unvail'd* 130 Prolepsis is also a figure of Construction.

1728 E. CHAMBERS *Cycl.* *Construction*,..the arranging and connecting the Words of a Sentence; according to the Rules of the Language.

b. The syntactical connection between verbs and their objects or complements, adjectives and their extensions, prepositions and objects, etc.

(In this Dictionary the principal constructions of verbs, adjectives, etc., are given under the various senses, marked *Const.*)

1530 J. PALSGRAVE *Lesclarcissement* 137 There is nat a more straunger construction in all this tonge.

1571 A. GOLDING tr. J. Calvin *Psalmes of Dauid with Comm.* (lv. 20) I cannot tell whither the construction will beare it or no.

1640 SIR R. BAKER in C. H. Spurgeon *Treasury of David* (1870) I. Ps. i. 2 That stands in construction with all tenses.

1669 MILTON *Accedence* 41 Construction consisteth either in the agreement of words together..which is call'd Concord; or the governing of one the other in such Case or Mood as is to follow.

1767 H. WALPOLE *Narr. Rousseau* 133 He changed the construction of the last phrase, though the thought remained exactly the same.

1876 C. P. MASON *Eng. Gram.* (ed. 21) Pref. Help towards the understanding of the more difficult constructions.

c. *Hebrew Grammar*. The relation of a noun in the construct state. See CONSTRUCT *adj.* 2.

1762 J. PARKHURST *Hebrew & Eng. Lexicon* p. iv A Noun is said to be *in Regimine*, or in *Construction*, when it is in a particular relation to a Noun following it.

†**6.** The action of analysing the structure of a sentence and translating it word for word into another language; construing, translation. *Obsolete*.

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▸ *a*1387 J. TREVISA tr. R. Higden *Polychron.* (St. John's Cambr.) (1869) II. 161 John Cornewaile..chaunged the lore in grammar scole, and construction, of [*i.e.* from] Frenche into Englische.

1430 LYDGATE tr. *Hist. Troy* II. x To sewe his style in my translation Worde by worde like the construction After the maner of gramariens.

*a*1450 (▸ *a*1397) *Prol. Old Test.* in *Bible (*Wycliffite, L.V.*)* (Cambr. Mm.2.15) (1850) xv. 57 Whanne ri3tful construccioun is lettid bi relacion, I resolue it openli.

1580 J. LYLY *Euphues & his Eng.* (new ed.) f. 72 She drew out hir petracke, requesting him to conster hir a lesson,..Thus walking in the ally she listned to his construction.

1643 SIR T. BROWNE *Religio Medici* (authorized ed.) II. §8 I have seene a grammarian..shew more pride in the construction of one Ode [of Horace] than the Author in the composure of the whole booke.

7. The construing, explaining, or interpreting of a text or statement; explanation, interpretation; meaning, sense.

1483 *Cath. Angl.* 75 A Construccion, *construccio, exposicio.*

1490 *Caxton's Blanchardyn & Eglantine* (1962) 47 Whan blanchardyn had wel loked and rede the verses..& well vnderstode theire sentence..the prouost axed hym yf he was counseylled for to fulfylle the construction of that texte.

1532 T. MORE *Confut. Tyndale* in *Wks.* 654/1 Al the question for the more part riseth..vpon the construccion thereof, that is to say..what was for that scripture the true sense and right vnderstanding.

1648 BP. J. HALL *Breathings Devout Soul* xv. 22 What riddles are in that prophesie; which..undergoes as many constructions, as there are pens that have undertaken it.

1782 J. PRIESTLEY *Hist. Corruptions Christianity* I. I. 146 Those texts..will admit of some other construction.

1803 DUKE OF WELLINGTON in Marquess Wellesley *Select. Despatches* (1877) 584 My construction of the tenor of the letter..may I hope prove erroneous.

8.

a. Interpretation put upon conduct, action, facts, words, etc.; the way in which these are taken or viewed by onlookers; usually with qualification, as ***to put a good, bad, favourable, charitable (or other) construction upon***.

1592 A. DAY *2nd Pt. Eng. Secretorie* sig. E3ᵛ, in *Eng. Secretorie* (rev. ed.) To admit me fauorable and indifferent construction, of what I shal here vnfould vnto you by writing.

1600 SHAKESPEARE *Much Ado about Nothing* III. iv. 45 O illegitimate construction! I scorne that with my heeles.

1609 C. TOURNEUR *Funerall Poeme* 313 The bitter censures of malignancies In managements so subject to construction.

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*a*1616 SHAKESPEARE *Macbeth* (1623) I. iv. 12 To finde the Mindes construction in the Face.

*a*1656 BP. J. HALL *Shaking of Olive-tree* (1660) II. 82 A charitable construction of each others acts and intentions.

1677 W. HUBBARD *Narr. Troubles with Indians New-Eng.* II. 38 To put the best Construction might be, on such Irregular actions.

1705 G. STANHOPE *Paraphr.* III. 499 Some Good may be done, though at the Expence of Envy and ill Construction.

1828 SCOTT *Fair Maid of Perth* vii, in *Chron. Canongate* 2nd Ser. I. 174 Since such is the construction that is put upon my patience.

1869 J. MARTINEAU *Ess. Philos. & Theol.* 2nd Ser. 126 Locke..guards himself..against any such construction.

b. †***to make (a) construction***: to give an explanation or meaning to; to explain or interpret in a certain way. *Obsolete*. ***to bear a construction***: to allow of being explained in a certain way.

1528 J. SKELTON *Honorificatissimo: Replycacion agaynst Yong Scolers* sig. Av Ye may soone make construction With right lytell instruction.

*a*1616 SHAKESPEARE *Merry Wives of Windsor* (1623) II. ii. 216 There is shrewd construction made of her.

1620 BACON in H. Ellis *Orig. Lett. Eng. Hist.* II. 259 III. 236 I humblye praye your Lordships to make a favourable and true construction of my absence.

1740 S. RICHARDSON *Pamela* I. xiv. 27 He would have made a less angry Construction, had I less deserved that he should do so.

1848 MACAULAY *Hist. Eng.* xxi Facts which would bear two constructions.

9. *Law.*

a. The explaining or interpreting of the words of a statute, deed, or other legal document.

1523 J. FITZHERBERT *Bk. Surueyeng* i. sig. B3v To the declaracyon and constructyon of this statute, etc.

1651 N. BACON *Contin. Hist. Disc. Govt.* xiii. 117 By the Resignation of Richard the Second, the Parliament might seem, in strict construction of Law, to be expired.

1768 W. BLACKSTONE *Comm. Laws Eng.* III. 226 By an equitable construction of the statute of Glocester.

1845 H. J. STEPHEN *New Comm. Laws Eng.* II. 63 The construction or interpretation of a contract.

1890 LD. HALSBURY in *Law Times Rep.* **64** 3/2 The question..turns upon the true construction of the Waterworks Clauses Act, 1847.

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b. A particular explanation or interpretation put upon a law, etc.

1569 R. GRAFTON *Chron.* II. 1324 The true meaning of which statute, they did impugne & ouerthrowe by diuers subtile and sinister constructions of the same.

1612 BACON *Ess.* (new ed.) 213 Iudges must beware of hard constructions, and strained inferences.

1827 T. JARMAN *Powell's Ess. Learning of Devises* (ed. 3) II. 329 The Master of the Rolls..adopted the latter construction.

1890 SIR N. LINDLEY in *Law Times Rep.* **63** 690/1 Forcing upon this order a construction which would not be put upon it by those who are in the habit of dealing with orders in this form.

COMPOUNDS

attributive and in other combinations in sense 1, as ***construction camp***, ***construction car***, ***construction material***, ***construction timber***, etc.; **construction railway** *n.* = *construction-way n.*, **construction train** *n.* a train conveying materials for the construction or repair of railways. **construction-way** *n.* a temporary railway laid down for use in the construction of a permanent railway, canal, or similar undertaking.

1796 LD. NELSON in *Dispatches & Lett.* (1846) VII. p. civ A Vessel..loaded with construction-timber.

1869 C. L. BRACE *New West* xiv. 184 Every stick of fuel, every railroad tie, and beam for trestle-work, must be carried on construction trains from these mountains.

1873 J. H. BEADLE *Undeveloped West* xxi. 397 Hitherto construction cars had been shoved across singly by hand.

1881 *Chicago Times* 18 June A construction train backing down to Elwood.

1884 *Cent. Mag.* Oct. 843 Adventurers who had followed the construction camps on the Northern Pacific Railroad.

1891 *Harper's Mag.* Nov. 887/1 It was Dunn's headquarters—the construction camp.

1900 *Daily News* 8 Mar. 3/2 The armoured train and construction trains can now go beyond Crocodile Pools almost to Ramutsa.

1943 J. S. HUXLEY *TVA* 55 (*caption*) The construction camp lies between the Freeway and the town.

1947 L. M. BEEBE *Mixed Train Daily* 298 The club car 'Julia Bullette' of the romantic Virginia and Truckee—was originally built as a construction car.

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construction paper *n. N. Amer.* a type of thick coloured paper used esp. in children's craft projects.

1902 *Daily Rev.* (Decatur, Illinois) (Electronic text) 19 Dec. Baskets, sleds, and boxes made of construction paper.

1963 K. H. SEIBEL *Joyful Christmas Craft Bk.* i. 6 Construction paper in bright colors is available at art-supply stores.

2006 *Sunday News* (Lancaster, Pa.) (Nexis) 5 Nov. G1 It was a drawing of a tree with the hand print of each family member cut out of construction paper.

This entry has not yet been fully updated (first published 1893).

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construct, *v.*

Pronunciation: /kənˈstrʌkt/

Frequency (in current use):

Etymology: A late formation < Latin *construct-* participial stem of *construĕre* to heap together, pile up, build, construct, < *con-* together + *struĕre* to lay, pile, build. The present stem of the Latin verb has given CONSTRUE *v.* Compare slightly earlier MISCONSTRUCT *v.*

1.

a. *transitive.* To make or form by fitting the parts together; to frame, build, erect.

1663 R. BOYLE *Some Considerations Usefulnesse Exper. Nat. Philos.* 1. iii. 59 Those divine Attributes and Prerogatives for whose manifesting he was pleas'd to construct this vast Fabrick.

1727 N. BAILEY *Universal Etymol. Eng. Dict.* II *To Construct*,..to build, to frame.

1794 R. J. SULIVAN *View of Nature* II. xlv. 30 A sacred ship, the first that was ever constructed.

1817 S. T. COLERIDGE *Biogr. Lit.* (1870) xiii. 139 Des Cartes..said, Give me matter and motion and I will construct you the universe.

1848 H. H. WILSON *Hist. Brit. India 1805–35* III. i. 37 The Burmas..constructed stockades on either bank of the Surma river.

1863 M. HOWITT tr. F. Bremer *Greece & Greeks* I. i. 19 This splendid road has been lately constructed.

b. (immaterial objects, creations of the mind, etc.)

1755 JOHNSON *Dict. Eng. Lang.* *Construct*, to form by the mind: as, he constructed a new system.

1812 *Examiner* 4 May 283/2 M. Didelot has constructed a fanciful ballet.

1849 ABP. W. THOMSON *Outl. Laws of Thought* (ed. 2) Introd. Before an Art of Rhetoric could be constructed.

1875 W. S. JEVONS *Money* (1878) 10 It is easy to construct a theory of the nature of exchange and value.

absolute.

1832 MACAULAY *Mirabeau* Demolition is undoubtedly a vulgar task; the highest glory of the statesman is to construct.

2.

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a. *Grammar*. To put together (words) in syntactical arrangement; to combine in grammatical construction. (Used chiefly of the manner.)

1871 B. H. KENNEDY *Public School Lat. Gram.* 248 Syntax is that division of Grammar which teaches how sentences are constructed.

1871 B. H. KENNEDY *Public School Lat. Gram.* 257 The Vocative..is attached to the Sentence, but not constructed with it.

1871 B. H. KENNEDY *Public School Lat. Gram.* 321 Many Adjectives above mentioned [as governing a Genitive] are also constructed with Prepositions.

b. (See quot. 1864.)

1864 H. ALFORD *Plea for Queen's Eng.* (ed. 2) 183 Suppose I..direct one of them to construe the sentence. He knows perfectly well what I mean.. But suppose I tell him to construct the sentence. He..ought to know, that I mean that he is to explain the construction of the sentence, to give an account of its concords and governments.

3.

a. *Geometry*. The ordinary word for: To draw, delineate, or form geometrically. Also, to make the required construction or figure for (a problem in geometry, astronomy, navigation, etc.).

1715 tr. D. Gregory *Elements Astron.* I. II. §63. 357 Some construct this Problem of finding the Parallax of Longitude or Latitude from the given Parallax of Altitude, more expeditiously thus.

1828 *Moore's Pract. Navigator* (ed. 20) 67 This case is constructed much the same as the last.

1840 D. LARDNER *Treat. Geom.* 132 A rectangle whose area is equal to that of a given triangle, may be found by constructing one with the same base as the triangle and half its altitude.

1840 D. LARDNER *Treat. Geom.* 277 A method of constructing or drawing a parabola by a series of points.

1882 G. M. MINCHIN *Uniplanar Kinematics* 125 Construct round *P* as centre the conic whose equation..is, etc.

b. To represent (an algebraical quantity or equation) by a geometrical construction.

1728 E. CHAMBERS *Cycl.* (at cited word) This Method of constructing Equations is different, according to the Diversity of Equations.

1739 N. SAUNDERSON *Method of Fluxions* (1756) 44 To construct this Fluent, that is, to find some geometrical Area with which it may be compared.

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†**4.** To put a specified construction or interpretation on; = CONSTRUE *v.* 4b. *Obsolete Sc.*

*c*1610 J. MELVILLE *Mem. Own Life* (1735) 84 Expressions which were constructed by the Queen of England as a Violation of their former Familiarity.

1668 SIR R. MURRAY in Evelyn *Mem.* (1857) III. 203 I..construct the design of all to be to express quaintly your kindness in desiring I may be where you are.

*a*1698 W. ROW *Suppl.* in R. Blair *Life* (1848) (modernized text) xi. 361 This would be constructed by the King and others a homologating of the Protestor's petition.

This entry has not yet been fully updated (first published 1893).

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facility, *n.*

Pronunciation: Brit. /fəˈsɪlɪti/, U.S. /fəˈsɪlɪdi/

Forms:

α. lME–16 **facilite**, 15 **facilitee**, 15 **facilitée**, 15 **facillitye**, 15 **facylitie**, 15 **facylyte**, 15 **facylytye**, 15–16 **facilitie**, 15–16 **facilitye**, 15–16 **facillitie**, 15–16 **facillity**, 15– **facility**.

β. 15 **fecilitie**, 15–16 **fecility**.

Frequency (in current use):

Origin: Of multiple origins. Partly a borrowing from French. Partly a borrowing from Latin. **Etymons:** French *facilité*; Latin *facilitāt-*, *facilitās*.

Etymology: < Middle French, French *facilité* quality of something which can be done without difficulty (1455), ability to do something without difficulty, aptitude (c1450–60), favourable conditions for the easier performance of something (17th cent.) and its etymon classical Latin *facilitāt-*, *facilitās* ease of performance or completion, ease, fluency, promptness, readiness, aptitude, tendency, good nature, indulgence, obligingness < *facilis* FACILE *adj.* and *adv.* + *-tās* (see -TY *suffix*; compare -ITY *suffix*). Compare Spanish *facilidad* (c1440), Portuguese *facilidade* (1534), Italian *facilità* (a1419).

In β. forms with *-e-* in the first syllable probably partly by association with FELICITY *n.*, with which this word is often collocated in these forms in the early modern period.

†**1.** Gentleness; lightness of touch. *Obsolete. rare.*

?a1425 tr. Guy de Chauliac *Grande Chirurgie* (N.Y. Acad. Med.) f. 72 (*MED*) If it be nede forto smyte [the head] wiþ a malle, be it done with esynez or facilite [L. *facilitate*].

2. The quality, fact, or condition of being easy or easily performed; freedom from difficulty or impediment, ease; an instance of this. Often in ***with (great, much, more) facility***.

1531 T. ELYOT *Bk. named Gouernour* I. xxii. sig. Liiv An induction..howe children..may be trayned..with a pleasant facilitie.

1576 A. FLEMING tr. C. Hegendorphinus in *Panoplie Epist.* 383 I cannot see what you may do wyth more facilitie and easinesse.

1597 R. HOOKER *Of Lawes Eccl. Politie* V. iii. 8 The great facilitie of their language.

1649 F. ROBERTS *Clavis Bibliorum* (ed. 2) Introd. to Rdr. ii. 20 That difficulties deterre not from the study of Scripture, there are intermingled some facilities.

1669 J. WORLIDGE *Systema Agriculturæ* (1681) 195 Therefore may you with much facility hatch three or four douzen of Eggs..only by the heat of a Candle or Lamp.

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1694 R. SOUTH *12 Serm.* II. 73 He..offers himself to the visits of a Friend with facility.

1705 J. DUNTON *Life & Errors* iv. 239 The Polygraphy, or Writing Engin by which one may with great facility, write Two, Four, Six, or more Copies of any one thing upon so many different Sheets of Paper at once.

1791 E. BURKE *Appeal New to Old Whigs* 99 The facility with which government has been overturned in France.

1805 J. FOSTER *Ess.* I. ii. 17 The facility or difficulty of understanding.

1881 B. F. WESTCOTT & F. J. A. HORT *New Test. in Orig. Greek* II. Introd. II. 23 The relative facilities of the several experimental deductions.

1916 C. A. EDWARDS *Physico-chem. Properties Steel* xi. 125 One of the most useful properties possessed by metals is the facility with which they undergo plastic deformation when pressed, hammered, or rolled.

1961 *Fowler's Mech. Engineer's Pocket Bk.* (ed. 63) 134 These valves, for facility of opening, are often made of double-beat type, or of a combined valve and piston.

2001 W. C. STOKOE *Lang. in Hand* iv. 53 They insisted that clear speech..could be read on the lips with facility.

3.

a. In action, speech, etc.: ease, freedom, readiness; aptitude, dexterity. Also: an instance of this, a skill, ability, talent.

1532 in G. Hervet tr. Xenophon *Treat. House Holde* To Rdr. sig. A.j His swete eloquence, and incredible facilitie.

1596 T. LODGE *Wits Miserie* 57 Lilly, the famous for facility in discourse.

1602 W. WARNER *Epitome Hist. Eng.* in *Albions Eng.* (rev. ed.) 381 An ordinarie Care and skilfull Facilitie in collecting..their discents.

1691 A. WOOD *Athenæ Oxonienses* I. 479 He did with as much facility course (or oppose his Antagonist) in the publick Schools, as in Latine.

1736 BP. J. BUTLER *Analogy of Relig.* I. v. 81 We are capable,..of getting a new Facility in any Kind of Action.

1763 H. WALPOLE *Vertue's Anecd. Painting* III. iv. 110 The stranger..performed it with such facility and expedition, that [etc.].

1803 J. BRISTED *Ανθρωπλανομενος* I. 76 The art and mystery of bothering, whose chief efficacy resides in a facility of talking an infinite deal of nothing with readiness and volubility.

1841 I. D'ISRAELI *Amenities Lit.* II. 390 Spenser composed with great facility.

1871 B. JOWETT tr. Plato *Dialogues* I. 14 Facility in learning is learning quickly.

1919 *Outing* Mar. 320/1 Down through the centuries, the white man has shown a light fingered facility for grabbing ideas from the savage.

1963 J. HOENIG & M. W. HAMILTON tr. K. T. Jaspers *Gen. Psychopathol.* IV. xii. 592 The conspicuous ease and facility with which these patients confabulate in place of their real memories.

1999 *Art Room Catal.* Summer 24/1 Donatello was the first to make good use of the invention of scenes done in low relief, which he executed with thoughtfulness, facility and skill.

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b. Of style: easy-flowing character, fluency; elegance; an instance of this.

1598 SHAKESPEARE *Love's Labour's Lost* IV. ii. 122 The elegancie, facilitie, and golden cadence of poesie.

1638 R. BAKER tr. J. L. G. de Balzac *New Epist.* II. 28 The Facilitie of your stile covers the force of it, but weakens it not.

1693 J. LOCKE *Some Thoughts conc. Educ.* §. 163. 204 To be perfect in that [*sc.* Latin], would very little improve the Purity and Facility of his English Style.

1700 DRYDEN *Fables* Pref. sig. *B Both writ with wonderful Facility and Clearness.

1852 *Times* 29 Apr. 5/6 She plays with a facility that shows no trace of study or preconsideration.

1861 *Q. Rev.* Jan. iii. 64 He proceeds with an increased facility of style.

1950 I. KOLODIN *New Guide Recorded Music* (Internat. ed.) 427 Some of the bravura passages are dispatched with facility, others overpedaled and blurred.

1992 *World of Interiors* July 27/2 There is a delicious facility to his paintings, a dandified assurance to his woodcuts.

4.

a. The quality of being easily led, persuaded, or influenced; tendency or predisposition *to* do something, esp. something bad or undesirable; weakness of character, docileness; acquiescence, compliance; an instance of this. Now *rare* and *arch.*

1533 T. MORE *Apol.* xxxvi, in *Wks.* 900/2 Of some facylytye of hys owne good nature..easi to beleue som such as haue told him lies.

1612 BACON *Ess.* (new ed.) 14 That is but facility, or softnesse; which taketh an honest minde prisoner.

1646 H. SLINGSBY *Diary* (1836) 181 To all which ye King yeilds, wth a facility of nature.

1702 *Eng. Theophrastus* 165 Licentiating any thing that is coarse and vulgar, out of a foolish facility.

1792 H. H. BRACKENRIDGE *Mod. Chivalry* I. I. 45 She seemed, on her part, to have taken a liking to a certain Mr. Jacko, who was there present; and to whose attention she discovered a facility of acquiescence.

1827 J. LINDGARD *Hist. Eng.* VII. ii. 101 After a long discussion, Jane consented to give him the crown by act of parliament: but when she was left to herself, she repented of her facility.

1849 MACAULAY *Hist. Eng.* I. 169 The facility of Charles was such as has perhaps never been found in any man of equal sense.

1875 H. E. MANNING *Internal Mission of Holy Ghost* viii. 216 Those who have in time past been guilty of any sin..have a facility to fall again.

1907 *Eng. Hist. Rev.* **22** 816 Its members..accepted their subordinate part with a facility and indifference.

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1999 P. C. ALMOND *Adam & Eve in 17th-cent. Thought* vi. 189 That there was in women a greater facility to fall, explained Alexander Roberts in *A Treatise of Witchcraft*, led to their being one hundred times more likely than men to be witches.

b. *spec.* in *Sc. Law.* Cf. FACILE *adj.* 2b.

In later use chiefly (usually in connection with *circumvention*) as one of the grounds on which a will may be challenged.

*a*1578 R. LINDSAY *Hist. & Cron. Scotl.* (1778) 279 In regard of the Facility of the Earl of Arran.

1681 J. DALRYMPLE *Inst. Law Scotl.* I. i. 14 The constitution of Curators be not of the Law of Nature, which leaveth all persons of Discretion free, but of Positive Law, whereby a way is provided for the Levity and Facility of Minors.

*a*1713 J. STEWART *Dirleton's Doubts* (1715) 207 A Minor may not alter the Succession of his Lands. And if he should make any such Alteration; It would be judged, if not a Lesion, yet an Effect of his Facility.

1760 G. WALLACE *Princ. Law Scotl.* I. VI. 343 One, who has entered into a contract with a pupil, may well be presumed to have done it, on purpose to take advantage of his facility.

1839 G. BELL *Princ. Law Scotl.* 785 The party himself, expressing in a bond or other writing his consciousness of facility, and binding himself to certain persons, that he shall not, without their consent, grant any deed.

1861 G. ROSS *W. Bell's Dict. Law Scotl.* (rev. ed.) (at cited word) As a ground of reduction, facility is quite distinct from incapacity.

1946 A. D. GIBB *Students' Gloss. Sc. Legal Terms* 34 When one person by a dishonest course of conduct plays upon a facile person in order to secure an advantage there is *facility and circumvention*.

1953 *Trans. Grotius Soc.* **39** 166 The next of kin in Scotland raised an action for reduction of the Will on the ground of facility and circumvention.

2007 *Sc. Civil Law Rep.* 18 The deceased had made his trust disposition..after his health had deteriorated and the pursuer claimed that the deed should be reduced on the grounds of facility and circumvention, or undue influence.

†**c.** In extended use: (of a thing) the quality of being able to bend or give; flexibility. *Obsolete. rare.*

1856 E. K. KANE *U.S. Grinnell Exped.* xliii. 401 The swell of the ice..transmitting with pliant facility the advancing wave.

5. The quality of being agreeable, courteous, or accommodating; easy-going nature; affability, pleasantness, kindliness, courtesy. Now *rare.*

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1542 T. ELYOT *Bibliotheca* at *Commoditas hominis* The facility or curtesy of one, the whiche agreeth to any request.

1550 J. VERON *Godly Sayings* (1846) 22 Beseeching..that ye of your wont goodness & facilitie vouchsafe to accept this my rude labour.

1620 SIR R. NAUNTON in S. R. Gardiner *Fortescue Papers* (1871) 126 Your Majesties douceur and facilitie.

1677 A. MARVELL *Let. to Mayor of Hull* 1 Mar. in *Wks.* (1875) I. 515 This slid over out of their facility to an old servant.

1791 J. BOSWELL *Life Johnson* anno 1776 II. 39 I wondered at this want of..facility of manners.

1793 J. SMEATON *Narr. Edystone Lighthouse* (ed. 2) §112 (*note*) Our men were much struck..with the facility of the Portland ladies.

1832 H. MURRAY et al. *Hist. & Descriptive Acct. Brit. India* III. viii. 214 His facility and kindness of temper appear combined with so much of weakness and vacillation as nearly to have unfitted him for conducting the concerns of so great an empire.

1877 LADY WALLACE *Translator's Pref.* in tr. L. Nohl *Life Mozart* I. p. x It is well known that the 'Idomeneo' was Beethoven's favourite, and a few words explaining the reason of this preference will at the same time shew the leap that Mozart took in this style of composition and the facility and kind feeling of the man.

1903 H. JAMES *Ambassadors* xvii. 222 Something happy and easy..in the way he said this, brought home again to his companion the facility of his attitude and the enviability of his state.

6.

a. Opportunity, esp. of an unlimited kind, *to* do something; capability, ability, provision; an instance of this. Also with *for*, *of*.

In early use also: †means, resources; an instance of this (cf. FACULTY *n.*).

1555 R. EDEN in tr. Peter Martyr of Angleria *Decades of Newe Worlde* f. 205v It is a maruelous facilitie to bryng spices by this way which I wil now declare.

?1616 B. REGINALD *Ad annam serenissimam Dei gratia Britanniae Reginam* (MS S.S.C. 1615, Senate House Libr., London Univ.) The invention of Radiography, which is a speedy and short writing, with great facility to be practized in any languag.

1656 DUCHESS OF NEWCASTLE *True Relation* in *Natures Pictures* 390 To impoverish my friends, or go beyond the limits or facilitie of our Estate.

1711 W. SUTHERLAND *Ship-builders Assistant* 37 That the Angles of the Purchase may be as obtuse as possible for the Facility of gaining the same with smaller Force.

1730 A. GORDON tr. F. S. Maffei *Compl. Hist. Anc. Amphitheatres* 347 The Facility of covering the Spectators with an Awning..was..not one of the least wonderful Things about the Building.

1776 A. SMITH *Inq. Wealth of Nations* IV. vii The ordinary tone of expense seems everywhere to be regulated, not so much according to the real ability of spending, as to the supposed facility of getting money to spend.

1851 *Official Descriptive & Illustr. Catal. Great Exhib.* III. 668 Greater facility for repairing or glazing than those [lamps] of the ordinary sort.

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1859 J. S. MILL *On Liberty* v. 182 The limitation in number..of beer..houses..exposes all to an inconvenience because there are some by whom the facility would be abused.

1879 *Cassell's Techn. Educator* (new ed.) I. 147 The utmost facility is allowed to the upper millstone of adjusting itself.

1962 *Times* 5 July 15/6 A tape recorder offers the additional facility of actual recording, either personally or..from the radio.

2000 C. DONALDSON *Skydive* iv. 46/2 Just about every form of transport known to man has the facility to take passengers.

b. Frequently in *plural*. Favourable conditions or circumstances for the easy or easier performance of something. Also in *singular*, esp. in ***every facility***.

1652 C. COTTERELL tr. G. de Costes de La Calprenède *Cassandra* I. vi. 166 The absence of those two persons, afforded my Prince great facilities [Fr. *grandes facilitez*] in entertaining the Queen.

1692 W. TEMPLE *Mem. Christendom* (ed. 2) iii. 501 Monsieur Beverning, now favoured with a fair Gale from home,..and seconded with the great facilities that were given by France, made such a quick dispatch of what remained in contest upon the Treaty between France and Spain.

1789 N. CUTTING *Let.* 9 Oct. in T. Jefferson *Papers* (1958) XV. 496 They had received an order..to give all possible facility to Mr. J. with respect to the Landing and reshipping his Baggage.

1799 W. GODWIN *St. Leon* IV. ii. 53 I had every facility for adding to my store from time to time as circumstances should demand.

1809 DUKE OF WELLINGTON *Dispatches* (1837) IV. 357 He wishes to be permitted and to have the facilities given to him to return to France as soon as possible.

1825 J. R. MCCULLOCH *Princ. Polit. Econ.* I. 35 The facilities given to the exportation of goods manufactured at home.

1865 T. H. HUXLEY *Lay Serm.* (1870) ii. 28 Throw every facility in their way.

1876 PATTERSON in C. M. Davies *Unorthodox London* (rev. ed.) 250 The facilities for ordinary traffic are apt to break down.

1971 *Times* 9 Oct. 12/1 We were given every facility to see things for ourselves both by the Northern Ireland Government and by the prison authorities.

1994 *Moneyclips* (Nexis) 18 July [Saudi officials] welcomed the foreign investments in the country and reiterated that all possible facilities would be extended to them.

c. orig. *U.S.* In *plural*: the physical means or equipment required for doing something, or the service provided by this; frequently with modifying word, as ***educational facilities***, ***postal facilities***, ***retail facilities***, etc. In *singular*: a service or feature of a specified kind; (also) a building or establishment that provides such a service.

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1848 *Daily Picayune (*New Orleans*)* 24 Oct. 1/5 (*headline*) Miserable condition of the postal facilities between the United States and Mexico.

1872 R. G. MCCLELLAN *Golden State* xxv. 373 There was but little need of postal facilities.

1885 *Science* 9 Oct. 303/1 Since 1842 the Bulgarians, having acquired a national church and some educational facilities, have thrown off the cloak of listless barbarism.

1903 *Coshocton (*Ohio*) Age* 13 Mar. 8/2 (*advt.*) We believe you will all agree that no community in Ohio..enjoys such retail facilities.

1937 *Discovery* Nov. p. ci/1 Lunch and tea facilities.

1954 L. I. HEWES & C. H. OGLESBY *Highway Engin.* viii. 207 An interchange..provides easy routes for vehicles transferring from one through facility to the other.

1962 *Gloss. Terms Automatic Data Processing* (B.S.I.) 99 *Hold facility*,..a means of interrupting the computing action and keeping all variables at the value they had.

1967 *Times Rev. Industry* Aug. 74/2 No one could have predicted..that the completed facility would have the bad luck to run head on into..a metals depression.

1971 *Oxf. Univ. Gaz.* 25 Feb. 708/1 The following decree adds Junior Members to the Committee for Sports Facilities.

1989 *Which?* Oct. 504/2 American Express offers an unsecured overdraft facility of up to £5,000 at an annual interest rate of 24.4 per cent.

1996 J. MORRISH et al. in P. Trynka *Rock Hardware* 118/1 These [recording studios] were large, purpose-built facilities, with the best and most expensive equipment available.

2006 *Flora Internat.* Sept.–Oct. 9 Lytham..is a coast very much suited to small children, reflected in its shore-side facilities.

d. *N. Amer. euphem.* Usually in *plural*. A toilet or bathroom, esp. in a public place.

1939 *N.Y. Amsterdam News* 7 Oct. 11/7 [She was] told to unlock her bathroom door so the man next door could use the facilities!

1953 *Atlanta Daily World* 1 Feb. 6/1 Restrooms are marked 'Gentlemen', 'Men', 'Ladies', and 'Women'... Colored passengers are expected to use the facilities marked 'Men' and 'Women'.

1958 *Listener* 3 July 10/1 This 'facility', or 'rest room', as it is also variously called [in the United States].

1975 *Jrnl.-News (*Hamilton, Ohio*)* 27 Sept. 24 My four-year-old son had to use the restroom badly... They informed me I wasn't allowed to use their facilities.

1989 J. TYMAN *Inside Out* I. 88 Mucky had given them a bum steer while I was in a gas station using the facilities.

2004 L. BARNES *Deep Pockets* (2005) xxix. 221 I decided to..use the bathroom, grab a Pepsi... I'd already visited the facilities when all hell broke loose.

7. Indolent ease; indifference; an instance of this. Now *rare*.

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1615 T. ADAMS *White Deuill* (ed. 4) 68 They imagine that facilitie, a soft & gentle life is hence waranted.

1754 D. HUME *Hist. Great Brit.* I. vi. 317 When he considered all these increasing indolences in the commons, he was apt to ascribe them, in a great measure, to his own indolence and facility.

1791 J. BOSWELL *Life Johnson* I. Advt. p. x Those who read them with careless facility.

1818 *Q. Musical Mag. & Rev.* **1** 290 There is a pretty equal portion of those who follow it [*sc.* music as a profession] from mere necessity or from some casual facility or incitement and of those who take to it by descent as it were.

1852 J. G. MIALL *Footsteps of our Forefathers* vii. 260 Charles II. died in the arms of his mistress..leaving a name characterized by no good quality, but easy address and careless facility.

1969 *Jrnl. Amer. Oriental Soc.* **89** 211/2 This, and certain other liberties which the author takes with Dumézil's doctrine are of note. These are taken, often with a facility bordering on sheer carelessness.

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RANGE TECHNICAL NOTE

Montana Grazing Animal Unit Month (AUM) Estimator

Background

Rangeland and dryland pasture Animal Unit Month (AUM) estimations are needed for a variety of conservation planning and data applications.

Anticipated Uses of the AUM Estimator

- Montana Department of Revenue - Application for Agricultural Classification of Lands, AUM calculations (must use the Below Normal AUM/Acre values for qualifying agricultural land).
- Any other uses where having a reasonable estimate of grazing potential facilitate soil and water conservation activities, especially when weather doesn't permit on-site vegetation sampling.

Definition of AUM/Acre Parameters

Below Normal AUM/Acre values – lower precipitation and possibly cooler temperatures at a critical time that leads to lower production for the historic climax or near climax plant community. These AUM/Acre values should be used for AUM estimation where the plant community is at less than the historic climax or near climax condition or similarity index.

Normal AUM/Acre values – precipitation and temperature that allows for normal plant production for the historic climax or near climax plant community.

Above Normal AUM/Acre values – higher than normal precipitation as well as adequate temperatures that allows higher plant production for the historic climax or near climax plant community.

Deriving Animal Requirements

An Animal Unit (AU) is generally one mature cow of approximately 1,000 pounds and a calf as old as six months, or their equivalent. An Animal Unit Month (AUM) is the amount of forage required by one animal unit for one month. The Natural Resources Conservation Service (NRCS) uses 30 pounds of air-dry forage per day as the standard forage demand for a 1,000-pound cow and her calf (one animal unit). This consumption requirement is equal to 3.0 percent of body weight. Research has validated animal intake rates for beef cows as low as 1.5 percent of body weight to a high of 3.5 percent. No single rate is always correct. Forage consumption and animal feed requirements change based on many factors. Some factors include:

- forage quality (crude protein and digestibility)
- standing crop

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- age of animal
- physiological stage of animal (dry; pregnant; lactating)
- mature animal body weight
- animal breed type
- supplementation
- topography
- weather factors
- watering facilities.

Calculated on an air-dry basis, 30 pounds of forage per day (3.0 percent of body weight) equates to a monthly requirement of 915 pounds of dry forage for each animal unit: One AUM = (30 pounds per day) x (30.5 days per month) = 915 pounds.

Native Rangeland AUMs

For the purposes of this AUM Estimator, individual range AUM values are determined using the following:

- Native rangeland weighted averages of annual plant production from NRCS soils data bases within a given soil map unit for the historic climax or near climax plant communities.

- A 25% grazing efficiency factor which is based on allocated forage to account for loss of edible forage due to trampling, insect use/damage, wildlife use, etc., AND a "take half – leave half" philosophy for grazing utilization levels during the growing season.

Native rangeland production values in the certified soils database are reported in terms of Historic Climax Plant Community (HCPC) production potentials. In many cases, the existing rangeland plant community does not reflect the HCPC. As the plant species composition shifts away from the HCPC, annual production potentials typically decrease. The planner is advised to select a choice within one of the columns (below normal, normal or above normal) based on the plant communities that occupy the acreage that is being evaluated.

Recommended animal stocking rates for native rangeland can also be found in the USDA NRCS Ecological Site Descriptions. These descriptions should be referenced in the conservation planning process, and are found in Section II of the NRCS Field Office Technical Guide (FOTG). They can also be accessed through the Montana NRCS electronic Field Office Technical Guide (click eFOTG; click Section II; click Ecological Site Descriptions). http://www.mt.nrcs.usda.gov/.

SAMPLE CALCULATION OF NATIVE RANGELAND AUMS AS DONE BY THE AUM ESTIMATOR:

Given: Annual forage production = 900 pounds per acre. One AUM = 915 pounds.

AUM per acre = (900 pounds per acre) x (25 percent grazing efficiency)
= (225 pounds available forage per acre) / (915 pounds per AUM)
= 0.25 AUM per acre.

Tame Dryland Pasture AUMs (Used only for Department of Revenue AUM estimation only)

Areas that have been cultivated and planted to either native or introduced forage species can be estimated by multiplying native rangeland AUM/Acre by a factor of 1.5.

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SAMPLE CALCULATION OF DRYLAND PASTURE AUMS:

First calculate the native rangeland AUM/Acre (see example above). Multiply native rangeland AUM/Acre by 1.5.

AUM per acre = (0.25 AUM per acre) x 1.5 = 0.38 AUM per acre.

How to Use the AUM Estimator

Note: Output will be in Animal Unit Months (AUMs) for the entire parcel being estimated.

Question: Is a soil survey available for the parcel to be calculated?

If **YES**, follow steps listed below.

If **NO**, and the estimate is to be used for Montana Department of Revenue purposes, contact your county agricultural extension agent for an AUM estimate. If NO, and the estimate is to be used for conservation planning, the local NRCS office will provide the estimate using ecological site descriptions.

Step 1. Using existing soil survey information, determine the soil map units that occur in the parcel. For sources of soil survey information, refer to the published soil survey, or follow the links in the web version of this Estimator at: http://www.mt.nrcs.usda.gov/technical/ecs/range/technotes/howto.html.

Step 2. Estimate the acres of each soil map unit; then enter the Map Unit Symbol into Column A and the Acres of this Map Unit in the Parcel into Column B of the AUM Estimator Worksheet (see Example Attachment A on Page 5). Estimator work sheets are available on the web at: http://www.mt.nrcs.usda.gov/technical/ecs/range/technotes/howto.html. The value in Column B could be based on GIS calculations (ArcGIS calculations), dot counting with an acreage grid, or simply visually estimating the proportion of the different map units that occur in the parcel being estimated.

Step 3. Using the figures under the Range AUM (shortened for AUM/Acre) Column (use the below normal column for Montana Department of Revenue calculations or the appropriate column based on the predominant plant community for other uses) based on the Soil Survey Area Estimated AUM (shortened for AUM/Acre) Table for the survey area(s), populate Column C of the AUM Estimator Worksheet. Calculate Column D (Map Unit AUMs in this Parcel) using the directions as noted (see the Example Worksheet after Step 4. below). The Soil Survey Area Estimated AUM Table can be accessed via the web at: http://www.mt.nrcs.usda.gov/technical/ecs/range/aum.

Directions for Columns in the AUM Estimator Worksheet:

A. List map unit symbol(s) for parcel from soil survey map.

B. Enter acres of listed map unit in parcel (from published soil survey map or ArcView calculation).

C. Enter the AUM/Acre from the appropriate Column in the Soil Survey Area Estimated AUM Table for the soil survey area(s). These values will be either range AUM/Acre as listed in the Estimated AUM/Acre Table or dry pasture AUM/Acre as a 1.5 factor of the range AUM/Acre, depending upon current land use.

D. Multiply Columns B and C, and enter the results in Column D.

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Step 4. Add the values in Column D to obtain the Total Estimated Parcel AUMs. Use the Total Estimated Parcel AUMs in your specific application. In the case of the example below, the number would be 13.22 AUMs for the entire 32.7 acre parcel.

Example Worksheet: (Calculations based on native rangeland production)			
A. Map Unit Symbol	B. Acres of this Map Unit in this Parcel	C. AUMs per Acre for the Map Unit in Column A	D. Map Unit AUMs in this Parcel
12A	20.3	.34	6.90
5B	12.4	.51	6.32
Total Estimated Parcels AUMs			13.22

AUM Estimator Worksheet

(See Example Attachment A on Page 5; or view/download Worksheet at http://www.mt.nrcs.usda.gov/technical/ecs/range/technotes/howto.html)

References for Using the AUM Estimator

Animal Nutritional Requirements

- *Nutrient Requirements of Beef Cattle*, 1996. National Research Council. National Academy Press. Washington, D.C. Seventh Revised Edition.
- *National Range and Pasture Handbook*, 1997. USDA Natural Resources Conservation Service, Chapter 6. Washington D.C. http://www.glti.nrcs.usda.gov/technical/publications/nrph.html

Forage and Rangeland Plant Communities

- *Montana Interagency Plant Materials Handbook*, 1990. Montana State University, Extension Bulletin 69. Bozeman, Montana.
- Ecological Site Descriptions. USDA Natural Resources Conservation Service, Montana. Located in Section II, Field Office Technical Guide and on the web (click eFOTG, Section II, Ecological Site Descriptions). http://www.mt.nrcs.usda.gov/

Soil Maps

- Hard Copy Soil Survey Maps, available at conservation district offices where the survey has been published or mapping has been completed, but currently un-published.
- NRIS Interactive Mapper can be accessed if you have internet access. You can display soil maps for most all soil survey information that has been digitized. Knowing the legal description greatly facilitates locating your parcel(s). http://maps2.nris.mt.gov/mapper/index.html

Table of AUM Estimates by Mapunit

- Soil Survey Estimated AUM Tables (viewable, printable or GIS usable download). Go to this Range Technical Note on the web at http://www.mt.nrcs.usda.gov/technical/ecs/range/aum/ to generate the Soil Survey Estimated AUM Tables for your use.

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Example
Attachment A
AUM Estimator Worksheet

A. Map Unit Symbol	**B.** Acres of this Map Unit in this Parcel	**C.** AUMs per Acre for Map Unit in Column A	**D.** Map Unit AUMs in this Parcel
		Total Estimated Parcel AUMs:	

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ZONING PRACTICE

JANUARY 2018

AMERICAN PLANNING ASSOCIATION

ISSUE NUMBER 1

PRACTICE SIMPLIFIED ZONING

1

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Why Can't We Make Zoning Simpler?

By Lee D. Einsweiler

Zoning is perhaps the most important tool cities and counties have at their disposal to control the form and character of new development. The trouble is that many current zoning codes frustrate efforts to build projects that appear consistent with the local vision for community growth and change.

They include impediments and barriers, such as restrictive use lists, lot area, and setback standards that do not match the underlying pattern of development, density restrictions, and other controls on housing choice that generate exclusionary communities, and onerous processes that do not improve the quality of development.

Zoning often cannot keep pace with new ideas in the marketplace. For example, many ordinances do not adequately accommodate alternative energy facilities such as solar and wind energy systems, trending commercial uses such as cat cafes or doggie day care, or tactical urban projects such as temporary pop-ups, right-of-way encroachments, and installations.

Zoning has accreted over time, like oysters layering on top of their predecessors. In 1946, Los Angeles was regulated by a 96-page Zoning Code, while today's code has swollen to more than 800 pages. And the current effort (titled re:code LA) will likely expand that page count, for reasons discussed further below.

We know better. At least we should. So why can't we make zoning simpler and remove these impediments and barriers? The following material will cover a bit of history to ground us all in how we got here, followed by a discussion of current ongoing efforts to simplify zoning. Some guiding principles for rethinking our reform efforts are provided, along with a series of techniques worth considering as your community heads toward the simplification of its zoning.

HOW DID ZONING GET SO COMPLICATED?

Zoning began with two key purposes: (1) ensuring nearby uses were not harmful to each other and (2) managing building bulk to improve public health. This led to Euclidean zoning, with its focus on separation of uses (often to the extent that zoning is found to be exclusionary). It also set the tone for today's form-based codes (beginning with the early 20th century ziggurat skyscrapers generated by New York City's zoning).

Early Complications

As communities began to adopt zoning, the simple systems for separating residential, commercial, and industrial areas began to splinter into more and more districts. These new districts were often established to differentiate the character across the community—more types of residential areas were identified, separating building types like apartments from single-family homes (which later became a mechanism that has generated serious equity issues in many communities). As the forms of residential were split up, so to, the types of commercial areas were separated (often based on scale). Individual uses were relegated to specific locations in the community, and the combinations of use and form began to multiply the total number of districts established.

The expansion of the total available zoning districts and uses was complemented by the expansion of the uses to which zoning was applied. Specifically, aesthetics became a more significant issue, and zoning began to specify far more detailed design standards for new development. Processes for review started to vary by zoning district or project type as well, further complicating the original concept.

In the 1950s and '60s, in an effort to move away from these strict systems, the concept of planned unit development (allowing for a master plan approved by the legislative body) grew in importance. The master plan was a vehicle that could serve communities well by allowing flexibility to mix uses and housing types once again. The separation and bulk regulations of Euclidean zoning could be modified through the master planning process. It was also touted as a way to reduce the impact on the environment through design that took existing character of the land into account. Unfortunately, in many cases, the city councils and county commissions were not well informed on planning or environmental issues, and these master planned communities often were vast areas of a single housing type surrounding a golf course. The addition of the PUD tool rarely led to elimination of any existing districts—it simply added to the zoning palette.

Many communities tried to pin down the master plan's flexibility by adding point systems that required the applicant to earn their development rights through sound planning. While this was a sensible response to a potential excess of flexibility available to applicants, it complicated the planning process. These point systems have since fallen by the wayside in most communities, although some landscaping point systems continue to function to this day.

By the 1970s, Lane Kendig's performance zoning (in which external impacts caused by a use were the focus of regulation) had become the flavor of the day. One lasting legacy of his work was the concept of landscape buffers, to be established between uses based on the degree of incompatibility. In some communities, this was extended to the extreme of buffering "like from like" (placing landscape buffers around all multifamily projects, for instance, even where they abutted another multifamily development. Full-blown performance systems like Bucks County, Pennsylvania's, were rare, since implementing them often involved a significant understanding of math and engineering, not the typical planner's strongest subjects.

These efforts were focused on curing ills created by prior efforts. Today, most codes hybridize these elements, using a combination of tools where they fit best. However, it's fair to say that none of these techniques has ever really managed to simplify zoning over the last 100 years.

CURRENT APPROACHES TO SIMPLIFICATION

The trend toward new approaches continues today. There are a variety of potential contenders—all suggesting they offer the path to simplification and ease of use.

Form-Based Codes

Today's most common zoning innovation is the form-based code, our latest silver bullet,

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in which a prescriptive code ensures good urbanism without the need for additional public input during development review (formbasedcodes.org). A form-based code, as the name suggests, is intended to focus attention on the urban form of the community, downplaying the need for the typically intense use regulations applied in Euclidean zoning. The other key element of the form-based code is that it brings together a focus on private development in relation to the public realm (the space from the face of one building, across the street and sidewalk to the other building across the way). This is intended to assure that land use and multimodal transportation issues are taken into account together. The code document is typically highly illustrated, and uses simple tables to display what was once conveyed through paragraphs of legalese. The form-based code is typically the result of detailed planning, often conducted with the general public through a charrette process, which enhances the ease of adoption of new zoning in many communities.

The challenge is that many citizens feel as though their input on each development project is critical to the final quality and neighborhood fit, even where detailed planning has already occurred. In many cases, this challenge is compounded by politicians that believe they have been elected to determine the individual outcomes of development projects. This reluctance to let go often leads to great zoning districts that are subject to the same old review processes. In some communities, this leads to adoption as an overlay or parallel code (in which both old and new zoning can be selected by applicants), rather than committing to the new model of zoning. This reduces predictability, one of the key elements of a form-based code, and increases the complexity for staff when explaining the rules.

When viewed in light of simplification efforts, one final challenge associated with form-based codes is that they do not typically remove any existing zoning from the books, just add to the existing content. Also, by establishing multiple systems in place in the same community, they can be confusing as well.

Ryan Scherzinger, AICP, © American Planning Association

A community charrette process can help to build support for adopting a form-based code or related techniques.

Lean Urbanism

The "lean urbanism" movement is all about making small incremental changes and tactical projects possible (leanurbanism.org). It aims to reduce both the extent of development standards applied to smaller projects, along with streamlining the review for those projects. In communities that apply a public review and comment process to the majority of their development approvals, it can be just as costly and challenging to move through the approval process with a small-scale project as a large one. This often impacts local property owners, who come to believe they cannot get through the approval process on their own. The end result is that these high-discretion communities often find their developers are outsiders to the community that often bring a focus on short-term gains over long-term planning goals. Lean urbanism is focused on enabling local, small-scale changes, expanding opportunities for young entrepreneurs, makers, immigrants, and others typically pushed out of the development system.

It's important to note that many communities already apply variable thresholds to exempt smaller projects or make them more affordable. This often includes simplified subdivision review, reduced stormwater obligations, and in the case of renovation or adaptive reuse, even reduced building code requirements. However, every community could use a review of the ease with which small-scale projects can be achieved.

It's not clear whether lean urbanism should be considered a zoning reform movement, since it does not impact all project types, but rather has its specific focus on the small-scale activities. From this perspective, it may serve better as an economic development policy of the community, implemented not only through zoning, but all kinds of permitting including business licensing and street vending.

Once again, from the perspective of simplifying zoning, it may do so, but also likely creates a two-tier system (small versus large), instead of simplifying the entire system for all.

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'Pink Zones'

The pink zone concept of reducing red tape (eliminating bureaucratic processes that hamper activity) is often applied in selected areas as a pilot or test case. While uncommon in high-pressure markets, it is common in low-demand communities. Detroit is preparing new zoning that proposes to enhance development opportunity by getting at the low-hanging fruit along commercial corridors through tools like reducing parking requirements and allowing more by-right uses, in exchange for changes to design standards such as streetscape improvements.

See also the concept of a Relaxed Zoning Overlay, intended for declining cities, where an increased use list (such as adding urban agriculture and corner stores to an existing neighborhood) is intended to spark activity in the market (*Zoning Practice*, September 2011: planning.org/media/document/9006924). Both ideas are intended to simplify zoning through the reduction of standards and the streamlining of processes.

Unfortunately, if experience from other communities is any guide, once development takes off in a pink zone, it will be reined in once again by demands for higher standards, more conditional uses, and more cumbersome review. Also, as a pilot project, one can hope it impacts the entire community eventually, otherwise it is just another layer of complexity (albeit a useful one).

GUIDING PRINCIPLES FOR ZONING REFORM

Here's our chance. Let's set some guiding principles for every new zoning effort.

Start with a Policy Foundation

Set the goals and vision in a *plan*. All too often, zoning projects are asked to apply new features to an area without any policy guidance or support. Zoning is a tool (or toolkit) that is applied to implement planning and vision. Without this base of support, it is all too easy to forget why we have the zoning rules.

Zone Like We Mean It

Zoning impacts the value of property in a way that planning seldom does. This means the exercise is more serious for property owners (or would-be property owners) than any planning project. Yet planners rarely attempt to explain the "why" of zoning. We simply use the same tools we see in other communities, snagged off the internet and sometimes combined in ways that work at cross-purposes. We should always have a sound reason for every rule we impose. Where we cannot enforce a rule, we should not apply it.

Consider the Golden Rule:

- Try to think about the potentially impacted next-door neighbor. Are the trade-offs of some localized impact worth the outcome for the community as a whole?
- Think about others in the community who might like an opportunity to develop something similar. Are they given an equal chance at enhancing the community through development, or are they locked out? Let's ensure equity is a part of the planning and zoning discussion.

Match Regulations to Existing Patterns

All too often, zoning ignores underlying patterns of platting or development. Many communities have applied suburban lot area minimums over the top of traditional urban development patterns, leading to widespread nonconformities and frequent variance requests. Where existing patterns are acceptable to the community (and not meant to be transformed to another pattern), let's right-size the development regulations to allow reconstruction and enhancement of these traditional patterns.

Be More Flexible About Use

Consolidate uses to the maximum feasible extent. There are a variety of tools for managing uses, including use standards for performance and scale. Let's not get caught up in naming and defining every use in the known universe to ensure we have placed it in the perfect location—the market is pretty good at that! And let's focus on the real impacts, not perceived ones. Often, the use is not the problem. A bail bond establishment is really just an office. However, it is frequently the amount and garishness of its signage, or the perception of its users, that leads us to severely limit its location options. Let's also consider existing impact mitigation tools. Your community likely already has rules for impacts such as noise, glare, and property maintenance, along with an existing code enforcement process outside of zoning that can be relied upon. We should try not to duplicate that in zoning.

Be More Flexible About Housing Types

Let's resurrect the historic development patterns that are so often beloved in our older communities. Let's learn not to fear mixing housing types in urban neighborhoods—small apartment buildings can live pleasantly alongside duplexes, fourplexes, and single-family homes in many neighborhoods. Let's return to providing those "missing middle" housing options the market is craving.

Quit with the Studies

Even after we have planned (and built infrastructure) for a certain level of development, we often study it to death when a site is proposed to be developed. Once the comprehensive plan has established a general intensity for an area, and the community has provided public facilities to serve it, why are we continually studying every development to determine whether it should move forward?

Consider Simple Rules to Convert Suburban Form to Urban

Do we really need as much suburban form as we have developed on the fringes of our communities? Is a mall really better than a shopping street? As the market begins to modify the patterns of development that we have established over the past 50 years, can we use simple rules ("build to" instead of setback, for example), to begin to convert our suburban forms into more urban settings?

Try to Differentiate the Real from the Perceived

When it comes to urban development, we so often deal with perceptions of how uses or development patterns impact our communities that we cannot have any meaningful discussion of alternatives. We panic when perceived problem uses are allowed near our homes, when we should be focusing on the elimination of any externalities associated with the use. The U.S. has a tendency to pour amber over its suburban single-family neighborhoods,

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many of which are less than 50 years old. Do we really need this "nanny state" approach to the places we live in? Could we have at least some portion of the community with a mix of uses and housing types?

TECHNIQUES FOR SIMPLIFICATION

The following are some potential ways to achieve simplification in your community. While you may not employ every technique, we should all aspire to a constant whittling away of the nanny-state aspects of our zoning.

Managing Uses

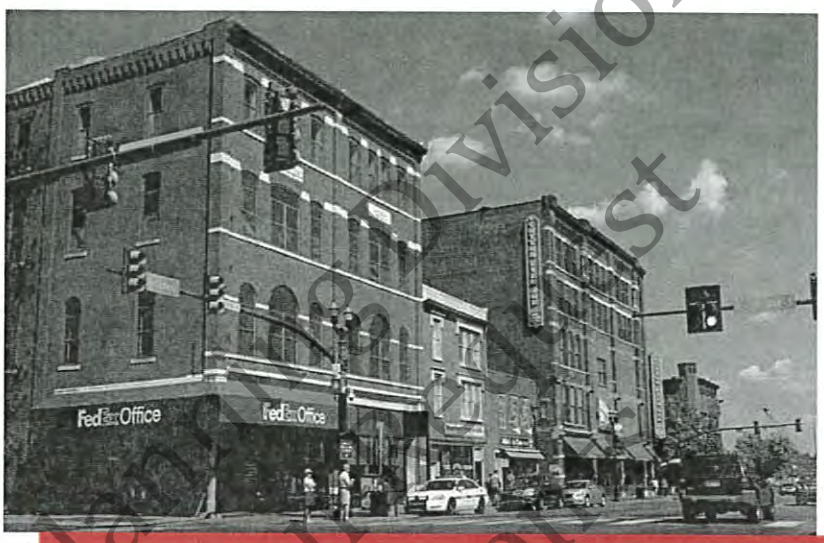
Rethink your uses. Gather them into broad categories whenever possible. Make a place for every use somewhere in your community (no, you don't have to accommodate nuclear waste facilities, but almost everything else should be allowed somewhere). Use your planning processes to think through where uses are allowed, then use conditions to manage any remaining impacts likely to be created by a use (stick to the real, not perceived, impacts). Add only objective use-specific standards; avoid "undesirability" if it cannot be described in unique physical or operational characteristics that trigger use-specific standards.

Imposing Minimum Elements of Good Form

One of the most difficult conversations to have with the community and developers is what the rules ought to include. Focusing on the minimal elements necessary to achieve good developed form is critical. We all too often control the tiniest details (such as through "pattern books" or architectural standards outside of historic districts). While the architecture of by-right development may not be the best, at least the building will be in the right place. This approach has improved the urban form in Nashville, Tennessee, for example, while keeping its hands off of architectural details. Would we all be better off with the original 1986 Seaside Urban Code consisting of one page (albeit a very large page)?

Applying Scale

Doing a better job of prescriptively managing the scale of our urban form allows disparate elements to play nicely together. A small



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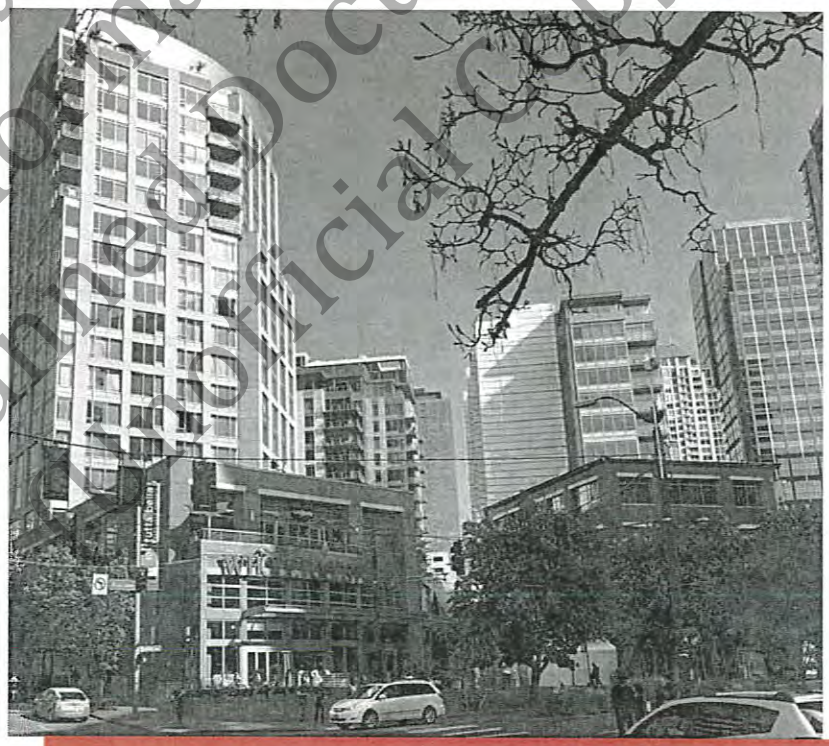
Nashville's approach of imposing minimal elements of good form to by-right development has helped to improve its urban form.



Meghan Stromberg, © American Planning Association

Managing the scale of the local urban form is an effective way of managing disparate elements. The grocery store pictured here is the ground floor of a contextual residential development.

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corner store can be a boon to a neighborhood, creating a walkable alternative to a trip across the city. A large house can successfully accommodate more residents, so let's allow for continued upkeep of these historic forms by allowing more units within the existing building. Thinking about managing scale and keeping it in context is key. A corner grocery in a fourplex is a successful scale, but so is a full grocery on the ground floor of a high rise. Let's think through these scale issues, and manage them more often with form controls and less through use restrictions.

Ditching Cumulative Zoning

It's long past time for us all to move away from cumulative (or cascading) zoning. Every district is *not* a consolidation of all the less intense uses plus some new more intense ones. We're smarter than that.

Reducing or Eliminating Parking Requirements

There's been a lot published on parking in recent years, but we're still requiring too much in most cases.

See "Eliminating Parking Minimums" in the June 2017 issue of *Zoning Practice* (planning.org/media/document/9125905) and get your community in alignment.

Improving Process

If we plan well, with special regard to development form, we should be able to let loose of the exaction-filled, time-consuming processes for development review that have accreted over the years. Streamlining development review (and clarifying exactions and tax policy so that we don't have to mix the two) by allowing by-right development to the maximum extent possible is a key opportunity for simplification (see *Zoning Practice*, April 2016: planning.org/media/document/9100319). Where there are common approaches to a challenging issue, let's pre-approve them (this may include blanket encroachments for projecting signs, or preapproved site plans for housing of a certain type on a certain lot size). Preapproved elements make investment easier.

Let's also coordinate our triggers (when parking, lighting, landscaping, streetscaping, and other site elements must be improved). Pre-thinking these issues to allow for ease of use and clarity is important assistance for the front-line plan reviewers (see *Zoning Practice*, May 2017: planning.org/media/document/9100319). And let's allow for reasonable nonconforming structures and sites to be expanded and improved. Allowing for phased development using the nonconforming rules is a vast improvement over planned development or other similar processes. While offering expedited review would seem a useful process for moving select projects through more quickly, any process improvements should be applied to *all* projects, not just those with the ability to pay higher fees.

SIMPLIFICATION TECHNIQUES, PROS AND CONS

Technique	Pro	Con
Managing uses	Consolidation allows for easier change in use, which means quicker market responsiveness	Many communities cannot politically avoid singling out uses for special treatment
Imposing minimum elements of good form	Ensures that buildings are in the right place	Requires community agreement on what good form is applying scale
Applying scale	Allows for richer mixing of uses and housing types, reduces trips	Scary to folks who have always lived in single-use, car-oriented places
Ditching cumulative zoning	Allows carefully tailoring districts to their intended forms and uses	Moves away from traditional thinking about land use and land value
Reducing or eliminating parking requirements	Eliminates excess pavement, allows buildings to be closer together for walkability	May require parking on adjacent public streets
Improving process	Reduces time (and therefore cost) of development approval	May be perceived as reducing community input
Enhancing the document	Easier to read in plain English with illustrations	May require skills (page layout and illustration) beyond those that local planners are trained in

Enhancing the Document.

The content of your regulations can be simplified without ever changing the policy behind them. No matter what, approaching your rules by writing in "plain English" and including tables and graphics that ease the use of the document is a key step (see *Zoning Practice*, January 2015: planning.org/media/document/9117686). Some communities have focused on the modularity of their codes. Denver, for example, duplicates material in each context, but as a user, you only need a smaller portion of the zoning book to understand the rules applied to your property. As computers become a more important part of development review, this

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document organization issue may fade (more pages may be easier to use) (see *Zoning Practice*, October 2017: planning.org/media/document/9006882).

CHALLENGES: IT'S NOT ALWAYS ZONING'S FAULT!

There are a variety of reasons why we don't seem to be able to simplify zoning. It's almost always easier to just add a new layer on top, without rethinking the layers below, and so often this is just what we do. Of course, any planning and zoning exercise is subject to the political system that must "own" the results. In many communities, the issue is complicated by fiscal woes that seldom place planning at the top of the funding list.

Politics

Always a contender. Sound planning policy is always subject to approval by the political system, and if your community does not have a rational way to discuss land-use policy, then simplifying your zoning will remain a huge challenge. In addition, if short time horizons are all your community is willing to discuss, you will never achieve truly sound planning practices (because they consistently require looking to the longer term).

It takes bold leadership to truly change a community's planning and zoning system, which makes complete reform projects a rarity (often created by the combination of a strong mayor and a great planning director). Only with this willingness to hold strong to an ideal of reform can the various layers of zoning be stripped away, and their essence as plan implementation tools reemerge.

Bad Planning

All too often, it's not bad zoning that creates equity and fairness issues, it is the planning implemented by the regulations that is to blame. If planning is inequitable or overly complex, then the toolkit used to implement it will follow suit. Good, simple, strategic planning is likely to lead to simplified zoning.

Clarity and community buy-in for planning policy means regulations are welcomed as the tools to achieve the plan, not threats to ownership rights. Not allowing hot-button issues to consume all of the air in your community is also a challenge. A tradition of successful planning will allow the community to get beyond the one squeaky wheel of the month to handle larger issues.

Blunt Tools

We all too often only see part of the toolkit available for plan implementation. Since zoning is often the most powerful tool that planners have control over, it is frequently applied in too broad a fashion, even though other tools (financial or regulatory, but not land-use driven) will better serve the community.

Inadequate Staffing

Without enough planners to implement your new, simpler regulations, the community will still be challenged to produce swift, effective development review. And in many cases, it is not the planning review that occurs too slowly, but engineering and other internal or external reviews. And yet zoning often takes the hit for these other entities and their work (one solution for this issue is an online permit review system that helps folks see where their permit is stuck).

Keep It Legal

Some places simply do not have the authority to operate in a manner consistent with best practice. In places with restrictions on taxation authority, such as California, the exaction process has stepped up to take over something most states believe should be handled through property taxes. Until improved regulatory authority exists in those settings, some of the reforms described in this piece will not be allowed.

IN SUMMARY

Most practitioners believe the most important issues to be resolved by zoning relate to the externalities generated by a specific development in a specific location. These range from glare and noise to traffic and stormwater runoff. Of course, these issues differ from place to place and site to site.

A community with no room for greenfield development often has a higher tolerance for the impacts associated with infill than a location on the fringe with room to spare. And a community with high market demand can afford stricter controls than one with little economic activity.

Clearly, every community's approach must be customized to the situation at hand—not every simplification technique makes sense in every community. But remember, every community has the option to simplify its zoning, whether through piecemeal changes or an entire zoning reform project. Tying zoning to sound planning is the most important of all (even more important than a simple code with no policy basis).

It has all been said before . . . but here's your chance to take the time and energy required to improve and simplify your zoning. Point out the advantages of a simpler code (in ease of use and administration). Clarify your community's desired limits on market intervention. Hey—take a risk! It's only zoning.

ABOUT THE AUTHOR

Lee D. Einsweiler is principal and cofounder of Code Studio, a planning and plan implementation firm in Austin, Texas. His zoning work began with early redevelopment efforts in South Florida, and has since grown to include projects in almost every state in the U.S., ranging in scale from small area and corridor planning and zoning to citywide zoning update projects. He has taught plan implementation at the University of Texas at Austin, and spoken on zoning at conferences across the U.S. and in Australia.

Cover: Chattanooga Illustrative Plan, courtesy Code Studio

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WHAT ARE THE BEST APPROACHES TO SIMPLIFYING A COMPLICATED ZONING CODE?

1

National Pollutant Discharge Elimination Permit (NPDES) is required for all point source discharge into the waters of the US.

the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) *Certification*. Any person signing a document under paragraph (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(e) *Electronic reporting*. If documents described in paragraph (a) or (b) of this section are submitted electronically by or on behalf of the NPDES-regulated facility, any person providing the electronic signature for such documents shall meet all relevant requirements of this section, and shall ensure that all of the relevant requirements of 40 CFR part 3 (including, in all cases, subpart D to part 3) (Cross-Media Electronic Reporting) and 40 CFR part 127 (NPDES Electronic Reporting Requirements) are met for that submission.

(Clean Water Act (33 U.S.C. 1251 *et seq.*), Safe Drinking Water Act (42 U.S.C. 300f *et seq.*), Clean Air Act (42 U.S.C. 7401 *et seq.*), Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*))

[48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 49 FR 38047, Sept. 29, 1984; 50 FR 6941, Feb. 19, 1985; 55 FR 48063, Nov. 16, 1990; 65 FR 30907, May 15, 2000; 80 FR 64096, Oct. 22, 2015]

§ 122.23 Concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25).

(a) *Scope*. Concentrated animal feeding operations (CAFOs), as defined in paragraph (b) of this section or designated in accordance with paragraph (c) of this section, are point sources, subject to NPDES permitting requirements as provided in this section. Once an animal feeding operation is defined as a CAFO for at least one type of animal, the NPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal.

(b) Definitions applicable to this section:

(1) *Animal feeding operation* ("AFO") means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

(i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

(ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Essence of an AFO: Confinement in a small area devoid of sustaining vegetation

(2) *Concentrated animal feeding operation* ("CAFO") means an AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of this paragraph, or that is designated as a CAFO in accordance with paragraph (c) of this section. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

(3) The term *land application area* means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter or process wastewater from the production area is or may be applied.

(4) *Large concentrated animal feeding operation* ("Large CAFO"). An AFO is defined as a Large CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories:

(i) 700 mature dairy cows, whether milked or dry;

(ii) 1,000 veal calves;

(iii) 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;

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(iv) 2,500 swine each weighing 55 pounds or more;

(v) 10,000 swine each weighing less than 55 pounds;

(vi) 500 horses;

(vii) 10,000 sheep or lambs;

(viii) 55,000 turkeys;

(ix) 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system;

(x) 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

(xi) 82,000 laying hens, if the AFO uses other than a liquid manure handling system;

(xii) 30,000 ducks (if the AFO uses other than a liquid manure handling system); or

(xiii) 5,000 ducks (if the AFO uses a liquid manure handling system).

(5) The term *manure* is defined to include manure, bedding, compost and raw materials or other materials commingled with manure or set aside for disposal.

(6) *Medium concentrated animal feeding operation* ("Medium CAFO"). The term Medium CAFO includes any AFO with the type and number of animals that fall within any of the ranges listed in paragraph (b)(6)(i) of this section and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if:

(i) The type and number of animals that it stables or confines falls within any of the following ranges:

(A) 200 to 699 mature dairy cows, whether milked or dry;

(B) 300 to 999 veal calves;

(C) 300 to 999 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;

(D) 750 to 2,499 swine each weighing 55 pounds or more;

(E) 3,000 to 9,999 swine each weighing less than 55 pounds;

(F) 150 to 499 horses;

(G) 3,000 to 9,999 sheep or lambs;

(H) 16,500 to 54,999 turkeys;

(I) 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;

(J) 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system;

(K) 25,000 to 81,999 laying hens, if the AFO uses other than a liquid manure handling system;

(L) 10,000 to 29,999 ducks (if the AFO uses other than a liquid manure handling system); or

(M) 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system); and

(ii) Either one of the following conditions are met:

(A) Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or

(B) Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(7) *Process wastewater* means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.

(8) *Production area* means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms

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and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

(9) *Small concentrated animal feeding operation* ("Small CAFO"). An AFO that is designated as a CAFO and is not a Medium CAFO.

State Discretion

(c) *How may an AFO be designated as a CAFO?* The appropriate authority (*i.e.*, State Director or Regional Administrator, or both, as specified in paragraph (c)(1) of this section) may designate any AFO as a CAFO upon determining that it is a significant contributor of pollutants to waters of the United States.

(1) *Who may designate?*—(i) *Approved States.* In States that are approved or authorized by EPA under Part 123, CAFO designations may be made by the State Director. The Regional Administrator may also designate CAFOs in approved States, but only where the Regional Administrator has determined that one or more pollutants in the AFO's discharge contributes to an impairment in a downstream or adjacent State or Indian country water that is impaired for that pollutant.

(ii) *States with no approved program.* The Regional Administrator may designate CAFOs in States that do not have an approved program and in Indian country where no entity has expressly demonstrated authority and has been expressly authorized by EPA to implement the NPDES program.

(2) In making this designation, the State Director or the Regional Administrator shall consider the following factors:

(i) The size of the AFO and the amount of wastes reaching waters of the United States;

(ii) The location of the AFO relative to waters of the United States;

(iii) The means of conveyance of animal wastes and process waste waters into waters of the United States;

(iv) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes manure and process waste waters into waters of the United States; and

(v) Other relevant factors.

(3) No AFO shall be designated under this paragraph unless the State Director or the Regional Administrator has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program. In addition, no AFO with numbers of animals below those established in paragraph (b)(6) of this section may be designated as a CAFO unless:

(i) Pollutants are discharged into waters of the United States through a manmade ditch, flushing system, or other similar manmade device; or

(ii) Pollutants are discharged directly into waters of the United States which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(d) *NPDES permit authorization*—(1) *Permit Requirement.* A CAFO must not discharge unless the discharge is authorized by an NPDES permit. In order to obtain authorization under an NPDES permit, the CAFO owner or operator must either apply for an individual NPDES permit or submit a notice of intent for coverage under an NPDES general permit.

(2) *Information to submit with permit application or notice of intent.* An application for an individual permit must include the information specified in § 122.21. A notice of intent for a general permit must include the information specified in §§ 122.21 and 122.28.

(3) *Information to submit with permit application.* A permit application for an individual permit must include the information specified in § 122.21. A notice of intent for a general permit must include the information specified in §§ 122.21 and 122.28.

(e) *Land application discharges from a CAFO are subject to NPDES requirements.* The discharge of manure, litter or process wastewater to waters of the United States from a CAFO as a result of the application of that manure, litter or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to NPDES permit requirements, except where it is an agricultural storm water discharge as provided in 33 U.S.C.

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1362(14). For purposes of this paragraph, where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in §122.42(e)(1)(vi)–(ix), a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO is an agricultural stormwater discharge.

(1) For unpermitted Large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural stormwater discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in §122.42(e)(1)(vi) through (ix).

(2) Unpermitted Large CAFOs must maintain documentation specified in §122.42(e)(1)(ix) either on site or at a nearby office, or otherwise make such documentation readily available to the Director or Regional Administrator upon request.

(f) *By when must the owner or operator of a CAFO have an NPDES permit if it discharges?* A CAFO must be covered by a permit at the time that it discharges.

(g) [Reserved]

(h) *Procedures for CAFOs seeking coverage under a general permit.* (1) CAFO owners or operators must submit a notice of intent when seeking authorization to discharge under a general permit in accordance with §122.28(b). The Director must review notices of intent submitted by CAFO owners or operators to ensure that the notice of intent includes the information required by §122.21(i)(1), including a nutrient management plan that meets the requirements of §122.42(e) and applicable effluent limitations and standards, including those specified in 40 CFR part 412. When additional information is necessary to complete the notice of intent or clarify, modify, or supplement previously submitted material, the Director may request such information from the owner or operator. If the Director makes a preliminary determination that the notice of intent meets the requirements of §§122.21(i)(1) and 122.42(e), the Director must notify the public of the Director's proposal to grant coverage under the permit to the CAFO and make available for public review and comment the notice of intent submitted by the CAFO, including the CAFO's nutrient management plan, and the draft terms of the nutrient management plan to be incorporated into the permit. The process for submitting public comments and hearing requests and the hearing process if a request for a hearing is granted, must follow the procedures applicable to draft permits set forth in 40 CFR 124.11 through 124.13. The Director may establish, either by regulation or in the general permit, an appropriate period of time for the public to comment and request a hearing that differs from the time period specified in 40 CFR 124.10. The Director must respond to significant comments received during the comment period, as provided in 40 CFR 124.17, and, if necessary, require the CAFO owner or operator to revise the nutrient management plan in order to be granted permit coverage. When the Director authorizes coverage for the CAFO owner or operator under the general permit, the terms of the nutrient management plan shall become incorporated as terms and conditions of the permit for the CAFO. The Director shall notify the CAFO owner or operator and inform the public that coverage has been authorized and of the terms of the nutrient management plan incorporated as terms and conditions of the permit applicable to the CAFO.

(2) *For EPA-issued permits only.* The Regional Administrator shall notify each person who has submitted written comments on the proposal to grant coverage and the draft terms of the nutrient management plan or requested notice of the final permit decision. Such notification shall include notice that coverage has been authorized and of the terms of the nutrient management plan incorporated as terms and conditions of the permit applicable to the CAFO.

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(3) Nothing in this paragraph (h) shall affect the authority of the Director to require an individual permit under § 122.28(b)(3).

[68 FR 7265, Feb. 12, 2003, as amended at 71 FR 6984, Feb. 10, 2006; 72 FR 40250, July 24, 2007; 73 FR 70480, Nov. 20, 2008; 77 FR 44497, July 30, 2012]

§ 122.24 Concentrated aquatic animal production facilities (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Concentrated aquatic animal production facilities, as defined in this section, are point sources subject to the NPDES permit program.

(b) *Definition. Concentrated aquatic animal production facility* means a hatchery, fish farm, or other facility which meets the criteria in appendix C of this part, or which the Director designates under paragraph (c) of this section.

(c) *Case-by-case designation of concentrated aquatic animal production facilities.* (1) The Director may designate any warm or cold water aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the United States. In making this designation the Director shall consider the following factors:

(i) The location and quality of the receiving waters of the United States;

(ii) The holding, feeding, and production capacities of the facility;

(iii) The quantity and nature of the pollutants reaching waters of the United States; and

(iv) Other relevant factors.

(2) A permit application shall not be required from a concentrated aquatic animal production facility designated under this paragraph until the Director has conducted on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program.

[48 FR 14153, Apr. 1, 1983, as amended at 65 FR 30907, May 15, 2000]

§ 122.25 Aquaculture projects (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* Discharges into aquaculture projects, as defined in this section, are subject to the NPDES permit program through section 318 of CWA, and in accordance with 40 CFR part 125, subpart B.

(b) *Definitions.* (1) *Aquaculture project* means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

(2) *Designated project area* means the portions of the waters of the United States within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).

(a) *Permit requirement.* (1) Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain a NPDES permit except:

(i) A discharge with respect to which a permit has been issued prior to February 4, 1987;

(ii) A discharge associated with industrial activity (see § 122.26(a)(4));

(iii) A discharge from a large municipal separate storm sewer system;

(iv) A discharge from a medium municipal separate storm sewer system;

(v) A discharge which the Director, or in States with approved NPDES programs, either the Director or the EPA Regional Administrator, determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States. This designation may include a discharge from any conveyance or system of conveyances used

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Notes on Draft Zoning Regulations

Joe Briggs

Section 2 Definitions

Agricultural Commodity

Grains are not listed.

Alcohol Distillery

The "and sold on-site for consumption with other beverages and food" phrase muddies the intent of the definition. It invalidates the rest of the definition if no onsite consumption occurs. If the intent is to allow limited sales on site in addition to the distillation process, this needs to be split into two sentences.

Heavy Industry is referenced under home occupation but not defined. → Change to "industrial use"

Livestock, small and large – we list examples of each but do not define the size that marks the boundary between species. Is there a weight, height or any measurement that can clarify this? → Solved with recent changes

Micro-brewery

See comments about Alcohol Distillery

Additionally, a whiskey distiller would also fit under this definition as it contains no limit on the proof of the product being made, nor is there a requirement for the use of malt, nor a specification that a brewing/fermentation process be used rather than a fermentation/ distillation process.

Zoning administrator

This appears that there could be more than one.

Who names the "Zoning administrator"?

If a butcher shop also processes wild game, which definition controls?

7.1.0.4 Addition of impervious surfaces

Lot coverage has "impervious surface" in the definition.

What problem are we trying to fix here and how many existing parcels and uses will this impact?

The addition was for clarity of meaning.

7.2.0.4 Lot Coverage

We are drastically reducing the amount of lot that can be used for buildings going from a maximum of 40% only counting buildings to a new limit of from 10% to 30%. WHY and how many existing non-conforming will we create?

I have done this analysis and am prepared to answer both questions

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☒ 7.2.2 Permitted principal uses

☒ Removed Campground, Recreational Vehicle Park as a principal use, went to MU 20 SUP and not allowed at all in MU 40????? Incentivize these developments to occur along amenity and transportation corridors.

☒ Removed Commercial wind farms and power plants as a principal use? Went to MU 20 SUP and MU 40 principal use. Does this create any existing non-conforming? No.

☐ 7.2.4 Uses permitted with SUP

Removed Commercial propagation, boarding and Butchering of small animals, moved to MU 40 principal use. How many nonconforming will this create?

Removed commercial feed lots and CAF operations, moved to MU 40 SUP.

Removed Junk Yard/Salvage operations, moved to MU 40 SUP with a minimum of 20 acres. How many existing non-conforming will be created?

Removed Oil and Gas Exploration, moved to MU 40 SUP. How do surface zoning regulations interface with subsurface mineral rights? Is it a taking if we prohibit exploration on a patented claim?

Removed Commercial propagation, boarding, grazing and butchering of animals and fowl, moved to MU 40 Principal. How many nonconforming will this create?

Ag related Light-industry would fall under value added or ag use, or artisan shop

Removed light Mfg and Assembly entirely from the MU 20 and MU 40 entirely. I understand the situation of why this might be desirable, but we need to talk about the unanticipated operations that we might impact. For example, where would a custom welding/fab shop that built cattle guards or water tanks fit into the MU 20, MU 40 picture?

Look into the details of ATF FFL requirements.

7.3.0.4 The lot coverage table is the same as it is in MU 20 seems very restrictive to some operations.

☐ 7.4.8 I am concerned about the requirement of Firearms retailer requiring a SUP in a commercial district. What is the rational for treating them differently from other retailers? Given that many retailers sell guns and ammo as a part of a much broader line of business, I do not think this is an appropriate added condition. I think it should be a principal use.

Previously not allowed at all

7.5.0 I-1 District The existing subsection numbers should be struck thorough to aid in reading.

7.5.1.9 Permitted principal uses

I would like to see Firearms dealers/retailers/repair and Firearms Manufacturers added to the list of principal uses.

7.9.8 Mixed Use

Why is vehicle repair removed from Principal use and moved to SUP?

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8.20 Light Industrial

i) Why are we limiting the hours of operation within I-1 areas?

9.1 If the commission does not appoint the zoning administrator, who does?

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Commissioner's Meeting Agenda

DATE: November 27, 2018, 2 p.m.

SUBJECT: Medical Marijuana Guidance

1. Boards authority to regulate under MMMA:

    a. Enumerated purpose: give local governments a role in establishing standards for the cultivation, manufacture, and use of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions. MCA §§ 50-46-301(2)(i), 50-46-328.

    b. Limitations:

        i. Regulations may include but are not limited to inspections of registered premises and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local gov't. MCA § 50-46-328(1).

        ii. A local gov't may adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating dispensaries or as storefront businesses. MCA § 50-46-328(2).

2. Permissible/Impermissible Uses for MMJ Dispensaries and Providers under current zoning regulation (CCZR):

    a. Medical Marijuana Dispensaries only allowed in I-2

    b. Medical Marijuana Providers:

        i. <u>Prohibited in</u>:

            1. Mixed Use District (§ 7.8.11);
            2. Commercial District (§ 7.3.11); and
            3. Urban Residential, if [a]gricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more. § 7.1.3.1(11).

        ii. <u>Allowed in</u>:

            1. A District;
            2. RR-5 District;
            3. SR-1 District;

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4. SR-2 District; and
5. RR-6 District.

3. Obtain guidance on the overall direction the Commission would like the CCZR rewrite to take regarding medical marijuana.

    a. Interim plan for permitting and enforcement

4. Buffer language in § 8.19.

    a. Current CCZR language: Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

    b. Note: Per Nov. 13, 2018, county legal determination, this buffer is unenforceable for existing residences, and residential districts.

5. Definitions to address:

    a. **"Chemical manufacturing"** means the production of marijuana concentrate.

        i. Treat same as "manufacturing"?

    b. **"Dispense"** means …(the distribution of medical marijuana and/or marijuana-infused products to registered card holders, including but not limited to transporting/deliveries)

    c. **"Dispensary"** means a registered premises from which a provider or marijuana-infused products provider is approved by the department to dispense marijuana or marijuana-infused products to a registered cardholder.

        i. CCZR: "Medical Marijuana Dispensary" as "[a] facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations. CCZR at p. 24.

    d. **"Marijuana concentrate"** means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

    e. **"Marijuana derivative"** means any mixture or preparation of the dried leaves, flowers, resin, and byproducts of the marijuana plant, including but not limited to marijuana concentrates and marijuana-infused products.

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f. **"Marijuana-infused products provider"** means a person licensed by the department to manufacture and provide marijuana-infused products for a registered cardholder. The term includes but is not limited to edible products, ointments, and tinctures.

   i. Treat same as "manufacturing"?

g. **"Provider"** means a person licensed by the department (DPHHS) to assist a registered cardholder as allowed under this part.

   i. CCZR: "Medical Marijuana Provider" means "[a] Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) the terms does not include the cardholder's treating physician or referral physician. MCA 50-46-302(10).

h. **"Registered premises"** means the location at which a provider or marijuana-infused products provider: (a) has indicated that marijuana will be cultivated, chemically manufacturing will occur, or marijuana-infused products will be manufactured for a registered cardholder; or (b) has established a dispensary for sale of marijuana or marijuana-infused products to a registered cardholder.

   i. CCZR could read "licensed premises"?

i. **"Testing laboratories"** means a qualified person, licensed by the department, who meets the requirements of 50-46-311 and: (a) provides testing of small samples of marijuana and marijuana-infused products; and provides information regarding the chemical composition, the potency of a sample, and the presence of molds or pesticides in a sample.

   i. How are medical testing labs treated under CCZRs and should they be treated the same?

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Zoning Regulation Change Rationale

Table of Contents: Minor formatting and date updates only.

Section 1: Minor formatting and grammatical updates.

Section 2: **Definitions**

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 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.

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."

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

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."

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

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 MCA 50-51-102.

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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.

Livestock: This definition was adjusted for grammar.

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.

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

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

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

Value-Added Agricultural Commodity Processing Facility: This definition was added to a 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 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.

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POSSIBLE ZONING CHANGES

Event Centers: By Right in MU – C – I, SUP in Residential and Agricultural, Check Planner's Bible for Definitions

Black Eagle to MU (Provisions for Multi-Family Dwellings?)

Clarify Industrial differences

Large Contractor Yard in Ag per SUP

Shops/Garages in Residential w/o SUP

Overlay district for Dearborn area

Savings Clause?

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Hopkins, Sandor R.

From: Hopkins, Sandor R.
Sent: Friday, November 30, 2018 8:28 AM
To: 'Malisani, Rose'
Subject: RE: Horticulture Fact Sheet

Rose,

We don't have any properties that we are specifically looking at right now, just looking for some broad guidance. I know Clifton has mentioned working with you in the past for the County shop, but the language we use in the regs seemed to indicate there was a general document we should be using for reference. Parts of our regulations are really outdated, and I think this is something we will probably adjust in the future so it's accurate. It makes total sense that there wouldn't be a document that breaks down the whole county, given that the soil types are fairly broad in our area, it seems logical to address landscaping and plant sustainability on a case-by-case basis. I think this answers my original question, thank you for taking the time to respond to me and providing direction for our office in this regard.

Much thanks,
Sandor

From: Malisani, Rose <rose.malisani@montana.edu>
Sent: Thursday, November 29, 2018 1:28 PM
To: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Subject: RE: Horticulture Fact Sheet

Sandor,

Thank you for sending the zoning regulations over. I looked at section 8.18 and read it. The Cascade Conservation District has old soil maps that recommend what trees and shrubs to plant for shelterbelts and windbreaks. The Cascade Conservation District now sends those recommendations to me. I formally don't have anything written but I visit a lot of properties and recommend trees, shrubs, and vegetation for constituents. I would be more than willing to visit you at the property to help you plan planting trees, shrubs, and vegetation.

I work with the Montana Conservation Seedling Nursery to bring trees and shrubs into Cascade County for shelterbelts and windbreaks. I have also worked with Cascade County Public Works Director, Brian Clifton on planning a shelterbelt at the Public Works office outside of Vaughn.

Let me know if you would like me to meet you at the property and we can go from there.

Rose

Rose Malisani
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From: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Sent: Wednesday, November 28, 2018 8:11 AM
To: Malisani, Rose <rose.malisani@montana.edu>
Subject: RE: Horticulture Fact Sheet

Good morning Rose,

The part of our Zoning Regulations that mentions this document is a one line sentence in section 8.18.1 in our section about Landscaping Plan Requirements. I have personally never seen this document before, so I'm not sure where this sentence came from, or if this document even exists, but I have heard from people who have discussed contacting the Extension Service before for advice on what will grow in some of the sub-par soils in this area, Caragana bushes have come up on a few occasions. The purpose of this section is to establish beautification green-belts in commercial and industrial areas, and our regs currently allow for a variety landscaping plans, such as trees every x number of feet, hedgerows in lieu of privacy fencing, or vines on non-decorative walls. Take a glance at section 8.18 and I think you should be able to get a pretty good idea of what we're looking for.

Thank you in advance, I appreciate any help you can offer. Feel free to contact me if you have any questions, 454-6905.

Best,
Sandor

From: Malisani, Rose <rose.malisani@montana.edu>
Sent: Tuesday, November 27, 2018 11:35 AM
To: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Subject: RE: Horticulture Fact Sheet

Sandor,

I can help you out. Can you tell me a bit more about the project?

Rose

Rose Malisani
MSU Cascade County Extension Agent
3300 3rd Street Northeast #9
Great Falls, MT 59404
(406) 454-6980 phone
(406) 454-6984 fax
rose.malisani@montana.edu
www.msuextension.org

Montana State University Extension is an ADA/EO/AA/Veteran's Preference Employer and Provider of Educational Outreach.

From: Day, Toby
Sent: Tuesday, November 27, 2018 11:30 AM
To: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Cc: Malisani, Rose <rose.malisani@montana.edu>
Subject: RE: Horticulture Fact Sheet

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Hi Sandor,

I don't know of a document specifically for Cascade county. That kind of document would usually be compiled from the MSU/Cascade County Extension office. I would be happy to review the recommended plants if needed.

Their contact is 454-6980 and the agent (who is copied in this email) is Rose Malisani rose.malisani@montana.edu

She is great to work with and can likely point you in the right direction.

Cheers,

Toby

Toby Day
Extension Horticulture Specialist
Montana State University
P.O. Box 173140
312 Leon Johnson Hall
Bozeman, Montana 59717-3140
(406) 994-6523

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From: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Sent: Monday, November 26, 2018 4:21 PM
To: Day, Toby <toby.day@montana.edu>
Subject: Horticulture Fact Sheet

Good afternoon Toby,

My office was looking at our regulations recently and saw a statement in our landscaping buffer section that referred to a list of recommended plants from the MSU Extension Service that are suitable for growth/landscaping in our area. I looked on your website and around our office but was unable to find this document or something that looked like it. Does this sound like something you'd be familiar with or might be able to direct me to where I can pick up a copy or print one off? I know I'm coming in pretty broad with this request, but any direction you can give me would be appreciated.

Thank you,

Sandor Hopkins
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Dachs, Alex
Sent: Tuesday, November 13, 2018 8:32 AM
To: Payton, Ian; Ehnes, Anna L.; Hopkins, Sandor R.; Stone, Michael
Subject: FW: Missouri River diner

I have not sent a letter as I was not sure where the zoning regulation updates were at. Are we proposing adding a restaurant use to the Ag district under Special Use permit or are we going to change this parcel to mixed use zoning as it should have probably been when zoning was adopted county wide.

From: Weber, Anna L.
Sent: Wednesday, November 7, 2018 10:09 AM
To: Haight, Carey <chaight@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>
Subject: RE: Missouri River diner

Of Course! The last I heard, Alex was drafting a letter but we are not sure if it was sent out yet. He returns on Tuesday and if it has not been sent, we will get that done!

Thank you 😊,

Anna Ehnes
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

From: Haight, Carey
Sent: Wednesday, November 7, 2018 9:12 AM
To: Weber, Anna L. <aweber@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Dachs, Alex <adachs@cascadecountymt.gov>
Subject: RE: Missouri River diner

Thanks Anna 😊 Not sure who is on point to send the letter to the property owner but we need to have a letter issued to him on the change of use issue.

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

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From: Weber, Anna L.
Sent: Wednesday, November 7, 2018 8:51 AM
To: Haight, Carey <chaight@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>
Subject: FW: Missouri River diner

Response from the Health Department:

From: Brusky, Laura
Sent: Wednesday, November 7, 2018 8:26 AM
To: Weber, Anna L. <aweber@cascadecountymt.gov>; Johnson, Sandy <sjohnson@cascadecountymt.gov>; Treis, Bruce <btreis@cascadecountymt.gov>
Subject: RE: Missouri River diner

Hello,

Missouri river we closed their Retail food license June 2016, no License since then.

CCHD
CITY-COUNTY HEALTH DEPARTMENT
PHAB Accredited Health Department
Public Health Accreditation Board

Laura Brusky, B.S.
Sanitarian
115 4th St. South Great Falls, MT 59401
Office: 406-761-9884
www.cchdmt.org
"Healthy People in a Safe and Healthy Community"

From: Weber, Anna L.
Sent: Monday, November 05, 2018 12:03 PM
To: Johnson, Sandy <sjohnson@cascadecountymt.gov>; Treis, Bruce <btreis@cascadecountymt.gov>; Brusky, Laura <lbrusky@cascadecountymt.gov>
Subject: Missouri River diner

Good Afternoon,

We had the owner of the Missouri River Diner call and is upset about not being able to reopen a restaurant on parcel 0003624800. He says that he kept all of the licenses up to date to continue running a restaurant, does your office have documentation of their food service license or anything of the sorts? I know we talked about it a couple of weeks ago but I cannot remember, also if you do and could send it to me that would be awesome.

Thanks so much!

Anna Ehnes
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Haight, Carey
Sent: Monday, November 05, 2018 2:19 PM
To: Weber, Anna L.; Yonker, Charity N.
Cc: Payton, Ian; Hopkins, Sandor R.; Dachs, Alex
Subject: RE: Missouri River Diner Parcel #0003624800
Attachments: RE: Missouri River Prewitt Creek Inn former restaurant

Thanks Anna –

I am attaching the last email I am aware of on this subject. I think Alex had visited with the owner at one point and was working on a letter (see attached ☺).

Can you let us know what you hear back from the Health Department? THANKS!!

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Weber, Anna L.
Sent: Monday, November 5, 2018 12:20 PM
To: Haight, Carey <chaight@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>; Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Subject: Missouri River Diner Parcel #0003624800

Good Afternoon!

Greg Jones, the owner of the Missouri River Diner, Parcel #0003624800, called this morning regarding the fact that he is trying to sell his diner and that it now cannot be re-opened as such. The parcel is zoned Agricultural and the diner has been a Pre-existing Nonconforming Use since county wide zoning was implemented in 2005. To our knowledge the use as a restaurant was discontinued for longer than 1-year which results in the parcel being subject to the current zoning regulations (per section 11.3 in the Cascade County Zoning Regulations). Mr. Jones said that all of their licenses have been kept up to date so I emailed the Health Department to get a confirmation of an active food service license for that restaurant. Mr. Jones requested that I send him the process for a zoning amendment which I will do once I hear back from the health department. At the end of our conversation Mr. Jones requested my immediate supervisor's information along with the County Attorney's number and who would be able to answer questions he had regarding planning. I anticipate that he will be trying to get ahold of your office and if you have any questions for me feel free to give me a call whenever!

Thank you and happy Monday! ☺

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Anna Ehnes
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Dachs, Alex
Sent: Wednesday, October 24, 2018 5:00 PM
To: Haight, Carey; Yonker, Charity N.
Cc: Johnson, Sandy; Payton, Ian
Subject: RE: Missouri River Prewitt Creek Inn former restaurant

Okay, I received a message from the current owner this afternoon and will follow-up with a certified letter.

From: Haight, Carey
Sent: Wednesday, October 24, 2018 10:00 AM
To: Yonker, Charity N. <cyonker@cascadecountymt.gov>; Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Johnson, Sandy <sjohnson@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>
Subject: RE: Missouri River Prewitt Creek Inn former restaurant

Agreed... now that this is on our radar a formal notice to the property owner should be issued via certified mail which outlines the basis for the finding.

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Yonker, Charity N.
Sent: Wednesday, October 24, 2018 9:52 AM
To: Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Johnson, Sandy <sjohnson@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>
Subject: RE: Missouri River Prewitt Creek Inn former restaurant

Alex,

Do we need to do a "nonconforming use" determination for the restaurant?

The regs says a Zoning Administrator "shall" determine the date of discontinuance based on substantial evidence from the applicant and any other historical docs and records. I do not know when the restaurant shut down and went on the market for sale (is this the first time for sale). If it was a seasonally operated business, then that may affect the tolling time for losing nonconforming status. My thought is that the nonconforming use needs to be defined for the property (what was it historically – open for business all year or seasonal). Then, the time needs to be calculated since it ceased operating to ensure it meets the 1 year parameter.

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Even if it is determined that it has not lost nonconforming status, if substantial reno is required it will still be subject to the "alteration and additions" provision.

Thoughts?

From: Dachs, Alex
Sent: Wednesday, October 24, 2018 9:32 AM
To: Yonker, Charity N. <cyonker@cascadecountymt.gov>
Cc: Johnson, Sandy <sjohnson@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>
Subject: RE: Missouri River Prewitt Creek Inn former restaurant

Hello,

I contacted Burke, he stated that the building needs $120,000 in repairs or upgrades to bring it to code(probably fire or state building code). He is listing it as a restaurant and I explained that due to the use as a restaurant ceasing for more than a period of one year that we would not allow it to re-open or re-establish as a restaurant as that is not an allowed use in the Ag district. He wanted to know why the owner was not made aware of this. I stated when businesses close in the county they do not contact our office, and it is possible it closed in the fall as a seasonal establishment and never re-opened the following spring. He asked if there could be a one time exception, which I responded no, and then he asked for suggestions on what to do there.

Alex

From: Yonker, Charity N.
Sent: Tuesday, October 23, 2018 4:39 PM
To: Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>; Johnson, Sandy <sjohnson@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>
Subject: RE: Missouri River Prewitt Creek Inn former restaurant

Alex,

Go ahead and contact the realtor. He needs to be aware he should not list the property for sale as restaurant given that it is in the Ag Zone and it lost its non-conforming status.

No need to wait on decision on Upland Angler.

Thanks so much!
Charity

From: Dachs, Alex
Sent: Tuesday, October 23, 2018 3:48 PM
To: Yonker, Charity N. <cyonker@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>; Johnson, Sandy <sjohnson@cascadecountymt.gov>
Subject: Missouri River Prewitt Creek Inn former restaurant

Hello Charity,

The planning office received a couple phone call from Burke Tyree, realtor with Dustin Young and Company who is listing the former Prewitt Creek Inn Restaurant that has been closed for the last few years. I'm not sure how he gained insight

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from our meeting from yesterday or if it is just a coincidence that he happens to be calling. He is wanting a to discuss if this establishment can open as a restaurant is my assumption. As the use has ceased for over a year and there is no permitted uses by right or Special Use Permit for a restaurant in the Ag district, they would not be able to open or operate without a regulation amendment. He is wanting to discuss this today and has brought up that it may lead to future litigation. Would you like to contact him or wait until we decide more about Upland Angler so that we do not mis-inform him. If you would like us to contact him, just let us know. His phone is 546-0340 or 453-2000.

The parcel info:

Geocode:02-2555-02-2-02-03-0000 Assessment Code:0003624800

Primary Owner:

MISSOURI RIVER ENTERPRISES LLC
2474 OLD US HIGHWAY 91
CASCADE, MT 59421-8334

Thanks,

Alex Dachs
Cascade County Senior Planner
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Turcotte, George <George.Turcotte@mt.gov>
Sent: Thursday, October 25, 2018 1:59 PM
To: Hopkins, Sandor R.; Dachs, Alex
Cc: Wiebe, Darci
Subject: RE: Cascade County Medical Marijuana dispensary/compliance discussion

Yes I believe that works.

From: Hopkins, Sandor R. [mailto:shopkins@cascadecountymt.gov]
Sent: Thursday, October 25, 2018 1:38 PM
To: Turcotte, George <George.Turcotte@mt.gov>; Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Wiebe, Darci <DWiebe@mt.gov>
Subject: RE: Cascade County Medical Marijuana dispensary/compliance discussion

George,

We currently have the meeting scheduled for 9:30 next Wednesday, 10/31. Will this time work for you and your Bureau Chief?

Thanks,
Sandor

From: Turcotte, George <George.Turcotte@mt.gov>
Sent: Thursday, October 25, 2018 9:18 AM
To: Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>; Wiebe, Darci <DWiebe@mt.gov>
Subject: RE: Cascade County Medical Marijuana dispensary/compliance discussion

Alex,

Thank you and yes the Bureau Chief Darci Wiebe would like to also join the meeting. I will be available and Darci is aware of the time and date of the meeting. She is trying to adjust her schedule accordingly. Do you know how long this meet will go?

Thanks,

George

From: Dachs, Alex [mailto:adachs@cascadecountymt.gov]
Sent: Wednesday, October 24, 2018 4:47 PM
To: Turcotte, George <George.Turcotte@mt.gov>
Cc: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Subject: Cascade County Medical Marijuana dispensary/compliance discussion

Hello George,

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I am inviting you to join our conversation that we are going to having with the Planning office and the County Attorney's office on Wednesday the 31st at 9:30AM. Please let us know if you or your supervisor will be able join us on a conference call. We would like your insight or the states insight on how we should be permitting these operations and recap how this office has looked it previously as far as the growing of the product.

Alex Dachs
Cascade County Senior Planner
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Hopkins, Sandor R.
Sent: Tuesday, November 13, 2018 5:02 PM
To: 'Turcotte, George'
Cc: Yonker, Charity N.
Subject: County Regulations
Attachments: Attorney Opinion.pdf

Good afternoon George,

As per our conversation earlier, I looked at past zoning regulations and the first instance of the 1000 foot setback from residences/districts/worship facilities etc for a MMJ provider appeared in the 2012 Cascade County Zoning Regulations under the section for our Heavy Industrial Districts. It moved to 8.19 in the 2016 edition. I just received a copy of the Attorney's opinion (see attached) that details why enforcement of 8.19 is problematic. We are standing by dispensaries needing to move through the I-2 district as that, at a minimum, would have been the only district where that use could have occurred due to the permissive nature of our zoning regulations. I'm sure we'll be in touch soon, Charity in the attorney's office has been working with us on this issue so I've CC'd her on this.

Thank you,

Sandor Hopkins
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Hopkins, Sandor R.
Sent: Friday, October 19, 2018 8:16 AM
To: 'george.turcotte@mt.gov'
Cc: Payton, Ian; Dachs, Alex
Subject: 72 Open Buckle - Brass

Hi George,

Shawn Brass called me asking about his approval to be in the Ag district. As far as I can tell we have no documentation of Planning Approval for him to be there, as far as our regulations work he would have needed to be in Heavy Industrial at basically any given time unless we have some sort of statement or documentation otherwise. Do you have any record of previous approvals for him from our department? He claims he's been operating there since 2014.

Thank you,

Sandor Hopkins
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Payton, Ian
Sent: Monday, January 07, 2019 9:32 AM
To: Ehnes, Anna L.; Hopkins, Sandor R.
Subject: FW: Medical Marijuana growing as an agricultural use

FYI.

From: Yonker, Charity N.
Sent: Thursday, January 3, 2019 12:13 PM
To: Stone, Michael <mstone@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>
Subject: RE: Medical Marijuana growing as an agricultural use

Michael,

Please let me know if I missed anything, but...

For (2) below: All MMJ dispensing must occur in I-2 based on current zoning regs, subject to the 1000 ft set back requirements. All growers hold a dispensing license in conjunction with their other license(s), because dispensing is involved—specifically after the product is grown, the grower must dispense it either directly to a patient or to a third-party (transfer of possession from provider to another). The changing of hands from grower to ...anybody or anywhere is MMJ dispensing and therefore, if you dispense MMJ, you are a MMJ dispensary under our definition and required to be in I-2. In effect, it means all registered premises must be in I-2 because they all dispense. I think we are on the same page here. In the event there is room to interpret this differently, it will legally fall to the Commission's intent when the regs were adopted.

For (1) below: I can't really speak definitively to where the idea that MMJ growers are allowed in the Ag District, other than the fact that generally growing plants in quantities is naturally something that occurs on ag land. But because the Zoning Regs call out MMJ specifically, they control. A general canon of construction is that the specific controls over the general: "In the construction of a statute, the intention of the legislature is to be pursued if possible. When a general and particular provision are inconsistent, the latter is paramount to the former, so a particular intent will control a general one that is inconsistent with it." *See e.g.* MCA 1-2-102.

Thank you for looking into the permits issued for these folks and providing some clarity! If any of these folks are involved in MMJ in the ag district, they are technically in violation of the regs and should be working on compliance at a minimum. I believe the Yatsko's are trying to rezone or obtain a spot in I-2. I know Robert Crawford is trying to find a spot in I-2 for dispensing.

Seems like others who are in I-2 are feeling the market pressure from the folks trying to come in to I-2. If they want to submit a complaint, let them and we will investigate to determine if there is a "zoning" violation or not.

Thanks,
Charity

From: Stone, Michael
Sent: Tuesday, December 18, 2018 8:57 AM
To: Haight, Carey <chaight@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>

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Cc: Payton, Ian <ipayton@cascadecountymt.gov>
Subject: Medical Marijuana growing as an agricultural use

Hello Carey Ann and Charity,

I'm working on producing a standard way to deal with medical marijuana applications and inquiries so the planning office can save time and produce a consistent response to citizen requests. One point that I have become confused on is what the reasoning is/was behind the idea that we were permitting or required to permit grow operations as agricultural use. It has been our understanding in planning that medical marijuana grow only operations could occur as an agricultural use. This effectively means that a "registered premise" can be located outside of the I-2 district. However, my review of our permits would suggest that this has never been the case and that we do not have a permit issued from this office for such a use. So, I'm writing this lengthy email in hopes of accomplishing two things: (1) solicit input on cases or issues that I'm unaware of that led to that claim and (2) solicit feedback on my outline of an argument for requiring all registered premises to occur in I-2 based on our current zoning regulations. In the rest of the email I identify what I'm familiar with as far as permits and cases go. I then follow up with my outline of an argument.

The permits referred to me were the ones associated with Allisa Zemke and the "Herbal Bliss" business at the 963 McIver Rd location. These are permits 183-015 and 203-017. Both permit applications are not explicitly linked to medical marijuana in the documentation we have on file and are the only ones that take place outside I-2. Only the 261-017 permit issued to Zemke for the 10 Black Eagle Rd location is clearly associated with medical marijuana and that is located in I-2. The following permits are all located in I-2:

- 106-018
- 028-017
- 121-017
- 178-018

That covers all the permits identified in the opinion provided to our office concerning Section 8.19 of the zoning regulations (CCZR). When I spoke to Charity yesterday afternoon she mentioned the Yatskos. I asked Sandor about that and he thought they were operating out of 55 Gibson Flats which is associated with Dave Dickman in permit 164-10. This permit does not mention medical marijuana though. The final aspect is the lack of clarity in our current zoning regulations on how a medical marijuana grow operation is to be treated. Intuitively, it would seem to be an agricultural use. However, it seems to me that we have a justification for requiring all registered premises to occur in I-2 regardless of whether they are simply a grow operation. The thought is quite simple: since all registered premises are potentially dispensaries and you must be a registered premise to provide for registered cardholders, all registered premises must be located in I-2. In addressing the vagueness of our regulations we could cite Section 1.2.2 of the CCZR in conjunction with MCA 50-46-302(20) and argue that the "most restrictive" interpretation is that our call out for "Medical Marijuana Dispensary" effectively means "registered premise" since any registered premise is potentially a dispensary.

Please forgive the lengthy email, I hoping to clear up all the confusion around what has been permitted, what's unenforceable, and what's required in our current zoning regulations in conjunction with state law so our office can have a consistent response until the new regulations come about.

Thanks, Michael

Michael Stone
Planner
Cascade County Planning Division
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Yonker, Charity N.
Sent: Monday, December 10, 2018 12:05 PM
To: Payton, Ian
Cc: Haight, Carey; Hopkins, Sandor R.; Stone, Michael; Ehnes, Anna L.
Subject: MMJ - Montana Dispensary

Heads-up:

I received a call from Jesse Mitchell, who works for Emma Albers for the Montana Dispensary. He is concerned with a potential operation going in that is within 1000 feet of a residence and is enthusiastic about filing for an injunction. He was not supportive of our legal opinion that part of the provision was not enforceable at this time. For the most part, he was requesting legal advice so referred him to seek private counsel.

I told him he could request a zoning text amendment in support of the 1000 feet set back from residences. He was aware there were possible changes coming down with the zoning regs. I confirmed any changes would be subject to the public hearing and ultimately Comm's approval and adoption, and that there is the possibility that the 1000 feet set back from residences/residential districts could be brought back into the regulations at that point. He may be into Planning today to request a zoning text amendment.

Charity N. Yonker
Civil Deputy Attorney
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401
Phone: (406) 454-6915
Fax: (406) 454-6949
cyonker@cascadecountymt.gov

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Hopkins, Sandor R.

From: Haight, Carey
Sent: Monday, November 26, 2018 11:03 AM
To: Fogerty, Bonnie; Clifton, Brian; Yonker, Charity N.; Racki, Joshua; Payton, Ian; Hopkins, Sandor R.
Subject: RE: Zoning Regulation - Medical Marjuana

Thanks Bonnie – either time tomorrow will work for Charity and I.

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Fogerty, Bonnie
Sent: Monday, November 26, 2018 10:50 AM
To: Clifton, Brian <bclifton@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Racki, Joshua <jracki@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Subject: Zoning Regulation - Medical Marjuana

Good Morning,

Commissioner Weber would like to have a discussion on County Zoning Regulations for medical marijuana this week as Commissioner Briggs will be out of town the first two week of December.

Out of the Office
Commissioner Weber November 29, 2018 (Thursday)
Charity Yonker November 30, 2018 (Friday)

Here is a list of availability for this week.
November 27, 2018 8:00 a.m.
November 27, 2018 11:00 a.m.
November 28, 2018 4:00 p.m.

Thank you.

Bonnie Fogerty

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Commission Office
325 2nd Avenue North, Room 111
Great Falls, Montana 59401
(406) 454-6810
bfogerty@cascadecountymt.gov

From: Yonker, Charity N.
Sent: Wednesday, November 21, 2018 2:56 PM
To: Baker, Kyler <kbaker@cascadecountymt.gov>; Fogerty, Bonnie <bfogerty@cascadecountymt.gov>
Cc: Haight, Carey <chaight@cascadecountymt.gov>
Subject: Request for meeting

Would you be willing to coordinate a meeting with the Commissioners to discuss the regulation of medical marijuana under the Cascade County Zoning Regulations?

The following individuals, in addition to myself, should be included:

Brian Clifton
Ian Payton
Sandor Hopkins
Any other Planning Div. folks
Josh Racki
Carey Ann Haight

Thanks in advance!

Charity N. Yonker
Civil Deputy Attorney
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401
Phone: (406) 454-6915
Fax: (406) 454-6949
cyonker@cascadecountymt.gov

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Hopkins, Sandor R.

From: Haight, Carey
Sent: Tuesday, November 13, 2018 8:24 AM
To: Hopkins, Sandor R.
Cc: Yonker, Charity N.; Payton, Ian; Dachs, Alex; Ehnes, Anna L.; Stone, Michael; Racki, Joshua
Subject: RE: MMJ

Thanks Sandor – that would be my initial impression of making a change now, although Charity and I can look into that.

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Hopkins, Sandor R.
Sent: Tuesday, November 13, 2018 8:22 AM
To: Haight, Carey <chaight@cascadecountymt.gov>
Cc: Yonker, Charity N. <cyonker@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Dachs, Alex <adachs@cascadecountymt.gov>; Ehnes, Anna L. <aweber@cascadecountymt.gov>; Stone, Michael <mstone@cascadecountymt.gov>
Subject: RE: MMJ

Hi Carey,

Yes, we did permit a dispensary (now 2 dispensaries) within 1000 feet of a residentially zoned district on Black Eagle Rd. We also permitted a grow on McIver that is well within the 1000 feet of a residence. If this is now an equal protection issue we will disregard that provision.

Thank you,
Sandor

From: Haight, Carey
Sent: Saturday, November 10, 2018 10:27 AM
To: Hopkins, Sandor R. <shopkins@cascadecountymt.gov>
Cc: Yonker, Charity N. <cyonker@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Dachs, Alex <adachs@cascadecountymt.gov>; Ehnes, Anna L. <aweber@cascadecountymt.gov>; Stone, Michael <mstone@cascadecountymt.gov>
Subject: Re: MMJ

Thanks Sandor - so did Planning ok the placement of her business within the setback? If so then whether we were right or wrong to that I don't think we can apply a different standard now without having an equal protection problem. I'm happy to discuss this with everyone of course....

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Carey Ann Haight
Deputy County Attorney
Cascade County Attorney's Office
Sent from my iPhone

On Nov 9, 2018, at 4:05 PM, Hopkins, Sandor R. <shopkins@cascadecountymt.gov> wrote:

Good afternoon,

We have been asked about the 1000 foot setback for provider facilities and how that applies to our current regulations. I seem to recall at one point, around this time last year, we had been working with Alissa Zemke and Gregg Smith about a potential issue with their dispensary being adjacent to a residential district (Parcel 0002688405). Of course, now I cannot find the email, but I seem to recall that we were challenged on our definition of Provider vs. Dispensary and that the setback should not apply as the definitions did not line up. If I remember correctly, the guidance we ultimately received was to disregard the setback stipulation as it was incompatible with our rules as written. If possible, I would like to discuss this briefly on Tuesday as it may directly impact some of the other properties that have come to our attention.

Thank you,

Sandor Hopkins
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Haight, Carey
Sent: Friday, November 09, 2018 11:05 AM
To: Racki, Joshua; Weber, Jane; Payton, Ian
Cc: Clifton, Brian; Yonker, Charity N.; Hopkins, Sandor R.
Subject: RE: Call from a Constituent

Good morning Jane –

This is a follow up to backfill you in on our meeting with the Yatskos today. We discussed the current state of the zoning regulations for medical marijuana as pertains to their current operation (grow/dispensary) and I believe we have them on track to work with Planning to establish a dispensary in the I2 district where the dispensing would be legal. We also discussed with them that to the extent that they believe the existing zoning regulations are not workable for the industry that they may submit a proposal for changes they believe would be beneficial.

As mentioned below, however, before the planning staff get too far down the path of edits to the existing medical marijuana zoning provisions it would be prudent for us to have an understanding of what the County Commissioners are inclined to see.

Can we all get together for a meeting?

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Racki, Joshua
Sent: Tuesday, November 6, 2018 9:52 AM
To: Weber, Jane <jweber@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>
Cc: Clifton, Brian <bclifton@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>
Subject: RE: Call from a Constituent

Jane,

Just an FYI. We are meeting with Yatsko on Friday.

JAR

From: Weber, Jane
Sent: Tuesday, November 06, 2018 9:35 AM

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To: Haight, Carey <chaight@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>
Cc: Clifton, Brian <bclifton@cascadecountymt.gov>; Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>
Subject: RE: Call from a Constituent

Carey Ann – thank you for providing this information. I'll share with the county commissioners and have Kyler schedule a date to meet when he returns to work tomorrow.

****

Jane Weber
Cascade County Commissioner
Courthouse Annex
325 2nd Avenue North
Great Falls, MT 59401
Office Phone: 406-454-6814 (direct line)
Office Phone: 406-454-6810 (Administrative Assistant, Bonnie Fogerty)
Cell Phone: 406-781-0741

From: Haight, Carey
Sent: Monday, November 05, 2018 3:38 PM
To: Weber, Jane <jweber@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>
Cc: Clifton, Brian <bclifton@cascadecountymt.gov>; Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>
Subject: RE: Call from a Constituent

Good afternoon Jane –

I am attaching an email Charity prepared following our meeting last week with Planning on the marijuana issue. Additionally, we were anticipating scheduling a meeting with the Board of County Commissioners to discuss the issues we perceive with regard to marijuana cultivation and dispensaries and how the Board would like to see that addressed in Cascade County under the zoning regulations.

I believe both the County Attorney's Office and Planning are generally available to prioritize a meeting on this subject when the Board is willing and available.

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Weber, Jane
Sent: Monday, November 5, 2018 2:58 PM
To: Payton, Ian <ipayton@cascadecountymt.gov>

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Cc: Clifton, Brian <bclifton@cascadecountymt.gov>; Haight, Carey <chaight@cascadecountymt.gov>
Subject: Call from a Constituent

Ian – I had a phone call from a constituent this weekend. Her name is Grace Holzheimer 781-5996.

Ms. Holzheimer inquired about policies in effect for medical marijuana. Evidently, her provider has informed her that within 30 days she will not be able to provide her medical marijuana due to some recent notification she recently received. Ms. Holzheimer believes the notification may have come from the county and be due to a county regulation. But in speaking with Brian, could it be a state notification? Ms. Holzheimer specifically mentioned the name Julie Knight (I believe her provider) – has the county recently sent any notification to Ms. Knight?

I know that the Planning Office has been meeting with our attorneys and state officials regarding the growing and dispensing of medical marijuana. Brian said that state policy does not allow for the separation of grow operations and dispensing operations; however, in the county we allow grow operations in agriculture zoned areas and sales dispensaries only in I-2. Therein lies part of the problem, according to Brian. He also mentioned that obtaining a county permit for a dispensary may be in opposition to the confidentiality required in state regulation. Seems very complicated.

I know this is a tangled web, but Ms. Holzheimer is desperately trying to determine what to do in the near future. **Can you please call her and let her know what is happening so that she might plan beyond the 30-day notice given to her by her provider**? Brian also said there may be some concerns about folks who grow their own medical marijuana for their own treatment. What about folks who grow and only dispense to a few patients? Is that now also a problem?

Can you then please call me and let me know about your conversation with Ms. Holzheimer, since I was not specifically involved in the meeting you had last week?

Thank you,
Jane

****

Jane Weber
Cascade County Commissioner
Courthouse Annex
325 2nd Avenue North
Great Falls, MT 59401
Office Phone: 406-454-6814 (direct line)
Office Phone: 406-454-6810 (Administrative Assistant, Bonnie Fogerty)
Cell Phone: 406-781-0741

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Hopkins, Sandor R.

From: Yonker, Charity N.
Sent: Thursday, November 15, 2018 12:02 PM
To: Hopkins, Sandor R.
Cc: Haight, Carey; Racki, Joshua
Subject: Religious Exemption Inquiry for Marijuana

Sandor, I talked with Mr. Crawford with the Oklevueha Native American Church. Mr. Crawford is a provider – Tena (maybe Hemp) Care Organic here in the County and has recently been hired by the NAC as the Chief Business Dev. Operator and Branch Leader. All church members are registered card MMJ holders. It sounds like the State inspector is saying he is out of compliance because he may be distributing to these "patients." Mr. Crawford was confused as to what "distribution" really meant. He apparently has a dispensing license, but is not located in I2. He does not want to dispense in this County with any kind of store front or dispensary facility. Let me know if anything comes back from the State inspection on this provider.

But for future reference if this religious exemption issue should come up again:

Our statutes specifically prohibit MMJ in churches per MCA 50-46-320(1)(b)(ix) and our Zoning Regs (s.8.19) prohibit any facility within 1000 feet of a worship facility.

Marijuana is only legalized for medical purposes. The State and County arguably have a "compelling" interest in prohibiting marijuana to fight drug trafficking. There is no way for law enforcement to know if someone using marijuana is doing so for religious or non-religious purposes making enforcement efforts very difficult statewide. In the last year, people have been pushing hard for this religious exemption throughout the US. We may see more of this, but as a County we cannot allow this when the State has specifically prohibited it form occurring.

Federally, the only religious exemption under the Controlled Substance Act for the Native American Church is for peyote. 21 C.F.R. s.1307.31; 42 U.S.C. s.1996a(b)(1). The US Supreme Court has declined to extend this religious exemption to any other substances. Congress also constitutionally controls the use, even for religious purposes. *Native America Church of New York v. U.S.*, 468 F.Supp 1247 (D. N.Y. 1979)(held when confronted by the NAC claiming they had a right to manufacture, distribute or use proscribed drugs other than peyote). Peyote and marijuana have been determined to be very different drugs based mainly on their rate of abuse and drug trafficking concerns. *See Olson v. Drug Enforcement Administration*, 878 F.2d 1458 (1989).

So hopefully that gives you something to work.

Charity N. Yonker
Civil Deputy Attorney
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401
Phone: (406) 454-6915
Fax: (406) 454-6949
cyonker@cascadecountymt.gov

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Hopkins, Sandor R.

From: Stone, Michael
Sent: Tuesday, November 13, 2018 4:42 PM
To: tehonebrass@gmail.com
Cc: Payton, Ian; Hopkins, Sandor R.; Ehnes, Anna L.
Subject: Medical marijuana set back inquiry

Shawn,

We are awaiting a legal opinion from the county attorney's office. Until then, we cannot provide you with a written statement. However, if the regional program inspector, George Turcotte, finds that you are in violation of the 1000' set back please have him contact our office at 406-454-6905.

Thanks, Michael

Michael Stone
Planner
Cascade County Planning Division
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Hopkins, Sandor R.

From: Haight, Carey
Sent: Wednesday, October 24, 2018 2:00 PM
To: Dachs, Alex
Cc: Racki, Joshua; Yonker, Charity N.; Payton, Ian; Weber, Anna L.; Hopkins, Sandor R.; Stone, Michael
Subject: RE: Medical Marijuana

Sounds good - Can we have you guys send a calendar invite?

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Dachs, Alex
Sent: Wednesday, October 24, 2018 1:26 PM
To: Haight, Carey <chaight@cascadecountymt.gov>
Cc: Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Weber, Anna L. <aweber@cascadecountymt.gov>; Hopkins, Sandor R. <shopkins@cascadecountymt.gov>; Stone, Michael <mstone@cascadecountymt.gov>
Subject: RE: Medical Marijuana

Wednesday will work planning. How about 9:30am?

From: Haight, Carey
Sent: Wednesday, October 24, 2018 9:21 AM
To: Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Weber, Anna L. <aweber@cascadecountymt.gov>; Hopkins, Sandor R. <shopkins@cascadecountymt.gov>; Stone, Michael <mstone@cascadecountymt.gov>
Subject: RE: Medical Marijuana

Josh and I are available on Wednesday (10/31) if that works for everyone else ☺

From: Haight, Carey
Sent: Wednesday, October 24, 2018 9:13 AM
To: Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Weber, Anna L. <aweber@cascadecountymt.gov>; Hopkins, Sandor R.

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<shopkins@cascadecountymt.gov>; Stone, Michael <mstone@cascadecountymt.gov>
Subject: RE: Medical Marijuana

Thanks Alex –

What does your schedule look like for next week for a meeting to discuss these facilities?

Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

406.454.6915
chaight@cascadecountymt.gov

From: Dachs, Alex
Sent: Tuesday, October 23, 2018 5:03 PM
To: Haight, Carey <chaight@cascadecountymt.gov>
Cc: Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>; Payton, Ian <ipayton@cascadecountymt.gov>; Weber, Anna L. <aweber@cascadecountymt.gov>; Hopkins, Sandor R. <shopkins@cascadecountymt.gov>; Stone, Michael <mstone@cascadecountymt.gov>
Subject: RE: Medical Marijuana

He has contacted our office as well as several other dispensaries. The state compliance officer has been visiting operations around the county and is creating quite a stir among growers/providers/dispensaries. Planning would like to discuss these types of facilities in general prior to meeting with Yatsco, so that we are permitting them in compliance with state and local regulations.

I believe Dale has been in the office about leasing a portion of a building.

Alex

From: Haight, Carey
Sent: Tuesday, October 23, 2018 4:30 PM
To: Dachs, Alex <adachs@cascadecountymt.gov>
Cc: Racki, Joshua <jracki@cascadecountymt.gov>; Yonker, Charity N. <cyonker@cascadecountymt.gov>
Subject: Medical Marijuana

Good afternoon Alex –

Josh received a call from Dale "Vatsco" or "Yatsco" – sorry, not sure on the pronunciation of the last name. Dale was asking Josh some questions about medical marijuana and Josh felt it was appropriate to refer Dale to Planning. Dale was pretty insistent that Josh attend even though Dale was advised that the civil legal staff would participate as needed.

So…. Before we call Dale back and schedule something with Planning and Josh I wanted to make sure that this wasn't someone whom Planning has a history with or discussions we should know about first.

Can you please advise? THANKS!!

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Carey Ann Haight
Chief Civil Deputy
CASCADE COUNTY ATTORNEY'S OFFICE
121 4th Street North, Suite 2A
Great Falls, MT 59401

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chaight@cascadecountymt.gov

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A County staff working group has undertaken a review of the Cascade County Zoning Regulations. The working group is evaluating the document and crafting a working draft. When the draft is ready, it will be submitted to the Planning Board and begin the public process. The County Commission will have final approval authority over any proposed changes. A draft is anticipated by February.

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MEMO

Applied Communications, LLC
151 Wedgewood Ln.
Whitefish, MT 59937
www.appcom.net
406-863-9255

To: Cascade County Planning Department

From: Kate McMahon, Applied Communications

Date: 12/13/2018

Re: Cascade County Zoning Amendments – Background

The purpose of this memo is to review various issues related to the regulation of large-scale industrial operations in agricultural zoning districts. In 2017, Cascade County Commission amended the zoning ordinance to add certain special uses may be allowed in the Agricultural District.

Subsequently, Madison Food Park submitted an application for a special use permit for an industrial complex that would include a total of 1,540,950 square feet of building area with multiple building sites containing the following uses:

- Distillery
- Cheese plant
- Rendering facility
- Pork processing facility
- Beef processing facility
- Poultry processing facility
- Cold storage building
- Mechanical wastewater treatment facility & waste lagoons

According to the Cascade County Planning Department web site, "Madison Food Park, is currently in the process of amending the application and is requesting additional time to prepare and resubmit the amended application(s)." In the interim, these proposed amendments have been prepared to address the following concerns.

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Issue #1: The Cascade County Zoning Ordinance does not define the intent and purpose of individual zoning districts which are necessary to provide a link between district regulations and the growth policy.

A. **Discussion:** Zoning district definitions demonstrate that such regulations are made in "accordance with the growth policy". Establishing the purpose of the individual zoning district allows public officials to determine whether the proposed regulations (i.e. permitted uses, special uses, development standards...) are compatible with the intent of the district. When the zoning ordinance does not define the intent of each district there is no clear guidance to evaluate whether a proposed land use or regulation is consistent with the purpose for establishing the district. This results in inconsistent land use decisions and places local governments zoning actions at risk of being overturned if challenged in court. As stated by the American Planning Association:

> *"Perhaps most importantly from the perspective of the local government, connecting its land-use decisions to the comprehensive plan provides further evidence that the decisions are rational and reasonable. The consistency doctrine is a way of getting at substantive due process via statute, shoring up the constitutional argument that the decision is neither arbitrary nor capricious and advances legitimate interests." (Source: America Planning Association, Zoning Practice, "Practice Consistency", August, 2008)*

B. **MCA Provision:** 76-2-203. "Criteria and guidelines for zoning regulations. (1) Zoning regulations must be: (a)made in accordance with the growth policy;"

C. **County Zoning Provision:** Section 3: Establishment of Districts

D. **Standard Planning Practice** – A review of other county zoning ordinances in Montana (Flathead, Missoula, Yellowstone, Gallatin) and city zoning ordinances (Great Falls, Helena, Billings) indicates that every one of these ordinance includes definitions for zoning districts.

E. **Proposed Amendments:** Amend Chapter 3 to add purpose statements for all zoning districts to be consistent with the growth policy.

Issue #2: Amend zoning code to be consistent with the Growth Policy regarding "Goal 3, Objective A: Maintain the most protective soil types."

A. **Discussion:**

The definition of "Prime Agriculture Areas" in Chapter 8 of the Cascade County Growth Policy states that these lands should be protected "from encroachment by non-agricultural uses, structures or activities". Clearly, large scale industrial operations are not compatible with this definition and are not suitable with the character of the district as required by the MCA. While small scale "value-added" operations may be appropriate as a conditional use, the growth policy is very clear that prime agricultural areas should be preserved. (Goal 3, Obj. A, B & D; Chapter 5 – Policies 2,6,10,11, and 12; Section 7.5 and Section 8.3)

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B. MCA Provisions:

76-2-203. Criteria and guidelines for zoning regulations.
(1) Zoning regulations must be:
(a) made in accordance with the growth policy; and
&
(2) In the adoption of zoning regulations, the board of county commissioners shall consider:
(d) the character of the district and its peculiar suitability for particular uses; and

C. County Zoning Provisions. 7.2 Agricultural, District;

D. **Standard Planning Practice:** A review of county ordinances in Montana indicated that prohibiting industrial uses in agricultural districts is standard practice. Allowing food processing as an accessory use is permitted is some counties but these are small scale operations where the agricultural use is still the predominant use of land.

Flathead County	Dairy permitted in AG District. Slaughterhouse, distillery, food processing are only permitted in industrial districts
Missoula County	Food processing & slaughterhouse permitted as accessory use
Yellowstone County	Does not permit any commercial or industrial uses in Ag Districts
East Gallatin County	Only agriculture and residential uses are permitted
Gallatin County – Spring Hill	Packing, storing, and processing of products **grown or raised on premised** are permitted uses.

E. Proposed Amendments

1. Amend Section 7.2.4 - Add a standard for preserving prime agriculture land that is consistent with Section 8.3 of the Growth Policy.

Issue # 3 - Clarify the requirements for Planned Unit Developments

A. Discussion:
The likelihood that land development problems will occur greatly increases when building sites are created without public review and are further divided without review. For example, a development with multiple principle uses on a single parcel may have impacts related to infrastructure capacity, overcrowding of buildings, fire safety and congestion on roadways. Simply stated, a development that will create impacts similar to a subdivision, should be subject to a review procedure specifically designed to evaluate and mitigate potential impacts.

The proposed Madison Food Park proposal includes a multiple buildings sites, a mix of land uses internal access roads and community facilities for water and sewer. Although the development has submitted an application for a special use permit, the special use permit only considers the impact of a particular land use and does not have the review criteria to thoroughly evaluate impacts from a pattern of development resulting from multiple building sites The fact that a six

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lot residential development is subject to subdivision review while a 1.5 million square feet industrial complex has no such requirement, demonstrates the extreme incongruity in the current standard of review in the existing zoning ordinance.

When there is no division of land, yet there are multiple buildings, internal access roads and community facilities such as water and sewer, the appropriate method of local government review is a Planned Unit Development (PUD). Provisions for PUD review are contained in both the Cascade County subdivision ordinance and the MCA. The MFP proposal is consistent with the definition of a PUD and should therefore be required to comply with these Section 7.7 of the zoning ordinance.

Another reason for requiring either subdivision review or planned unit development review is the potential for building sites to be leased, sold or conveyed in the future. The original Madison Food Park indicates that this will be a phased development that will occur over a period of five to ten years. It is likely that different business entities will be leasing the different facilities and such an arrangement would require a future subdivision or PUD. If there is potential for the future leasing or conveyance of property, the County should exercise due diligence and initiate the appropriate review process concurrent with the special use review in order to avoid the risk of approving a development which may not comply with subdivision/PUD regulations.

Also, even if all facilities remain under single ownership, it is reasonable to assume that the land may be segmented to secure financing for loans at different phases of the development. In this case, the developer may attempt to claim an exemption from the subdivision ordinance under Section 9.2(2) Exemptions for Mortgage Security. It is important to note, however, that the Cascade County Subdivision Ordinance states the following:

> " 9.2.2.3 The use of this exemption is presumed to have been adopted for the purpose of evading these regulations and the MSPA if:
> 1. it will create more than one new building site;

For the above reasons, any development that involves multiple building sites, should be subject to a subdivision or PUD review and this should be clearly stated in the zoning ordinance.

B. MCA Provisions:

Subdivisions: 76-3-102. Statement of purpose. It is the purpose of this chapter to:

(1) promote the public health, safety, and general welfare by regulating the subdivision of land;

(2) prevent overcrowding of land;

(3) lessen congestion in the streets and highways;

(4) provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements;

(5) require development in harmony with the natural environment;

(6) promote preservation of open space;

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(7) promote cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services;

(8) protect the rights of property owners;

(9) require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey; and

(10) provide for phased developments.

76-3-103 - Definitions

(11) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

C. County Zoning Provisions

Section 7.7 – Planned Unit Development

D. Standard Planning Practice

It is standard practice in the State of Montana for zoning regulations to have PUD standards to review developments with multiple building sites. It is also common for subdivision regulations to consider that creating multiple building sites through exemptions related to financing is an evasion of subdivision regulations.

Flathead County	Zoning - Only one principal use per tract in AG and residential districts. Multiple uses in other zoning districts require conditional use permit. PUD allows multiple uses. Subdivision - Evasion criteria related to segmenting parcels for mortgage security and creating a pattern of development similar to a subdivision.
Missoula County	Zoning – PUD section requires both PUD approval and separate subdivision approval Subdivision – Evasion criteria related to segmenting parcels for mortgage security and creating a pattern of development similar to a subdivision.
City of Great Falls	Zoning – A PUD may be proposed as a single development with multiple buildings Subdivision – Exemption under mortgage security is considered evasion if there is more than one building site.
Yellowstone County	Zoning - PUD in zoning ordinance is a streamlined process for single development with multiple buildings.

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	Subdivision – Exemption under mortgage security is considered evasion if it will create a pattern of development which is equivalent to a subdivision with characteristics such as common roads, sewer, water, utility easements, restrictive covenants, open space or a common marketing or promotional plan.

E. **Proposed Amendments -** Amend Section 7.7 – Planned Unit Developments to reflect standard planning practice by clarifying that developments that with multiple uses on single-tracts of land, must comply with PUD requirements.

Issue #4 - Add criteria for special uses in the agricultural district to mitigate traffic and industrial impacts.

A. **Discussion:** The analysis that accompanied the 2017 zoning amendments lacked analysis regarding the potential impacts that may accompany industrial uses. The zoning ordinance contains performance standards for industrial operation in the I-1, Light Industrial district. These standards are intended to mitigate potential impacts from odors, waste, heat, glare and noise. Such impacts should be mitigated in the Agricultural district as well.

Traffic impacts from industrial developments are another concern. While Montana Department of Transportation requires traffic impact studies for state highways, there is no such requirements to determine the impact if the development is accessed from county roads.

B. MCA Provisions:

76-2-203. Criteria and guidelines for zoning regulations.
(1) Zoning regulations must be:
(b) designed to:
(i) secure safety from fire and other dangers;
(ii) promote public health, public safety, and general welfare; and
(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
(2) In the adoption of zoning regulations, the board of county commissioners shall consider:
(a) reasonable provision of adequate light and air;
(b) the effect on motorized and nonmotorized transportation systems;

C. County Zoning Provision. Section 8 – Supplementary Regulations. 10.6 – Standards Applicable to all Special Uses

D. **Standard Planning Practice:** A review of county and city ordinances in Montana indicated that it is generally standard practice to mitigate impacts of industrial uses. In regards to traffic impact, zoning ordinances either require traffic impact studies or have specific standards to address traffic issues.

Flathead County	Design standards to address traffic, signs, screening and building design

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Missoula County	Industrial performance standards for light industrial uses to mitigate impacts from noise, glare, hazardous materials. Design standards for screening of industrial uses and traffic access.
Yellowstone County	Design standards for traffic access, intersections.
City of Great Falls	Performance standards for industrial uses for outdoor storage, odors, hazardous materials and noise. Traffic impact study require for developments generating 300+ trips

E. Proposed Amendments

1. Amend Section 8.4.10 – Off-Street Parking – Add requirements for Traffic Impact, Permit for special uses and rezoning that result in a 20% increase in traffic. (This standard is consistent with the Cascade County Subdivision Ordinance)

2. Amend Section 10.6 – Special Uses to add a new paragraph (5) requiring that all industrial operation must comply with the performance standards for industrial operations in the Light Industrial District.

Issue 6: Encourage meaningful public participation by clarifying language regarding submittal requirements, amendments to the application, and expiration of special uses.

A. Discussion: As noted in the Montana Department of Commerce, Planning Board Handbook, "Public meetings and hearings need clear and fair rules about the procedures to be followed, to ensure "due process" to all participants."

If applications are amended multiple times and public hearings dates are repeatedly cancelled, continued, or rescheduled, it is difficult for the public to monitor the progress of the application, review new materials and prepare meaningful testimony. Procedures for submitting applications and conducting public hearings must be clear to avoid confusion and provide a fair opportunity for public participation. Common provisions to ensure due process include:

- To ensure that all information is available for public review, zoning codes will often require that applications must be complete prior to advertising for a public hearing.

- To provide consistency in processing applications, land use regulations will often detail review timeframes and specify the rules for requesting delays or amending applications.

- Additionally, once a special use permit, location/conformance permit or variance is approved, the project should proceed within a reasonable timeframe. Otherwise, new residents may invest in property unaware that a project was approved long before their purchase or new development may occur that would change the conditions of approval and might warrant additional mitigation.

B. MCA Provision: 2-3-103. "Public participation -- (1)(a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant

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interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public".

C. County Provisions: Section 10 - Standards for Special Uses.

10.4 Expiration

10.8 Staff Review

D. Standard Planning Practice:

Cascade County	Letter of completeness is required for the variance process. If application is incomplete, new materials must be submitted within 6-months or the application is forfeited and a new application must be prepared. The special use section does not have this provision. Special use, location permit and variance all expire after 1-year if construction or the use has not started. (Note: The regulations lack a clear definition of what constitutes "Construction")
Yellowstone County	Once the petition is determined to be complete, a hearing is scheduled before the BOA within 30-days. The applicant may request one delay of no more than 30-days once the public notice for the hearing has been advertised. After the one delay, the applicant must resubmit a new application, pay new fees and go through another review for completeness under the regulations that are in effect at the time the regulations are deemed complete.
Model Subdivision Code – Montana	The regulations that are in effect at the time the application is deemed sufficient shall apply.
City of Great Falls	Permit expires after 12 months unless substantial work has been completed or zoning compliance and other permits have been issued.
Flathead County	Conditional use terminates after 12 months unless the project has secured the necessary state/federal permits, financing has been secured or engineering design work has been completed.

Proposed Amendments:

1. Amend section 10.8 Staff Review to include the same procedure to issue letter of completeness that is required for a variance.

2. Specify timeframes for approvals and requesting delays similar to Yellowstone County.

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Public Information Request
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3. State that such location/conformance permit may not be issued until all conditions of approval are met and that the necessary state and federal permits have been obtained.

4. Clarify the provisions for expiration of a location permit, special use permit and variance to define that "construction" on a project does not include "site preparation" (See definition in Cascade County Zoning ordinance).

5. Clarify the procedure for granting an extension of a special use.

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MEMO

Applied Communications, LLC
151 Wedgewood Ln.
Whitefish, MT 59937
www.appcom.net
406-863-9255

To: Ian Payton, Deputy Director
Michael Stone, Planner
Sandor Hopkins, Planner

From: Kate McMahon, Applied Communications

Date: 12/20/2018

Re: Proposed - Zoning Ordinance Amendments

Thank you for meeting with Deborah Jenkins, Logan Tinsen, and myself on Dec. 13th to discuss proposed amendments to the Cascade County Zoning Ordinance. As a follow-up to the meeting, I wanted to share our meeting notes with you and confirm our understanding of the process to file an application for text amendments to the zoning ordinance.

- As we shared with you at the meeting, and in the memo dated 12/12/18, a group of Cascade County landowners have a number of concerns regarding the special use provision for food processing and industrial operations in the agricultural zoning district. The proposed zoning amendments that were presented at the meeting are intended to address these issues.

- In response to a question about the current status of the Madison Food Park application, staff explained that Planning Board had tabled the matter per the applicant's request for additional time to submit a revised application. Ms. McMahon asked if the there was a time limit for applicant to submit new information. County staff stated that the application could be on hold indefinitely. Ms. McMahon stated that landowners had concerns regarding whether a proposed development would be required to comply with new regulations that may be adopted during the time that application is on hold. It would be helpful to have policies or zoning language to clarify this issue.

- Ian explained that throughout the year staff, applicants, citizens, or public officials will identify issues and questions regarding zoning standards, review criteria, definitions or other provisions. Staff will compile these issues and propose amendments to update standards or clarify procedures. Ian noted that staff has identified some of the same issues that have been raised by the land owners and they will address these issues in the next round of zoning amendments that they send to the Planning Board. Michael Stone noted that the planning department had recently revised the application for the special use process and that this new application was on-line. It might be useful to consult this application to determine if it addressed some of the landowner's concerns. He suggested that they could include the proposed amendments from the landowners with this next round of staff initiated amendments.

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- Upon request that county staff share with the landowners which zoning issues have been identified by the county that are similar to the concerns expressed in the 12/12/18 memo, staff commented that they were unable to share this information because it would constitute "ex parte contact". Ms. McMahon explained that "ex parte contact" involves contact with members of an appointed body, such as the Board of Adjustment, regarding a quasi-judicial item that is scheduled for a public hearing. County planning staff is not part of an appointed board and there is no application on file at this time. As such, county staff is not prohibited from sharing information with the general public. The landowners represented at the meeting are requesting information from staff in order to coordinate with the county and avoid duplication of effort in the case that staff will be proposing similar amendments to the Planning Board. County staff declined to share information regarding proposed amendments to be initiated by staff because they did not want to release information to any one particular group prior to such information being released publicly for everyone in the county to consider.

- In response to questions by Ms. McMahon on overall comments or concerns regarding the proposed amendments referenced in the 12/12/18 memo, staff commented that since they had just received the draft the day prior they did not have adequate time to review the proposal. They also commented that the appropriate procedure for them to comment is for the landowners to formally request a pre-application meeting per Section 14.1.1 of the Cascade County Zoning Ordinance. At that time, staff can inform the landowners if the application is complete and identify any potential concerns they may have regarding the proposed amendments. Following the pre-application meeting, the landowners can revise the application prior to making a formal submittal.

- Staff reviewed the process for zoning amendments. Once an application is filed, a Planning Board meeting will be scheduled. Notice of the meeting must comply with requirements in the MCA. The Planning Board meets on the third Tuesday of each month. It typically takes two to three months to process a zoning application, assuming there are no continuances or delays. After the County receives a formal application with the filing fee, staff will prepare a report with an analysis on the amendments. Upon review of the staff report, the applicant has the option to request that the Planning Board continue the hearing in order for the application to be revised to address concerns that may be identified in the staff report.

- Ms. McMahon asked if it would advisable to conduct a workshop first with the Planning Board so they can comment and ask questions about the proposal prior to the public hearing. Mr. Payton stated that this is not standard procedure for the county.

- In order to make a determination whether to submit an application or to combine the proposed amendments from the landowners with the staff amendments, Ms. McMahon asked it the county had a timeline for staff initiated amendments. Mr. Payton indicated there was no established timeline for staff to submit the proposed zoning amendments to the Planning Board. He did not anticipate that staff would initiate an application prior to June.

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Cascade County Zoning Ordinance
Proposed Amendments
11-15-18

1. Add purpose and intent statements for all districts

SECTION 3. ESTABLISHMENT OF DISTRICTS
For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5 Rural Residential District
A district to provide for large-lot residential in order to provide a buffer between more densely residential areas and unlimited agricultural uses. This district a mix of residential development on 5-acre lots and limited agricultural functions. The large lots provide open space that maintains a rural character.

Commented [KM1]: *(Growth Policy - Goal 9, Obj. F; Goal 12, Obj. A)*

SR 1 Suburban Residential District 1
A district to provide for low density, single-family residential developments in areas which may or may not be serviced by a public water and/or sewer system. These areas provide a transition from urban residential districts to lower density suburban residential districts and should discouraging poorly designed subdivisions that result in inefficient use of land. This district should be located to consider the locational needs of various types of housing with regard to proximity of employment, and access to transportation and services.

Commented [KM2]: *(Goal 11, Obj. A & B; Goal 12 Obj. A & B)*

SR 2 Suburban Residential District 2
A district to provide for low density, single-family residential developments in areas which may or may not be serviced by a public water and/or sewer system. These areas provide a transition from rural residential districts to lower density suburban residential districts and should discouraging poorly designed subdivisions that result in inefficient use of land. This district should be located to consider the locational needs of various types of housing with regard to proximity of employment, and access to transportation and services.

Commented [KM3]: *(Goal 11, Obj. A & B; Goal 12 Obj. A & B)*

UR Urban Residential District
A residential district to provide for small-lot residential development that is served by a public water supply and sewer service. This district is appropriate for in-fill development of urban and transitional areas where community facilities and services can be provided cost-effectively and should be located locate near existing towns and more densely populated settlements where it is in close proximity to employment, transportation and other services.

Commented [KM4]: *(Goal 9, Obj. H; Goal 11, Obj. B; Goal 12, Obj. B)*

A Agricultural District
The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes, small scale value-added agricultural uses and to protect such land from encroachment by non-agricultural uses, structures or activities. Regulations in this district are intended to protect the most productive soil types, by encouraging non-agricultural and large-scale development to locate on non-productive or marginally productive agricultural land and to minimize environmental concerns.

Commented [KM5]: *(Goal 3, Obj. A , B and D; Chapter 5 – Policy 2, 6, 10, 11 and 12; Section 7.5, Policy 1, Section 8.3)*

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C Commercial District
A district for the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses which are compatible with communities, and utilizes available assets. Such uses should not adversely affect agriculture and are located around and in existing rural communities while avoiding strip development.

Commented [KM6]: *(Goal 1, Obj. A & C; Chapter 5, Policy 1 & 4)*

I-1 Light Industrial District
A district for the retention and expansion of industries involving mining, manufacturing/processing, value-added agriculture processing and forest products. This district is intended for light industrial uses and should be located in areas near existing towns and rural settlements that are compatible with communities, utilizes available assets and do not adversely affect agriculture. Standards should minimize, to the greatest degree possible, the adverse social and environmental impacts of development and encourage beneficial effects of orderly growth.

Commented [KM7]: *(Goal 1, Obj. A & C; Goal 2, Obj. C; Goal 3, Obj. D, Chapter 5, Policies 1 & 12)*

I-2 Heavy Industrial District
A district for the retention and expansion of industries involving mining, manufacturing/processing and forest products. This district includes heavy industrial uses and should be located in areas near existing towns and rural settlements that are compatible with communities, utilizes available assets and do not adversely affect agriculture. Standards should minimize, to the greatest degree possible, the adverse social and environmental impacts of development and encourage beneficial effects of orderly growth.

Commented [KM8]: *(Goal 1, Obj. A & C; Goal 2, Obj. C; Chapter 5, Policies 1 & 12)*

MH Mobile Home District
A district to provide safe, sanitary and affordable environments for individual mobile homes, mobile home parks and compatible accessory uses. Manufactured home developments should be located should be located locate near existing towns and more densely populated settlements where it is in close proximity to employment, transportation and other services with regard to proximity of employment, access to transportation and services.

Commented [KM9]: *(Goal 12, Obj. A, C & C*

OS Open Space District
A district to provide for Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

Commented [KM10]: *(Policy 6.7)*

PUD Planned Unit Development District
The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

Commented [KM11]: (Goal 11, Obj. A & B) See also Zoning Ordinance Section 7.7

MU Mixed–Use District
A district for a mix of residential and compatible business use. This district is appropriate for in-fill development of urban and transitional areas where community facilities and services can be provided cost-effectively and should be located locate near existing towns and more densely populated settlements where it is in close proximity to employment, transportation and other services.

Commented [KM12]: *(Goal 9, Obj. H; Goal 11, Obj. B; Goal 12, Obj. B & H)*

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Airport Areas – Great Falls International Airport

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones.

Commented [KM13]: See Zoning Ordinance - Section 15.1

MOD Military Overlay District

The only purpose and intent of this section is to promote cooperation between Cascade County, property owners, and Malmstrom Air Force Base 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

Commented [KM14]: *(Goal 13, Obj. A, I, K) & See Section 16 of the Zoning Ordinance*

FOD Flood Road Overlay District

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.

Commented [KM15]: See Zoning Ordinance – Section 17.1

2. Amend Section 7.2 Agriculture District to add the following.

7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(45) Development Standards for Special Uses in the Agricultural District

(a) If a parcel larger than forty (40) acres has been determined to have twenty-five percent (25%) or more area coverage of soils that have been classified by the Natural Resources Conservation Service (NRCS), as "prime farmland" or "farmland of statewide importance", then the proposed special use shall not encroach on the area classified as "prime farmland" or "farmland of statewide importance" unless the Board of adjustment makes all of following findings:

- The applicant can realize a reasonable return on the fair market value of his land only by devoting the area designated as "prime farmland" or "farmland of statewide importance" to the proposed special use; and
- The development has been designed to minimize the reduction of agricultural functions in the area designated as "prime farmland" or "farmland of statewide importance"; and
- The development must not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or significantly reduce their functions.

Commented [KM16]: This codifies the standard stated in the Growth Policy – Section 8.3,

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3. Amend Section 7.7 Planned Unit Development (PUD) District

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other. A planned unit development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval process for rezoning. If a development on a single tract of land has multiple building sites, it shall be required to meet the requirements of this section.

The request for classification as a planned unit development district shall comply with the requirements in Section 14 of this ordinance and shall be submitted and processed simultaneously with the planned unit development provisions contained in Section 8 of the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the zoning ordinance criteria outlined in the Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

Commented [KM17]: This clarifies that each PUD district will have its own set of standards as proposed by developer and approved by the County. It also clarifies that any development under single owner with multiple land uses is required to meet the requirements of this section.

Commented [KM18]: This language cross references the administrative procedures that will apply to the request for a PUD.

Commented [KM19]: For clarifications, cross references section in the Subdivision Ordinance.

4. Amend Section 8: Supplementary Regulations

8.4.10 Off-Street Parking & Traffic Impact

8.4.10 Traffic Impact Analysis

(1) All Developments shall have safe and adequate access on county roads or state or federal highways within the traffic impact area of the development. Safe and adequate access exists when traffic volumes do not exceed the capacity of the road; when operating conditions on the road and at intersections do not fall below the specified or existing level of service (LOS); and when paved and unpaved sections and structures can accommodate projected traffic. If the proposed development or change in land use indicates a projected increase in traffic being added is equal to or greater than 20%, then the applicant must submit a traffic impact analysis that at a minimum must include:

1. Internal roads;
2. Adjacent roads;
3. Off-site roads to the nearest county collector or arterial road or state or federal highway;
4. Off-site roads where traffic from the development will account for at least ten percent of the average daily traffic on those roads; and
5. Intersections where traffic from the proposed development will account for at least five percent of the traffic volume on any approach leg of the intersection.

Commented [KM20]: Goal 6, Obj. C, Chapter 6, Policies 6,7
This language is consistent with the subdivision regulation requirements. (Section 10.2 – Impact Criteria Standards). Including it in this section makes it a requirement for all large developments – not just subdivisions.

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Public Information Request
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6. If safe and adequate access cannot be provided or maintained within the traffic impact area, as a result of the proposed development's projected traffic, then in order to mitigate those impacts the developer shall construct the necessary improvements to ensure safe and adequate access.

(2) Traffic impact studies shall be prepared in accordance with Appendix A, Section 21 of the Cascade County Subdivision regulation.

5. Amend the Section 10: Special Uses

10.4 LOCATION CONFORMANCE PERMIT, SPECIAL USE PERMIT EXPIRATION AND AMENDMENTS TO THE SPECIAL USE

(1) A location conformance permit as required in section 9.2 of these zoning regulations, must be issued prior to the start of any construction. A location construction permit shall not be issued unless the application complies with the approved site plan and until all conditions of the special use approval have been satisfied and all required permits from local, state and federal agencies have been granted. Substantial amendments to the site plan, conditions or waiver of required permits, require a new application and public hearing before the Board of Adjustment.

(2) The Zoning Board Of Adjustment 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 of the use has not started.

(3) For purposes of administering this code, the start of construction does not include activities associated with site preparation.

(4) The Zoning Administrator may grant a one-time only six (6) month extension on the Zoning Board Of Adjustment approval.

(5) 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 Zoning Board of Adjustment prior to the date of expiration at the written request of the applicant.

(6) The written request from the applicant shall detail all the actions the applicant has taken to complete the zoning ordinance requirements and meet the conditions of special use approval. The process for granting the extension of the special use permit shall be made in accordance with the following procedures.

(a) The request for an extension of the special use permit must be submitted to the Planning Division at least thirty (30) working-days prior to the expiration of the Special Use. The zoning administrator will evaluate the request and provide a written recommendation to the Cascade County Zoning Board of Adjustments.

Commented [KM21]: Paragraph (1) is a new provision that clarifies the relationship between a location conformance permit and a special use permit.

Commented [KM22]: Paragraph (3) is a new provision to clarify what constitutes the start of construction. The definition for "site preparation" is already included in the definition section.

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Public Information Request
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(b) At a public meeting, the Cascade County Zoning Board of Adjustment shall evaluate the zoning administrator's recommendation and the applicant's request for extension to determine whether the applicant has been working in good faith to complete the project. After review, the Cascade County Zoning Board of Adjustment shall grant or deny the request.

(c) The decision to grant or deny the extension request shall be provided to the applicant in writing and shall be signed by the Zoning Board of Adjustment.

Commented [KM23]: Paragraph (6) are new provisions and are consistent with the subdivision requirements for extending the approval of a preliminary plat and clarify the process for granting an extension.

10.6 Standards Applicable to All Special Uses

(5) At a minimum, special uses with industrial operations must comply with the performance standards for light industrial uses found in section 7.4.1.9 (2) (a) through 7.4.1.9 (h). The Zoning Board of Adjustment may impose conditions that exceed these standards in order to meet the intent and purpose of the special use section.

Commented [KM24]: Industrial operations in all districts should comply with the same performance standards. Goal 2, Obj. 2, Chapter 5, Policy 1, 6 & 12

10.8 Staff Review

Commented [KM25]: This new provisions in this section are included to be consistent with the procedures for a variance in (Section 9.5.1 and to clarify submittal and review requirements for special uses.

(a)Submittal of application. The applicant shall submit a completed application to the County Planning Division along with the application fee as may be established by the County Commission.

(b) Determination of completeness. Within 10 working days of submittal, the Planning Director shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied. If the application fee is forfeited, the applicant must resubmit a new application, pay new fees and go through another review for completeness under the regulations that are in effect at the time the new application is submitted.

(a) Notice. Consistent with Section 10.3 of these regulations, the director shall provide for public notice, property owner notification, and agency notification, when applicable.

(b) If a special use is requested for a property located in the Military Overlay District, a copy of the application will be sent to Malmstrom for review and comments. Any comments or recommended mitigations will be forwarded to the Zoning Board of Adjustment to be consider with their decision. If no comments are received within 15 working days, it will be determined Malmstrom's reviewing staff had no objections.

(c) DNRC notification of application. If any part of the property is located within a designated flood zone, the floodplain administrator shall send a copy of the application to the Montana Department of Natural Resources and Conservation, Floodplain Management Section

Cascade County Planning Division
Public Information Request
Scanned Documents
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(d) If the subject property is immediately adjacent to any surface water body, including rivers, streams, lakes and reservoirs, the zoning administrator shall send a copy of the application to the Cascade County Conservation District.

Commented [KM26]: Paragraph (f) is new and is consistent with the Growth Policy Section 7.2, Landscape Unit – Rivers, Streams, Lakes and Reservoirs - Policy 1

(e) Staff report. The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, 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.

(g) Public hearing. Within 30 days of the determination of completeness, the Zoning Board of Adjustment shall conduct a public hearing for the special use. The Board may continue the public hearing to request additional information.

(h) Continuances. The applicant may request one delay of no more than 30-days once the public notice for the hearing has been advertised. After the one delay, the applicant must resubmit a new application, pay new fees and go through another review for completeness under the regulations that are in effect at the time the of the application.

Commented [KM27]: Paragraph (H) is a new provision to clarify the procedure for requesting a continuance.

(i) Decision. Decisions of the board shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.

(j) Applicant notification. Within 5 days following the decision, the director shall mail the applicant the original (signed) copy of the decision and retain a copy for the public record.

(k) Additional procedural steps. If the Board grants the special use, the applicant shall then follow other review procedures as may be required.

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Cascade County Zoning Amendments
Growth Policy Excerpts

CHAPTER 2: GOALS AND POLICIES

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

Objectives:

A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.

Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Goal 3: Maintain Agricultural Economy

Objectives:

A. Protect the most productive soil types.

B. Continue to protect soils against erosion.

C. Protect the floodplain from non-agricultural development.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Goal 4: Retain the presence of the US Military in Cascade County.

Objectives:

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

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D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Goal 6: Promote and maintain a transportation system that provides safety, efficiency, and cost efficiency.

C. Ensure that all new roads, both public and private, are built to county design standards for new construction. These standards can be found within the Cascade County Subdivision Regulations.

Goal 8: Protect surface and groundwater from pollution.

A. Discourage development with on-site wastewater treatment systems in areas having inappropriate soils or high groundwater, as indicated on the revised Cascade County soil maps, to help prevent the contamination of groundwater supplies.

C. Require local review of subdivisions to meet Montana Department of Environmental Quality (MDEQ) regulations.

G. Require all construction to be setback from streams and to be in compliance with applicable regulations, in order to prevent water quality degradation and stream bank erosion.

H. Promote policies that ensure greater setbacks for commercial, industrial, and multi-family development to reduce the risk of negative impacts.

Goal 9: Foster the heritage of the area in agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.

Objectives:

F. Encourage open buffers between rural residences and adjoining agricultural lands.

G. Encourage agricultural landowners considering land subdivision to develop the least agriculturally viable portion of their properties.

H. Encourage in-fill development of urban and transitional areas already committed to development where community facilities and services can be provided cost-effectively in order to reduce development pressure on agricultural lands.

Goal 11: Protect and maintain Cascade County's rural character, encourage efficient use of land.

Objectives:

A. Preserve the county's open space setting by encouraging cluster development.

B. Encourage cluster development to locate near existing towns and rural, more densely populated settlements and discourage poorly designed, unsafe land subdivisions and unsafe commercial development.

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1. Encourage the creation of neighborhood plans in developing areas of the county, which have previously had an environmental assessment completed upon the area, and to provide incentives such as density bonuses.
2. Maintain and refine the existing capital improvement plan for roads, sheriff's department, weeds, facilities and other departments.
3. Coordinate planning and service provision efforts with incorporated cities within the county and with neighboring counties to direct development to existing developing areas.

Goal 12: Support effort to ensure residents of Cascade County have an opportunity to obtain safe, sanitary, and affordable housing.

Objectives:

A. Work to maintain an adequate land supply for diversity of all housing opportunities.

B. Consider the locational needs of various types of housing with regard to proximity of employment, and access to transportation and services.

C. Promote dispersal of affordable housing throughout the county.

D. Participate in periodic analyses to determine immediate and long-range affordable housing needs.

E. Study and consider innovative housing programs to reduce dependency on subsidized housing.

F. Encourage group homes, foster care facilities, and facilities for other special populations are equitably distributed throughout the county, yet near daily services.

G. Encourage preservation, rehabilitation, and redevelopment of existing housing, with special attention to retaining historic structures and protecting historic areas.

H. Encourage compatible mixed-use development.

Goal 13: Protect areas near missile silos from encroachment and incompatible development.

Objectives:

A. Discourage intensive development, density increases, and further subdivision of land in the Yellow-coded Development Coordination Area (DCA). See Figure 2-1. The Development Coordination Map identifies three types of areas where development should be monitored and coordinated to determine any potential impacts to the military mission. There are two areaswhere no development should occur: the RYG Red Layer – LF (covering all land within a 1,200-foot radius of the Missile Launch Facilities) and the RYG Red Layer – MAF (covering all land within a 1,200-foot radius around the Missile Alert Facilities). The remaining RYG Yellow Layer covers lands within the communication (electronic "line-of-site" for transferring information between facilities) and transportation (helicopter flight paths between facilities) corridors where any development should be coordinated and monitored to ensure no impacts to the communication or transportation needs of the military.

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I. Encourage development proposals to coordinate plans with the Malmstrom Air Force Base (MAFB) if the proposed development indicates a potential for incompatibility with mission.

J. Maintain a formal process in concert with MAFB for coordinating the development review effort between Cascade County and MAFB.

A. Maintain local regulations for promoting compatible land use as recommended in the Joint Land Use Study (JLUS).

.

CHAPTER 5 – ECONOMIC CONDITION : POLICIES

1. Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities.

2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County.

4. Efforts should be made to discourage commercial strip development along major thoroughfares.

5. Efforts should be made to stabilize and develop employment and economic activity.

6. Environmental as well as economic perspectives should be considered in any future development.

8. Utilization of locally produced agricultural products and raw materials should be encouraged.

10. Aggressively develop, protect, and enhance the agricultural economy of Cascade County.

11. Encourage future development to locate on non-productive or marginally productive agricultural Land.

12. Minimize, to the greatest degree possible, the adverse social and environmental impacts of development and encourage beneficial effects of orderly growth.

14. Encourage economic activities to locate in those areas most economically, socially and environmentally appropriate, as determined by the County Planning Board and other public agencies.

15. Given the importance of MAFB to the economic vitality of the region, the potential reduction in Minuteman forces and the potential value of future flying missions at MAFB, it is vital for Cascade County to actively pursue the reopening of the MAFB runway. These efforts should include, but are not limited to, protecting the runway's Accident Potential Zones, as described in the 1994 Malmstrom AFB Air Installation Compatible Use Zone (AICUZ) Study, from encroachment by any non-compatible land uses. Additionally, the County Planning efforts should continue to maintain and implement the strategies addressed in the 2012 Joint Land Use Study.

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CHAPTER 6 –LOCAL SERVICE : POLICIES

6.7 Recreation and Tourist Trade

Policy - Encourage recreation and tourism, especially in the areas that are compatible with agricultural use.

General Policies:

4. Develop and upgrade sewer facilities as needed in Cascade County.

5. Promote adequate fire protection for rural Cascade County.

6. Using the subdivision review process, discourage development in areas where it is not economical for the county to provide services such as road maintenance, school bus service, fire, police protection, or snowplowing. Persons purchasing land in these areas should be informed, in writing, to the fact that some services may not be provided by the county.

7. Facilitate the appropriate development and maintenance of roads, public utilities, and community facilities.

CHAPTER 7: NATURAL RESOURCES

LANDSCAPE UNIT: 7.2 RIVERS, STREAMS, LAKES AND RESERVOURS

Lakes, streams, reservoirs, and rivers include water bodies either flowing or standing for all or most of the year. Included in this landscape unit are those lands immediately adjacent to water bodies which directly influence the physical, biological, and chemical properties of the water.

Policy: Since the rivers, lakes, streams and reservoirs are the highest priority landscape unit in terms of agriculture, aesthetics, wildlife habitat and recreation, development of water systems for domestic and agricultural uses should be subject to review by the Cascade Conservation District and should be in compliance with Montana's Stream Bank Preservation Act (SB310)

LANDSCAPE UNIT: 7.3 ALLUVIAL LOWLANDS

The alluvial lowlands are the plains and bottomlands occupying valley floors, which are the result of disposition of material by water. The floodplain is the major distinguishing feature of this landscape unit

Policy:

2. Subdivision of land for purposes other than agriculture will be discouraged, and will not be allowed in known or designated floodplains

7.5 Landscape Unit - Benches and Dissected Benches

The benches are made up of relatively flat or gently
sloping topographic surfaces and are generally considered to be former valley floors. Subsequent erosion by streams and rivers has caused these areas to stand higher than the present valley floors. Some benches in Cascade County have been dissected by erosion resulting in somewhat shallow, relatively complex drainage patterns. For the Cascade County Growth Policy both landscape units are combined.

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EXTENT AND DESCRIPTION
This landscape covers most of the northern half of the county and comprises the majority of the important wheat producing areas of the county. Benches flank a major portion of the lower Smith River drainage. The benches divide the Missouri and lower Sun River watersheds and include most of the area to the north of Great Falls and east to the foothills of the Highwood Mountains. To the south of Great Falls the benches are dissected by many drainages forming many coulees and extending to the foothills of the Little Belt Mountains.

VEGETATION
Cultivation accounts for much of the vegetation in this landscape unit. Dry-land farming, hay lands and grazing are the primary uses and alteration of the natural vegetation is the result. Native vegetation includes mostly grasses such as western wheatgrass, blue gamma grass and blue bunch wheatgrass.

WILDLIFE
Big game that can be found on the benches are antelope, mule deer and occasionally whitetail deer. Game birds include pheasant, partridge and grouse, all making extensive use of these areas for feeding and nesting grounds. A variety of small animals can also be found.

POLICIES
1. Since the existing land use of the benches and dissected benches landscape unit is predominately agriculture, special consideration should be given to protect this use.

2. Any development or change in the use of the land should be in a form suited to the natural lay of the land.

3. Since a wide variability of limitations exists, extensive on-site evaluations should be made before any proposed action is taken.

CHAPTER 8: Policy and Goal Implementation

8.2 Resource Protection Areas – Designation and Establishment

The following resource protection areas are hereby established as part of the Cascade County Growth Policy:
- Prime Agricultural Soils
- Forest Cover

8.3: Prime Agricultural Soil Area

The prime agriculture soils resource preservation areas are intended to contain those soil areas where it is necessary and desirable, (because of their high quality, availability of water, and/or highly productive agricultural and grazing capability), to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and to protect such land from encroachment by non-agricultural uses, structures or activities. Therefore, the prime agricultural soil preservation areas of Cascade County are those areas where the soils have been classified by the Natural Resources Conservation Service (NRCS), according to the NRCS definition of prime farmland or farmland of statewide importance.

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8.6 Subdivision Development Requirements

If a parcel larger than forty (40) acres is proposed to be subdivided and that parcel is determined to have twenty-five percent (25%) or more area coverage of either of the Resource Protection Areas (Prime Agricultural Soils or Forest Cover Areas), then subdivision approval shall only be granted by the Board of Cascade County Commissioners when it makes findings that the subdivision will not significantly reduce the defined Resource Protection Area's functions, or if all of the following criterion are complied with:

- The applicant can realize a reasonable return on the fair market value of his land only by devoting the resource protection areas to uses that will significantly reduce their defined area functions.
- The applicant has no other land reasonably suited for the subdivision.
- The subdivision has been designed to minimize the reduction of the Resource Protection Area's functions.
- The subdivision must not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or significantly reduce their functions.

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Notes on Draft Zoning Regulations

Joe Briggs

Section 2 Definitions

Agricultural Commodity

Grains are not listed.

Alcohol Distillery

The "and sold on-site for consumption with other beverages and food" phrase muddies the intent of the definition. It invalidates the rest of the definition if no onsite consumption occurs. If the intent is to allow limited sales on site in addition to the distillation process, this needs to be split into two sentences.

Heavy Industry is referenced under home occupation but not defined.

Livestock, small and large – we list examples of each but do not define the size that marks the boundary between species. Is there a weight, height or any measurement that can clarify this?

Micro-brewery

See comments about Alcohol Distillery

Additionally, a whiskey distiller would also fit under this definition as it contains no limit on the proof of the product being made, nor is there a requirement for the use of malt, nor a specification that a brewing/fermentation process be used rather than a fermentation/ distillation process.

Zoning administrator

This appears that there could be more than one.

Who names the "Zoning administrator"?

If a butcher shop also processes wild game, which definition controls?

7.1.0.4 Addition of impervious surfaces

What problem are we trying to fix here and how many existing parcels and uses will this impact?

7.2.0.4 Lot Coverage

We are drastically reducing the amount of lot that can be used for buildings going from a maximum of 40% only counting buildings to a new limit of from 10% to 30%. WHY and how many existing non-conforming will we create?

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Removed Campground, Recreational Vehicle Park as a principal use, went to MU 20 SUP and not allowed at all in MU 40?????

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Removed Junk Yard/Salvage operations, moved to MU 40 SUP with a minimum of 20 acres. How many existing non-conforming will be created?

Removed Oil and Gas Exploration, moved to MU 40 SUP. How do surface zoning regulations interface with subsurface mineral rights? Is it a taking if we prohibit exploration on a patented claim?

Removed Commercial propagation, boarding, grazing and butchering of animals and fowl, moved to MU 40 Principal. How many nonconforming will this create?

Removed light Mfg and Assembly entirely from the MU 20 and MU 40 entirely. I understand the situation of why this might be desirable, but we need to talk about the unanticipated operations that we might impact. For example, where would a custom welding/fab shop that built cattle guards or water tanks fit into the MU 20, MU 40 picture?

7.3.0.4 The lot coverage table is the same as it is in MU 20 seems very restrictive to some operations.

7.4.8 I am concerned about the requirement of Firearms retailer requiring a SUP in a commercial district. What is the rational for treating them differently from other retailers? Given that many retailers sell guns and ammo as a part of a much broader line of business, I do not think this is an appropriate added condition. I think it should be a principal use.

7.5.0 I-1 District The existing subsection numbers should be struck thorough to aid in reading.

7.5.1.9 Permitted principal uses

I would like to see Firearms dealers/retailers/repair and Firearms Manufacturers added to the list of principal uses.

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Why is vehicle repair removed from Principal use and moved to SUP?

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8.20 Light Industrial

i) Why are we limiting the hours of operation within I-1 areas?

9.1 If the commission does not appoint the zoning administrator, who does?

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Bloom	406-459-2618	Stores Havre/ Choteau/ highline delivery
Diamond Leaf	406-590-1525	Great Falls.
Elevated	406-799-9989	store Great Falls/ Billings
Feel Good Medicine	406-451-2797	Bozeman/Great Falls
Great Northern Natural Care	406-333-3000	Great Falls, Great Falls/ Havre
Green Creek	406-750-7152	Great Falls Store
~~Green Realeaf~~	~~406-399-6573~~	~~Havre Store~~
Herbal Bliss	406-965-2241/406-781-4864	Great Falls/ Highline/ Havre/ Store
Holistic Relief	406-591-0660	Store Great Falls/ Billings
Jason Rukvina	406-231-9443	Great Falls
KannaKare	406-582-0970	Great Falls/ Bozeman/Miles City/ Billings
Last Chance Cannabis	406-600-2273	Helena/Great Falls
Lifty	406-223-1368	statewide delivery
Mammaz	406-309-2380	Store Cutb: Cutbank/Kalispell
Montana Dispensary	406-219-7220	Statewide Delivery
Montana R Cannabis	406-399-6573	Delivery
New Roots	406-600-4662	Bozeman/(Great Falls/Havre Highline
Rocky Mtn. Remedies	406-788-7758	great Falls Store/ Delivery
Silverleaf	406-[redacted]	Great falls delivery

9 Leaf

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Payton, Ian

From: Stone, Michael
Sent: Wednesday, October 24, 2018 3:23 PM
To: Payton, Ian
Attachments: Ag Scenario Planning Map.pdf

Michael Stone
Planner
Cascade County Planning Division
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

Cascade County Planning Division
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Payton, Ian

From: Clifton, Brian
Sent: Thursday, October 25, 2018 5:39 AM
To: Stone, Michael
Cc: Payton, Ian
Subject: RE: Requested AG Map

Michael,

Any way to tell me the total number of parcels in the entire county within our jurisdictional area? So all county lots outside of any incorporated community regardless what is the zoning district?

Brian

From: Stone, Michael
Sent: Wednesday, October 24, 2018 5:02 PM
To: Clifton, Brian <bclifton@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>
Subject: RE: Requested AG Map

Yes, here's the numbers:

Total Nonconforming Ag parcels: 4195
Total Conforming Ag parcels: 7795
Total Ag parcels: 11,990
Percent Nonconforming Ag: 35%
Percent Conforming Ag: 65%

Also, I've included a revised map. This map includes 50 additional parcels that are nonconforming because the initial query selected parcels zoned AG and less than or equal to 19.9 acres. This map selects those zoned AG and less than 20 acres. This difference in the query was of substance.

-Michael

From: Clifton, Brian
Sent: Wednesday, October 24, 2018 4:39 PM
To: Stone, Michael <mstone@cascadecountymt.gov>
Cc: Payton, Ian <ipayton@cascadecountymt.gov>
Subject: Re: Requested AG Map

Any way to tell me number of parcels for each category and total number of parcels in our jurisdictional area so we can create a percentage?

Brian

On Oct 24, 2018, at 3:48 PM, Stone, Michael <mstone@cascadecountymt.gov> wrote:

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Brian,

The attached map shows parcels that are zoned as Agricultural placed into two categories: Parcels that are less or equal to 19.9 acres (NonconformingAG) and parcels that greater than or equal to 20 acres (ConformingAG).

-Michael

Michael Stone
Planner
Cascade County Planning Division
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905
<image001.png>

<Ag Scenario Planning Map 1.pdf>

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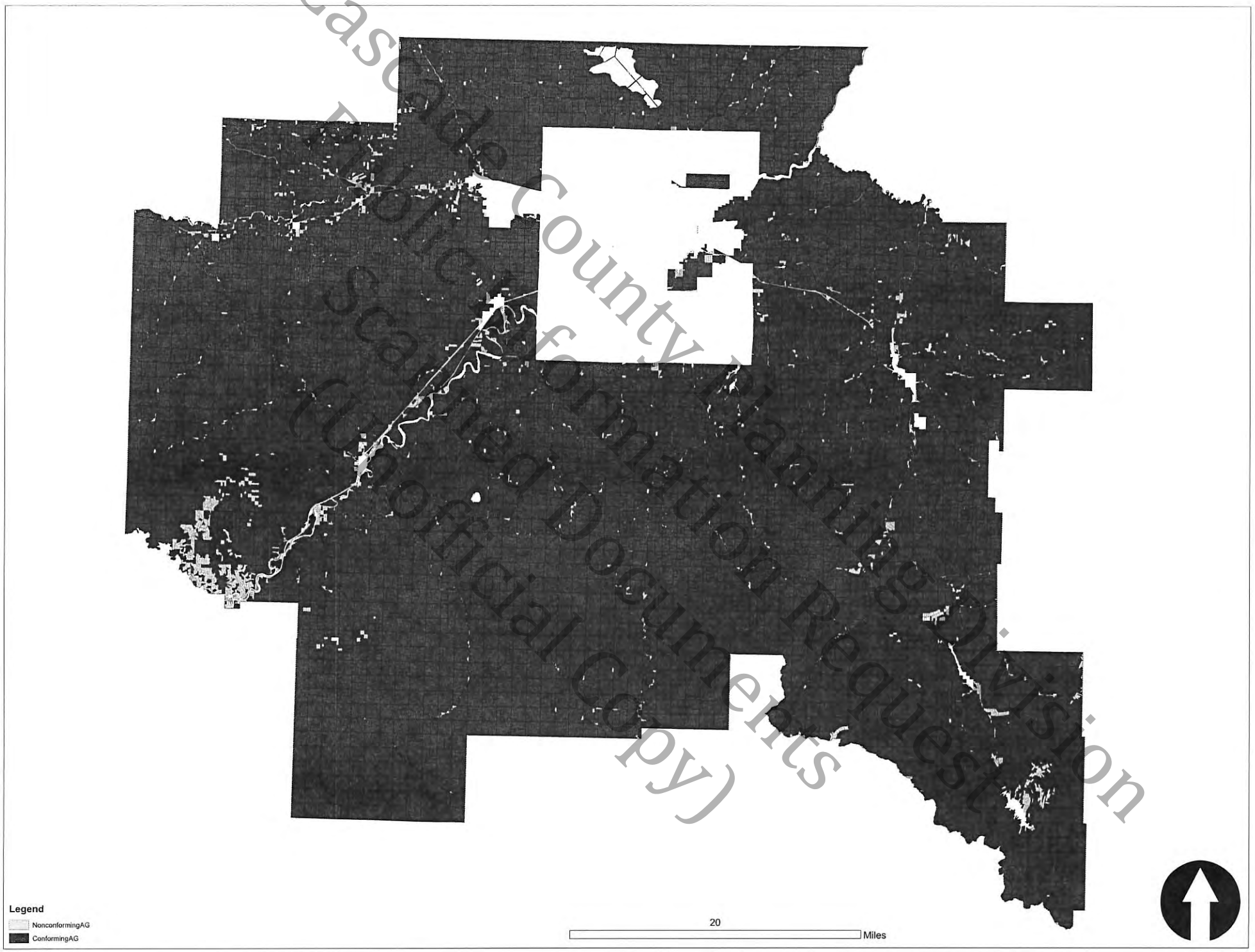

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Item	Detail	Parcel Count
Nonconforming Ag	Less than 20 acres	3941
Small Ag	Greater than or equal to 20 acres but less than 160 acres	4267
Large Ag	Greater than or equal to 160 acres	2604
Total Ag Zoning		10812
Total Zoning Parcels		26133

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Total Acreage	Average Parcel Size	Percent of Ag Zoning Parcels	Percent of Ag Zoning Acreage
26710	6.8	36%	2%
301974	70.8	39%	24%
927630	356.2	24%	74%
1256314	116.2	100%	100%
1406964	53.8		

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Percent of Total Parcels	Percent of Total Acreage
15%	2%
16%	21%
10%	66%
41%	89%
100%	100%

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Payton, Ian

From: Stone, Michael
Sent: Thursday, October 25, 2018 10:31 AM
To: Clifton, Brian; Payton, Ian; Hopkins, Sandor R.; Weber, Anna L.
Subject: Ag Zoning Map
Attachments: Ag Scenario Planning Map 3.pdf; AgDescStats.xlsx

Hello all,

The attached map shows all three categories of agriculturally zoned parcels as per our previous discussions. The legend in the bottom left corner provides a color guide to the parcels as well as a count for each type. The numbers reflected in this map are more accurate than the previous numbers because these exclude parcels outside of county jurisdiction (e.g. BLM land, FS land, etc.). I've also attached a spreadsheet with some descriptive statistics for the ag zoning parcels.

-Michael

Michael Stone
Planner
Cascade County Planning Division
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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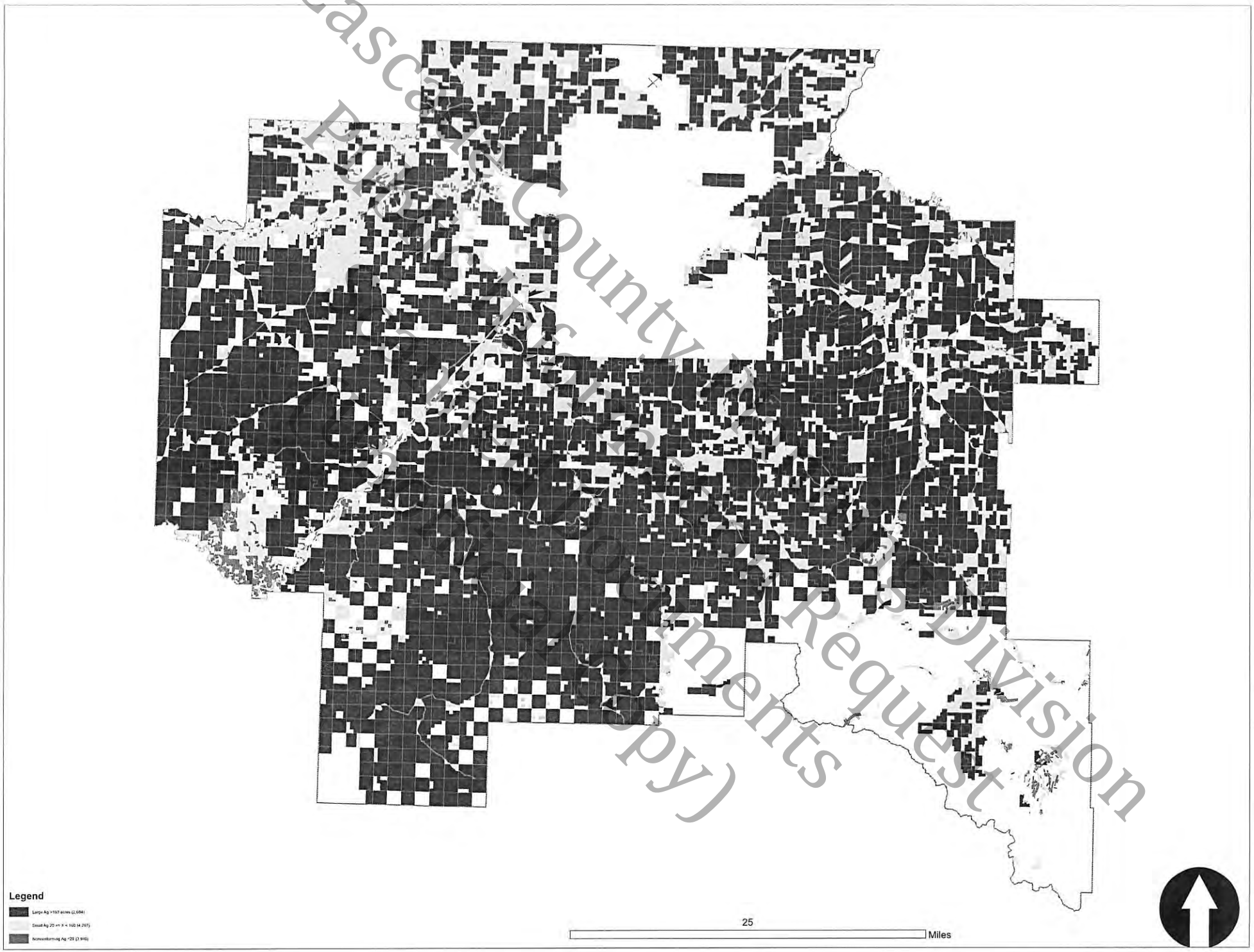

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Payton, Ian

From: Stone, Michael
Sent: Friday, October 26, 2018 10:01 AM
To: Payton, Ian
Subject: Zoning Table
Attachments: Zoning Table.xlsx

Michael Stone
Planner
Cascade County Planning Division
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

Cascade County Planning Division
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Payton, Ian

From: Hopkins, Sandor R.
Sent: Tuesday, December 4, 2018 3:28 PM
To: Stone, Michael; Ehnes, Anna L.; Payton, Ian
Subject: Wermling Assisted Living Facility

This is what Brian is talking about in his regs annotation for Kim Wermling. Permit is 050-011 and was specifically issued for a facility of 8 or less. I believe when we addressed this earlier this year the intention was to remove ourselves from the licensing process and leave those determinations to the State.

http://riversedgeasstlvg.com/

Sandor Hopkins
Cascade County Planner, CFM
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905

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Payton, Ian

From: Briggs, Joe
Sent: Wednesday, December 5, 2018 3:20 PM
To: Clifton, Brian; Haight, Carey; Payton, Ian; Racki, Joshua
Cc: Larson, James; Weber, Jane
Subject: Stillwater county Marijuana ordinance
Attachments: Medical marijuna ordinace - stillwater county.pdf

Stillwater county has passed an ordinance to control the location for cultivation, processing and sales of Medical Marijuana. It is attached for your reference.

Joe Briggs
Cascade County Commissioner

Cascade County Planning Division
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Payton, Ian

From: Briggs, Joe
Sent: Monday, January 7, 2019 11:47 AM
To: Clifton, Brian; Payton, Ian
Cc: Larson, James; Weber, Jane
Subject: My questions/comments on the zoning draft
Attachments: Notes on Draft Zoning Regulations jmb.docx

Ian, Brian,

Here are my questions/comments on the draft zoning regulation.

Not too bad just a little over 3 pages.

Joe Briggs
Cascade County Commissioner

Cascade County Planning Division
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Notes on Draft Zoning Regulations

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Payton, Ian

From: Weber, Jane
Sent: Tuesday, January 8, 2019 9:07 AM
To: Payton, Ian
Subject: Need until Friday

Ian – I am sorry but other things have come up and I need until Friday to finish review of Zoning regs.

****

Jane Weber
Cascade County Commissioner
Courthouse Annex
325 2nd Avenue North
Great Falls, MT 59401
Office Phone: 406-454-6814 (direct line)
Office Phone: 406-454-6810 (Administrative Assistant, Bonnie Fogerty)
Cell Phone: 406-781-0741

Cascade County Planning Division
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Payton, Ian

From: Weber, Jane
Sent: Sunday, January 13, 2019 4:11 PM
To: Payton, Ian
Cc: Clifton, Brian; Briggs, Joe; Larson, James
Subject: Review of Zoning Regulations

Ian – I completed my review of the proposed Zoning Regulation changes. My notations are on the hardcopy you provided and in a holeyjoe envelope in the internal mail/Planning box at the Courthouse Annex. I assume someone comes over to collect your mail every day.

Sorry that I was late in my review. Thank you for your patience and for the deliberate and thorough work you have done in your proposed edits.

My comments include: simple format suggestions, word edits, and some questions relating to the regulations. Please let me know when you'd like to discuss my comments, I am happy to review them with you personally. And please return my hardcopy when you are done using for your final draft edits.

I remain of the opinion that the Medical Marijuana Registered Premises and Medical Marijuana Testing Facility locations should be expanded to include I-1. It will be interesting to hear public comment on this issue, since the regulations will be open for public comment later this winter.

I believe the County needs to make these regulation changes very public after their review by the Planning Board. We need to be sure no one suspects the County of trying to slide something past without adequate opportunity to review and comment. Please be sure we do a good job with news releases and that posting these on the website in a very visible way once the Planning Board has reviewed too.

Thank you again for the opportunity to take a peek at the work you've been doing,

Jane Weber

****

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Mother Jones

Three States Passed Marijuana Legalization Measures Tuesday. Congress Might Finally Be Next.

Say goodbye to weed's biggest opponent on the Hill.

JACKIE FLYNN MOGENSEN NOVEMBER 12, 2018 6:00 AM

bubaone/Getty

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During a House Rules Committee debate in January, the chairman, Rep. Pete Sessions (R-TX), was blunt. "I, as probably everybody in this rooms knows, have a strong opinion on drugs, illegal drugs, alcohol," Sessions said while members argued over an amendment that would protect states with legal cannabis from federal interference. "Marijuana is an addictive product, and the merchants of addiction make it that way. They make it for addiction. They make it to where our people, our young people, become addicted to marijuana and keep going."

While mostly false—marijuana has been shown to be mildly addictive, but many patients rely on it as a medicine, to treat chronic pain and other ailments—it was a pretty typical statement from the congressman. Having served more than two decades in the House, Sessions had become a powerful, if not the most influential, opponent of marijuana on the Hill, halting dozens of measures related to legalization. But on Tuesday, he lost, and lost pretty big—by more than six points—to his Democratic challenger, civil rights attorney Colin Allred, to represent Texas 32.

In addition to losing Pete Sessions, Washington rid itself of the other Sessions last week—now former Attorney General Jeff Sessions (no relation)—and with that, two of the biggest roadblocks to legalizing marijuana are finally gone, boosted

by a blue wave that took the House and in turn created a more friendly environment for marijuana. Now, advocates are planning their attack.

With Democrats in control of the House, "the debate we're going to have is not should we legalize, but how we'll legalize marijuana," an optimistic Michael Collins, interim director of national affairs at the Drug Policy Alliance, tells *Mother Jones*. "We're closer than we've ever been."

Already 33 states have medical marijuana laws on the books, 10 allow adult recreational cannabis use, and 66 percent of the country supports legalizing marijuana, according to an October Gallup poll, including more than half of Republicans.

"Marijuana law reform is not a 'red' or 'blue' issue, it is a non-partisan position favored by most Americans, including those residing in the heartland of America," says Paul Armentano, the deputy director of marijuana advocacy group NORML, tells *Mother Jones*.

Even still, Congress has failed to pass any meaningful marijuana legislation in the past few years, and in the House that was in large part because of Rep. Sessions. In a blog post on Election Day, NORML political director Justin Strekal called Sessions the "single greatest impediment" in the chamber to the passage of "common-sense, voter-supported marijuana law reform measures." According to analysis by Tom Angell at *Marijuana Moment*, a cannabis news site, the House Rules Committee has blocked marijuana law reform proposals in at least 34 instances just in this congressional session, which began January 2017. During his career as Rules Committee chair, since 2013, Sessions thwarted amendments that would have expanded research on medical marijuana, allowed Native American tribes to participate in the cannabis industry, and enabled the federal government to tax marijuana sales, among other proposals, according to Angell.

"[Sessions] made it clear from day one of his House tenure that no marijuana amendments would be heard on the House floor," Armentano says. "He kept that promise."

Another key marijuana opponent, Rep. Bob Goodlatte (R-Va.), is also retiring in January. As chairman of the House Judiciary Committee, Goodlatte controlled the fate of bills relating to criminal justice. He blocked several pieces of cannabis legislation during his tenure, including the 2018 STATES Act, which would have officially protected states with marijuana laws from federal punishment, and was supported by President Donald Trump. (The president has actually voiced support for states' right to regulate cannabis independently.)

Replacing this old guard will be more than two dozen cannabis-friendly candidates who won their races, including Allred. "I support the use of medical marijuana as an alternative to the habit-forming opioids that have become a national crisis," Allred told *Politico* in March. "This common-sense approach to alternative treatments has been opposed by Pete Sessions, and is something I will fight to expand." In Virginia's 6th congressional district, Goodlatte will be succeed by Republican Ben Cline, who has sponsored, and passed, progressive marijuana legislation in the Virginia House of Delegates.

Advocates say they are eager to work with these members to pass all, and any, legislation they can. Some of their biggest goals include securing access to marijuana for veterans, allowing banks to accept money from state-legal cannabis businesses, and de-scheduling weed from its Schedule 1 status (the same category as heroin, LSD, and ecstasy), Armentano says.

"We've taken out a big opponent of marijuana and the House has flipped," Collins adds. "There's a world of possibilities out there for marijuana reform."

And with Attorney General Sessions out, advocates are hopeful Trump's new appointee will recognize where the public stands on marijuana and be open to the possibility of reform. "Sessions, no doubt about it, was a disaster on drug policy," says Collins. "[He had] very regressive positions on marijuana legalization, sentencing, and the opioid epidemic, and we're

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glad to see the back of him."

Boosting advocates' hopes even further, Election Day saw plenty of other victories for marijuana. Michigan approved recreational cannabis, while Missouri and Utah—both red states—passed ballot measures that will legalize medical marijuana. (Though, as I recently wrote, Utah lawmakers and backers of the ballot measure, under rather unique circumstances, agreed to pass a "compromise" bill ahead of the election, no matter the outcome of the vote.) And in Florida, voters passed Amendment 4, restoring voting rights to up to 1.4 million disenfranchised felons in the state, including tens of thousands convicted of marijuana-related offenses, according to NORML.

Of course, there are still plenty of hurdles left to jump—including the Republican-controlled Senate and White House, and there's nothing to indicate a new attorney general will actually be more friendly to legalization—but advocates again emphasize that cannabis legalization isn't, or shouldn't be, a partisan issue, especially because Trump has supported states making their own decisions about weed.

But, either way, advocates are doing their best to ensure that opposing legalization isn't a winning strategy. "Opposition on this issue—you're on the wrong side of history," Collins says. "There's a train coming in your direction and it's best to get on board."

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"This year, it really, really is the most important contest in decades," writes David Corn. Nothing less than American democracy is on the ballot. See the full list of our election stories here.

JACKIE FLYNN MOGENSEN

Jackie Flynn Mogensen is an assistant editor at *Mother Jones*. Reach her at jmogensen@motherjones.com.

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373985 MISC Page: 1 of 4
STATE OF MONTANA STILLWATER COUNTY
RECORDED: 11/20/2018 2:50 PM KOI: ORDINANCE
Heidi Stadel CLERK AND RECORDER
Fee: 0.00 BY: Heidi Stadel
TO: FILED

STILLWATER COUNTY

ORDINANCE 2018 - 01

AN ORDINANCE BY THE STILLWATER COUNTY BOARD OF COMMISSIONERS DECLARING THE OPERATION OF MEDICAL MARIJUANA STOREFRONTS TO BE PROHIBITED and PROVIDING FOR REGULATIONS TO REGULATE MEDICAL MARIJUANA PROVIDERS AND MARIJUANA-INFUSED PRODUCTS PROVIDERS WITHIN STILLWATER COUNTY, MONTANA

WHEREAS, establishments that grow, sell, and distribute medical marijuana or paraphernalia are currently permitted within certain zoning districts in Stillwater County;

WHEREAS, establishments that grow, sell, or distribute medical marijuana or paraphernalia could have detrimental effects on neighborhoods or on nearby schools or recreational facilities, and can immediately threaten the peace, property, health, safety, and welfare of the County and its inhabitants;

WHEREAS, marijuana is a controlled substance in Montana, and is defined as "all plant material from the genus cannabis containing tetrahydrocannabinol (THC), or seeds of the genus capable of germination" in Montana Code Annotated § 50-32-101(18);

WHEREAS, tetrahydrocannabinol is a hallucinogenic substance listed as a Schedule 1 dangerous drug under federal law at § 21 USC 812 and under state law at Montana Code Annotated § 50-32-222;

WHEREAS, one of the purposes of the "Montana Medical Marijuana Act" is to "give local governments a role in establishing standards for the cultivation, manufacture, and use of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions." Montana Code Annotated § 50-46-301(i);

WHEREAS, Montana Code Annotated § 50-46-302(8) defines "Local Government" as a "county, a consolidated government, or an incorporated city or town";

WHEREAS, Licensing for a Provider, a Marijuana-infused Products Provider, a dispensary, or a testing laboratory or an endorsement for chemical manufacturing is a privilege that the State may grant to an applicant and is not a right to which an applicant is entitled. Montana Code Annotated § 50-46-312(1).

WHEREAS, Montana Code Annotated § 50-46-312(3)(a) and (b) provides that the Department of Public Health and Human Services (Department) shall consider a county ordinance or resolution prohibiting an activity related to the medical use of marijuana or if the proposed registered premises would adversely affect the welfare of the people residing in or of retail businesses located in the vicinity for the county in which the provider is seeking licensing, in determining whether to accept an application for licensing;

WHEREAS, Montana Code Annotated § 50-46-312(4)(a)(i) and (ii) provides that the Department may deny a license or endorsement if the applicant's proposed registered premises or testing laboratory is not approved by local building, health or fire officials, or is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school.

WHEREAS, Montana Code Annotated § 50-46-312(4)(b) provides that the Department may not approve a license for a provider, marijuana-infused products provider, or dispensary if a local government has adopted an ordinance or resolution prohibiting the operation of dispensaries or storefront businesses as allowed under § 50-46-328.

WHEREAS, Montana Code Annotated § 50-46-328(1) provides that to protect the public health, safety, or welfare, the Local Government may by ordinance or resolution regulate a provider or marijuana-infused products provider that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of registered

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premises and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the Department or the Local Government.

WHEREAS, Montana Code Annotated § 50-46-328(2), provides that the Local Government may adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating dispensaries or as storefront businesses.

WHEREAS, the Stillwater County Board of County Commissioners has determined that pursuant to Montana Code Annotated §§ 50-46-328(1) and (2), the enactment of an ordinance providing regulations for a provider or marijuana-infused products provider that operates within Stillwater County and providing for the prohibition against marijuana provider and marijuana-infused provider storefront businesses within Stillwater County to be necessary to protect and preserve the public peace, health, safety and welfare of the County.

WHEREAS, violation of this ordinance is a misdemeanor punishable by incarceration and/or fines; and

NOW, THEREFORE, BE IT ORDAINED BY THE STILLWATER COUNTY BOARD OF COMMISSIONERS THAT the "Stillwater County Medical Marijuana Provider and Marijuana-Infused Products Provider Regulations" are adopted as set forth below.

Section 1. Prohibitions

1. No individual, partnership, association, company, corporation, limited liability company, or organization operating a medical marijuana business shall operate a storefront business to provide marijuana or marijuana-infused products to registered cardholders within Stillwater County. This includes a provider's "registered premises" and "dispensaries" if the registered premise or dispensary is being operated as a storefront business from those locations. This prohibition does not include the City of Columbus and its jurisdictional boundaries.

2. A medical marijuana provider or marijuana-infused products provider shall not operate a "registered premises" and/or "dispensary":

a. within 500 feet of a school, post-secondary school or pre-school as defined in Mont. Code Ann. §20-5-402;

b. within 500 feet of property owned by a school district or a post-secondary school;

c. within 500 feet of property leased by a school district or a post-secondary school when the property is being used for school-related purposes;

d. within 500 feet of buildings used exclusively as a church, synagogue, or other place of worship; or,

e. within 500 feet of a public park or a public recreation center within Stillwater County.

Section 2. Penalty

A court may enjoin a person from conduct found to be in violation of the regulations. A court may not impose any criminal sanctions for a violation of the regulations. Nothing in these regulations prohibit criminal prosecution otherwise governed by Title 45, Chapter 9, Montana Code Annotated or any other provision of State or Federal law.

Section 3. Enforcement

The County Sheriff shall be primarily responsible for the enforcement of the regulations. Regulation complaints shall be forwarded to the Sherriff's Office. The Sheriff's Office shall investigate the complaints. If the Sheriff's Office finds probable cause to believe that a violation has occurred, they may at their discretion either issue a warning to the person that advises the person to correct the situation or request the Stillwater County Attorney's Office file a civil complaint to force the person to comply with the regulations. The Sheriff's Office shall provide

373985 MISC Page: 2 of 4

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the Stillwater County Attorney's Office with the assistance it needs to successfully prosecute any civil complaint.

Section 4. Jurisdiction

The regulations apply to all locations and towns within Stillwater County that are outside of the jurisdictional limits of the incorporated city of Columbus.

Section 5. Definitions

"Dispensary" means a registered-premises from which a provider or marijuana-infused products provider is approved by the Department to dispense marijuana or marijuana-infused products to a registered cardholder.

"Marijuana" has the meaning provided in Mont. Code Ann. §50–32–101.

"Marijuana-Infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.

"Marijuana-Infused products provider" means a person licensed by the Department to manufacture and provide marijuana-infused products for a registered cardholder. The term does not include the cardholder's treating or referral physician.

"Post-secondary school" as defined pursuant to Mont. Code Ann. §20-5-403(6) means a community college, a unit of the Montana university system, or a private university or college.

"Preschool" as defined pursuant to Mont. Code Ann. §20-5-403(7) means a place or facility that provides, on a regular basis and as its primary purpose, educational instruction designed for children 5 years of age or younger and that:

a. serves no child under 5 years of age for more than 3 hours a day; and

b. serves no child 5 years of age for more than 6 hours a day.

"Provider" means a person licensed by the Department to assist a registered cardholder as allowed under the Montana Medical Marijuana Act. The term does not include the cardholder's treating physician or referral physician.

"Public Park" or "Park" means publicly owned open spaces designed for recreational activities that are characterized by unique scenery or other natural features of an aesthetic, historical, geological, archaeological or scientific nature or are designated as a "Park" by any governmental agency or are designated as such on a public record.

"Registered premises" means the location at which a provider or marijuana-infused products provider:

a. has indicated that marijuana will be cultivated, chemical manufacturing will occur, or marijuana-infused products will be manufactured for a registered cardholder; or

b. has established a dispensary for sale of marijuana or marijuana-infused products to a registered cardholder.

"Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

"Storefront" shall mean any commercial establishment, structure, vehicle, or building that is accessible or visible from a public road, sidewalk or right-of-way.

"School" as defined pursuant to Mont. Code Ann. §20-5-403(8) means a place or institution for the teaching of individuals, the curriculum of which is composed of the work of:

a. any combination of kindergarten through grade 12;

373985 MISC Page: 3 of 4

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b. a post-secondary school; or

c. a preschool.

"Youth center" means any facility that's primary purpose is to provide for a place of gathering of minors for recreation or social activities.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after passage and approval upon second reading of the Stillwater County Commissioners.

Date of First Reading and Approval:

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF STILLWATER COUNTY, MONTANA, this 7th day of November, 2018.

By: Dennis Shupak Date: 11-7-18
Dennis Shupak, Chair

By: Maureen Davey Date: 11-7-18
Maureen Davey, Member

By: [signature] Date: 11-7-18
Mark Crago, Member

ATTEST:
Heidi Stadel
Heidi Stadel, Clerk and Recorder

STILLWATER COUNTY COUNTY CLERK MONTANA

Date of Second Reading and Approval:

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF STILLWATER COUNTY, MONTANA, this 20th day of November, 2018.

By: Dennis Shupak Date: 11-20-2018
Dennis Shupak, Chair

By: Maureen Davey Date: 11-20-2018
Maureen Davey, Member

By: [signature] Date: 11-20-2018
Mark Crago, Member

ATTEST:
Heidi L Stadel
Heidi Stadel, Clerk and Recorder

STILLWATER COUNTY COUNTY CLERK MONTANA

373985 MISC Page: 4 of 4

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Payton, Ian

From: Weber, Jane
Sent: Monday, December 10, 2018 11:41 AM
To: Payton, Ian
Subject: RE: Review of Zoning Regulations Packet

Thank you, Ian.

****

Jane Weber
Cascade County Commissioner
Courthouse Annex
325 2nd Avenue North
Great Falls, MT 59401
Office Phone: 406-454-6814 (direct line)
Office Phone: 406-454-6810 (Administrative Assistant, Bonnie Fogerty)
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From: Payton, Ian
Sent: Monday, December 10, 2018 11:36 AM
To: Weber, Jane <jweber@cascadecountymt.gov>
Cc: Briggs, Joe <jbriggs@cascadecountymt.gov>; Larson, James <jlarson@cascadecountymt.gov>
Subject: RE: Review of Zoning Regulations Packet

Commissioners,
A comment return date of January 4th works. We are happy to receive comments prior to the 4th. Thank you for your time on this.

Sincerely,
Ian

From: Weber, Jane
Sent: Friday, December 7, 2018 9:15 AM
To: Payton, Ian <ipayton@cascadecountymt.gov>
Cc: Briggs, Joe <jbriggs@cascadecountymt.gov>; Larson, James <jlarson@cascadecountymt.gov>
Subject: Review of Zoning Regulations Packet

Ian – I understand that you would like comments on the Planning Department's work by next Friday, December 14. That is not a realistic time frame. The Commissioners have a meeting with the Legislators next week that is requiring us to write materials for presentation; we have additional meetings next week that take up time, and Commissioner Briggs is out of town this week and all next week.

I am sorry, but a 10-day turnaround is an unrealistic expectation for us to review a 178 page packet. I would suggest that we have comments back to you by January 4.

Commissioners Briggs and Larson, is that acceptable? I don't want to rush this review process.

Sincerely,
Jane

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Office Phone: 406-454-6810 (Administrative Assistant, Bonnie Fogerty)
Cell Phone: 406-781-0741

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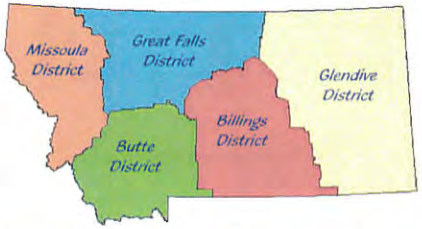
MDT
DEPARTMENT OF TRANSPORTATION



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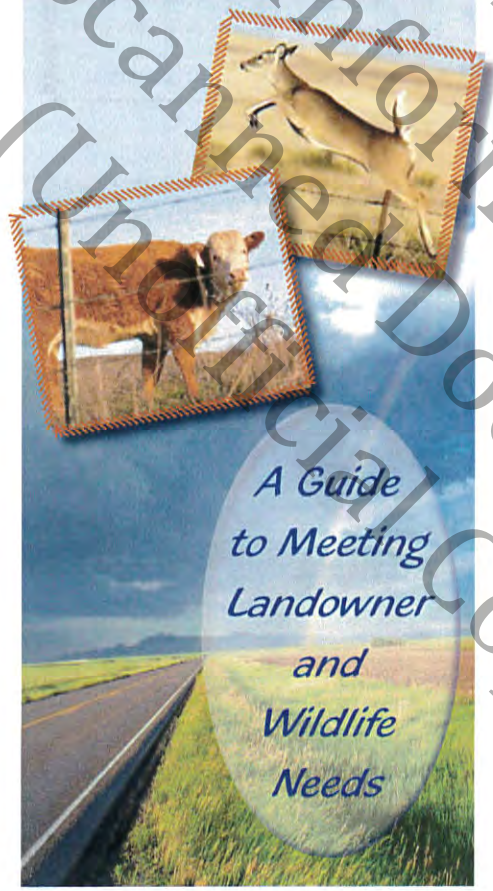
Updated 1/28/10

Wildlife Friendly FENCING

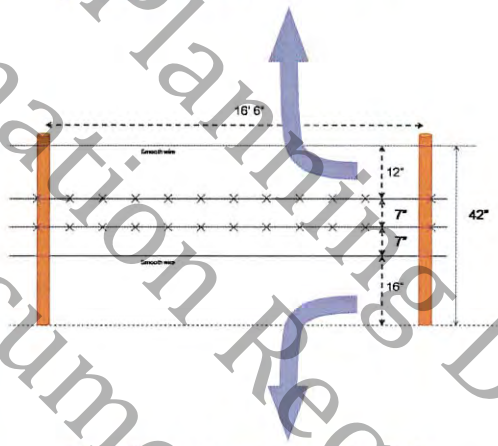


Wildlife Friendly FENCE DESIGN

Wildlife friendly fence design allows for:

- *Barrier-free wildlife movement, while containing domestic livestock.*
- *Reduces damage to the fence, thus reducing the need for maintenance or repair of the fence.*
- *Is designed to eliminate or substantially reduce the number of injuries and deaths to wildlife.*
- *Can reduce the number of animal/vehicle collisions by -*
  - *Reducing the time the animal spends in the Right of Way.*
  - *Restrains domestic livestock from entering the ROW.*
  - *Reduces the chance of animals being trapped in the ROW.*
- *Maintains habitat connectivity for wildlife.*

The 12" spacing between the top 2 wires reduces the chance of wildlife getting their feet entangled between the wires when jumping over the fence.



The 16" bottom opening allows for wildlife passage underneath the fence.

MCA 61-4-101 Legal fence defined

In contrast, traditional Right of Way fence design (5-wire, 6-wire, woven wire, etc.):

- *Impedes wildlife movement to winter/summer ranges, water, and essential forage.*
- *Can cause injuries or fatalities during attempts by wildlife to cross over or under the fence.*
- *Increases the likelihood of wildlife damage to the fence which increases maintenance requirements.*

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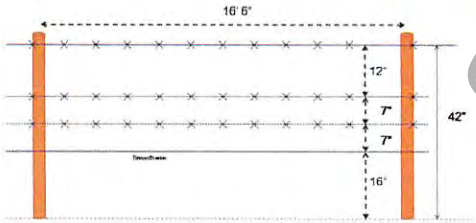
Montana is nationally known for its scenery and wildlife; including its big game populations of deer, antelope, elk, moose, bighorn sheep, and bears. Human/Wildlife related recreation brings in millions of dollars annually into Montana's economy. However, a sight no one enjoys seeing is wildlife entangled in a fence; distraught animals trapped between fences; young animals separated from their mothers; or wildlife herds blocked from following migration routes. The culprit -- fences designed without consideration for wildlife needs.

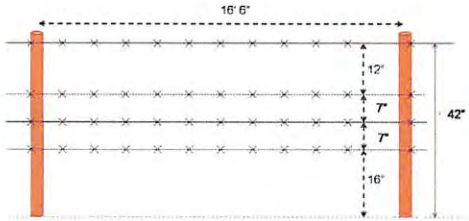
Wildlife can become entangled in wire fences that are too high for them to jump, have narrow spacing between wires, or that have bottom wires too low for wildlife to crawl under. Woven wire fence acts as a barrier to antelope which prefer to crawl under fences, and also creates barriers for young animals attempting to follow their mothers.

Optional Designs of Wildlife Friendly Fencing:

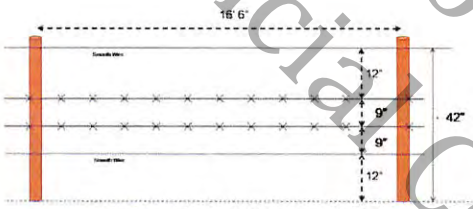
Modifications can be made to a wildlife friendly fence depending on the type of wildlife, land-use, and/or domestic livestock present. Below are a few options:



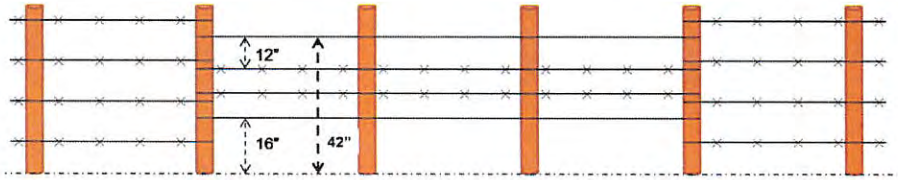
Top wire barbed



Top and bottom wire barbed



Bottom wire at 12": instead of 16"
(use only if antelope are not present)

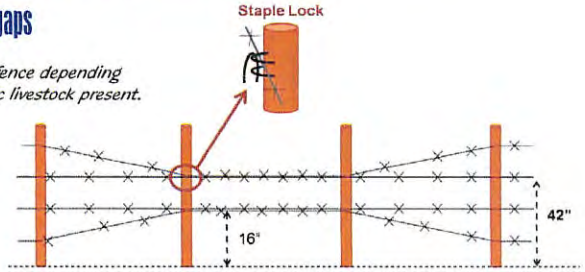


Wildlife friendly fencing at determined intervals and lengths.

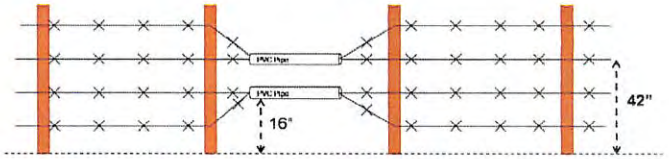
Other Optional Designs of Wildlife Friendly Fencing:

- **Temporary** *(seasonal when livestock are not present)*
- **Permanent wildlife passage fence gaps**

Modifications can be made to a wildlife friendly fence depending on the type of wildlife, land-use, and/or domestic livestock present. Below are a few options:



Top, bottom or both wires secured to next upper or lower wire to allow for animals to crawl under or jump over



Top, bottom or both wires secured to center wires with PVC pipe to allow for animals to crawl under or jump over.
Spacing of these under/over passages should be at least every 1/4 mile; placed in areas of known wildlife migration; or in areas of known concentrated wildlife movement

Common questions about wildlife friendly fencing:

- *Will wildlife friendly fencing serve my purpose?*
- *What design will work with cattle, sheep, horses, etc.?*
- *What design options are there for topography that varies from steep hillsides to level terrain?*
- *What wildlife species are present in this area?*
- *What are the daily, seasonal or regional wildlife movements in this area?*

MDT'S RESOURCES SECTION'S SUPERVISOR AND DISTRICT BIOLOGISTS ARE AVAILABLE TO ANSWER ANY QUESTIONS AND WOULD BE HAPPY TO ASSIST YOU IN WILDLIFE FRIENDLY FENCE DESIGN. CONTACT INFORMATION IS LISTED ON THE BACK OF THIS BROCHURE.

Other Resources:

There are many different designs and modifications to wildlife friendly fences. A good resource for landowners looking for additional information is Montana Fish, Wildlife and Park's guide entitled; "A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind" (http://fwp.mt.gov/wildthings/livingWithWildlife/tips.html) . If you would like a copy of FWP's wildlife fencing guide sent to you; please email Joe Weigand, Private Lands Wildlife Specialist, Montana Fish, Wildlife and Parks; at joweigand@mt.gov.

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Notes on Draft Zoning Regulations

Joe Briggs

Section 2 Definitions

Agricultural Commodity

Grains are not listed. Michael added

Alcohol Distillery

The "and sold on-site for consumption with other beverages and food" phrase muddies the intent of the definition. It invalidates the rest of the definition if no onsite consumption occurs. If the intent is to allow limited sales on site in addition to the distillation process, this needs to be split into two sentences. MS Broke it into two sentences Fixed 1/8/19

Heavy Industry is referenced under home occupation but not defined. - See heavy industrial

Livestock, small and large – we list examples of each but do not define the size that marks the boundary between species. Is there a weight, height or any measurement that can clarify this? Table was added

Micro-brewery

See comments about Alcohol Distillery

Additionally, a whiskey distiller would also fit under this definition as it contains no limit on the proof of the product being made, nor is there a requirement for the use of malt, nor a specification that a brewing/fermentation process be used rather than a fermentation/ distillation process. "Through a brewing process" added

Zoning administrator

This appears that there could be more than one. Zoning administrator through the board

Who names the "Zoning administrator"?

If a butcher shop also processes wild game, which definition controls?

Controls Seasonal

7.1.0.4 Addition of impervious surfaces

, storm water run off, environmentally conscious

What problem are we trying to fix here and how many existing parcels and uses will this impact?

7.2.0.4 Lot Coverage

We are drastically reducing the amount of lot that can be used for buildings going from a maximum of 40% only counting buildings to a new limit of from 10% to 30%. WHY and how many existing non-conforming will we create?

Michael did analasys

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* See what Jane says

Push to Transp. corridors

7.2.2 Permitted principal uses

- Push towards tourist

Removed Campground, Recreational Vehicle Park as a principal use, went to MU 20 SUP and not allowed at all in MU 40?????

Removed Commercial wind farms and power plants as a principal use? Went to MU 20 SUP and MU 40 principal use. Does this create any existing non-conforming?

7.2.4 Uses permitted with SUP

Changed to Slaughter house, always SUP

Removed Commercial propagation, boarding and Butchering of small animals, moved to MU 40 ~~principal~~ special use. How many nonconforming will this create? NONE

Removed commercial feed lots and CAF operations, moved to MU 40 SUP.

Removed Junk Yard/Salvage operations, moved to MU 40 SUP with a minimum of 20 acres. How many existing non-conforming will be created? None

Removed Oil and Gas Exploration, moved to MU 40 SUP. How do surface zoning regulations interface with subsurface mineral rights? Is it a taking if we prohibit exploration on a patented claim? GOOD QUESTION

- in Ag originally, not allowed in MU 20 due to it being more residential

Removed Commercial propagation, boarding, grazing and butchering of animals and fowl, moved to MU 40 Principal. How many nonconforming will this create? None & changed

Removed light Mfg and Assembly entirely from the MU 20 and MU 40 entirely. I understand the situation of why this might be desirable, but we need to talk about the unanticipated operations that we might impact. For example, where would a custom welding/fab shop that built cattle guards or water tanks fit into the MU 20, MU 40 picture?

Artisan shop or AG use

7.3.0.4 The lot coverage table is the same as it is in MU 20 seems very restrictive to some operations. Good

7.4.8 I am concerned about the requirement of Firearms retailer requiring a SUP in a commercial district. What is the rational for treating them differently from other retailers? Given that many retailers sell guns and ammo as a part of a much broader line of business, I do not think this is an appropriate added condition. I think it should be a principal use.

7.5.0 I-1 District The existing subsection numbers should be struck thorough to aid in reading.

7.5.1.9 Permitted principal uses

I would like to see Firearms dealers/retailers/repair and Firearms Manufacturers added to the list of principal uses.

7.9.8 Mixed Use

Why is vehicle repair removed from Principal use and moved to SUP?

Noise

- Should be subject to Pub input & Conditions

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→ Gravel pits

- Closer to residential & Commercial Districts

8.20 Light Industrial

i) Why are we limiting the hours of operation within I-1 areas?

9.1 If the commission does not appoint the zoning administrator, who does?

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SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in one district. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County Clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

4.1 "EXHIBIT A" ZONING MAP series or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County ". The map series consists of:

EXHIBIT A-1 "Cascade County Zoning Map" Full Extent

EXHIBIT A-2 "Cascade County Zoning Map" Enhanced Focus

EXHIBIT A-3 "Cascade County Zoning Map" Unincorporated Communities

EXHIBIT A-4 "Cascade County Zoning Map" Black Eagle

4.2 "EXHIBIT B" (Reference Section 15)

EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

EXHIBIT B-3 "Noise Zones"

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Division.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5	**Rural Residential District 5**	**Page 60**
SR 1	**Suburban Residential District 1**	**Page 63**
SR 2	**Suburban Residential District 2**	**Page 63**
UR	**Urban Residential District**	**Page 65**
~~**A**~~	~~**Agricultural District**~~	~~**Page 67**~~
MU-20	**Mixed Use – 20**	**Page xx**
MU-40	**Mixed Use – 40**	**Page xx**
C	**Commercial District**	**Page 74**
I-1	**Light Industrial District**	**Page 80**
I-2	**Heavy Industrial District**	**Page 84**
MH	**Mobile Home District**	**Page 85**
OS	**Open Space District**	**Page 88**
PUD	**Planned Unit Development District**	**Page 89**
MU	**Mixed–Use District**	**Page 90**
MOD	**Military Overlay District**	**Page 153**
FOD	**Flood Road Overlay District**	**Page 157**

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recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year.

ZONING ADMINISTRATOR

A county staff member charged with enforcing zoning regulations.

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

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belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.

WILD GAME PROCESSING FACILITY

A building where any game animal, bird, or fish (as defined by 87-6-101, MCA) are butchered and packaged as a commercial service for distribution to the legal hunter and/or fisher responsible for the kill.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devises as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NON-COMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORKFORCE HOUSING, PERMANENT (LABOR CAMP)

A place, area, or piece of land where housing is provided for two (2) or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees; (b) supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees; (c) disburses wage payments to such employees.

WORKFORCE HOUSING, TEMPORARY (LABOR CAMP)

A facility as described under Permanent Workforce Housing except that it provides temporary or seasonal housing for two (2) more employees.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community

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kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

VETERINARY CLINIC, LARGE ANIMAL

A clinic that specializes in the care and treatment of large animals and livestock.

VETERINARY CLINIC, SMALL ANIMAL

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WHOLESALE

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

WHOLESALE FEEDLOT (FEEDLOT)

A lot, structure, building or confined area used intensively for raising or keeping of livestock

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process of a manner that enhances its value, as demonstrated through a business plan (such as organically produced products); (3) the physical segregation of an agricultural product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system utilized, for example, in non-GMO products).

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL

A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and

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TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UNCLASSIFIED USE PERMIT

The Unclassified Use Permit is a permit issued to an applicant by the Cascade County Planning Division after approval from the Zoning Board of Adjustment allowing a particular use, structure or activity not allowed as a matter of right regardless of the underlying zoning district.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes public and private: pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public and private: water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY

Any facility in which one or more agricultural commodities are physically processed in such a way that results in a value-added agricultural product and is not otherwise defined in these regulations.

VALUE-ADDED AGRICULTURAL PRODUCT~~VALUE-ADDED (AGRICULTURAL COMMODITIES)~~

~~The process of taking a raw agricultural commodity and changings its form to produce a higher quality end product.~~
An agricultural commodity that has undergone any one or more of the following processes: (1) a change in the physical state or form of the commodity (such as milling wheat into flour, curdling milk in the production of cheese, melting honeycombs to make beeswax); (2) a production

Is this where the oils from hemp are in?

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Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (~~MCA)~~ 50-51-102, MCA).

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office ~~(MCA)~~ 76-3-103(16)(a), MCA.

TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

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STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title a condominium. The term also means area, regardless of its size, that provides or will provide multiple space for rent or lease on which recreational camping vehicles or mobile homes will be placed. (76-3-103(15), MCA).

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

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A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (~~Source:~~ 75-7-103, MCA).
A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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District Regulations as a special use and a special use permit is issued by the Cascade County Planning Division upon approval of a Special Use Permit by the Cascade County Zoning Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STICK-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

STORAGE FACILITY, SELF-SERVICE

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing.

STORM WATER

Water from a rainfall event or melting snow that flows over the ground surface.

STORM WATER DETENTION STRUCTURE

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SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage.

SLAUGHTERHOUSE

A building or~~,~~ structure~~, or facility~~ where livestock ~~and/or fowl~~ is slaughtered, butchered, prepared, and packaged ~~and prepared~~ for distribution or storage and/or on-site sales~~to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.~~

CAN I KEEP ANIMALS ON SITE ALIVE?

SMALL EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, that is used or is intended for renting, selling, and/or repairing small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SOLID WASTE DISPOSAL SITE

"Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. (75-10-103(7) (a), MCA).

SOLID WASTE TRANSFER STATION

"Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility. (ARM 17.50.403(51))

SPECIALTY SALES

A place and/or building, or portion thereof, that is used or is intended for wholesale or retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special use permits may be permitted in a zoning classification district if a specific provision for such special use is explicitly listed in the Zoning

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More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

An advertising sign is a sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

Freestanding Sign

A sign without props. An example is a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

Wall Sign

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the exterior walls of buildings.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

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sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult Motel

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment which, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

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RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RUNWAY

The paved, graveled, or dirt surface of an airport landing area.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, and the like.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book Store/Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RESIDENTIAL USE

Any regular use by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. Activities within land areas used predominately for housing.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., SR-1, SR-2, RR-5, UR, MU).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RETAIL

An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering of services incidental to the sale of such goods.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide an independent dwelling unit, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIDING AND ROPING ARENA

A private arena used for personal use or for small equestrian or rodeo events with twenty-five (25) or fewer participants.

Cascade County Planning Division
Public Information Request
(Scanned Documents
Unofficial Copy)

Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RENDERING PLANT

A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-build homes, manufactured homes and stick-build homes, but excludes mobile homes.

RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO-FAMILY

A single building that is situated on one lot and contains two dwelling units.

Cascade County Planning Division
Public Information Request
Scanned Documents
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not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary dweling unit for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home and the like.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International

Cascade County Planning Division
Public Information Request
Scanned Documents
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engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the State of Montana, including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the State of Montana, the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC INSTITUTION

A facility that provides a public service and is operated by a federal, state, or local government, public utility, public or private school or college, church, or public agency.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but

Cascade County Planning Division
Public Information Request
Scanned Documents
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POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

POWER PLANT, SOLAR

"Solar Power Plant," means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE

To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

PRINCIPAL LAND USE

The dominant land use of a parcel of land.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer,

Cascade County Planning Division
Public Information Request
Scanned Documents
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PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10),MCA).

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

POLE SIGN

See Sign, Freestanding Sign.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORCH

A part of a building with a roof of its own that covers an entrance.

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition. For solar energy see Power Plant, Solar.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

Cascade County Planning Division
Public Information Request
Scanned Documents
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A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMIT

A document issued by the Zoning Administrator or their designee of the Cascade County Planning Division which records all land use decisions, which are made by Cascade County on a land use application. These include but are not limited to Location/Conformance Permits, Special Use Permits, Unclassified Use Permits, and Home Occupation Permits.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

PERMISSIVE CODE

Any use not specifically permitted or otherwise provided for, is not permitted.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

Cascade County Planning Division
Public Information Request
Scanned Documents
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of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes non-motorized race tracks, and amphitheaters.

OUTDOOR SPORTS AND RECREATION

A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, paintball fields, firearms ranges, archery ranges, and the like.

OUTFITTER/GUIDE FACILITY

A facility that:

(a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;

(b) furnishes sleeping accommodations to guests;

(c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in 37-47-101; and

(d) is a small establishment or a seasonal establishment (~~MCA)~~ 50-51-102(7), MCA.

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

Cascade County Planning Division
Public Information Request
Scanned Documents
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management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity, or product that is not sold, conducted, or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

ON-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity, or product that is sold, conducted, or offered for sale on the premise where the sign is located.

OIL AND GAS EXPLORATION, DRILLING AND PRODUCTION

Oil and gas exploration, drilling, and production within new or established oil and gas fields outside of urban areas.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation

Cascade County Planning Division
Public Information Request
Scanned Documents
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NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-INSTRUMENT RUNWAY

A runway other than instrument runway.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NON-RESIDENTIAL USE

Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, or industrial purposes rather than private dwellings.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Manufactured Home.

MOTEL

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, tourist court and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

"Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal. (75-10-501(5), MCA).

MOTOR VEHICLE WRECKING FACILITY

"Motor vehicle wrecking facility" means:

(i) a facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(ii) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. (~~MCA)~~75-10-501(6)-(a), MCA.

MOTORIZED SPORTS ENTERTAINMENT

A place and / or structure or portion thereof that is used for outdoor spectator type uses or events for motorized vehicles. This term includes the racing of snowmobiles, cars, trucks, motorcycles, buses, and tractors and the like. This definition includes, but is not limited to motocross, mud bog events and demolition derbies.

MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

MICRO-BREWERY

~~A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.~~
A place and/or building, or portion thereof, that is used or intended for the production, packaging, and distribution of beverage grade alcohol from the fermentation of grains, fruits, vegetables, honey and the like sold on-site for consumption along with other beverages and food.

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY – See Storage Facility, Self-Service

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

Cascade County Planning Division
Public Information Request
Scanned Documents
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MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The North American Vertical Datum of 1988 to which the base flood elevations are referenced.

MEDICAL MARIJUANA REGISTERED PREMISES

A place, structure, and/or building where a provider or marijuana-infused products provider: (a) has indicated that marijuana will be cultivated, chemical manufacturing will occur, or marijuana-infused products will be manufactured for one or more registered cardholders; or, (b) has established a dispensary for sale of marijuana or marijuana-infused products to one or more registered cardholders. "Provider," "marijuana-infused products," "marijuana-infused products provider," "chemical manufacturing," "dispensary," and "registered cardholder" all have the meanings defined in 50-46-302, MCA. A registered premises is only allowed in an I-2 District (Heavy Industrial District). ~~**MEAT PACKING PLANT**~~

~~A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limite to chickens, cattle, pigs, sheep and other livestock or fowl.~~

MEDICAL MARIJUANA TESTING FACILITY

A building where one or more qualified persons, licensed by the Montana Department of Health and Human Services and meeting the requirements of 50-46-311, MCA, provides testing of small samples of marijuana and marijuana-infused products and provides information regarding the chemical composition, the potency of a sample, and the presence of molds or pesticides in a sample. "Marijuana" has the meaning defined in 50-32-101, MCA, and "marijuana-infused products" has the meaning defined in 50-46-302, MCA. A testing facility is only allowed in an I-2 District (Heavy Industrial District).

~~**MEDICAL MARIJUANA DISPENSARY**~~

~~A facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations.~~

~~**MEDICAL MARIJUANA PROVIDER**~~

~~A Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) The term does not include the cardholder's treating physician or referral physician. (MCA)50-46-302 (10).~~

MEMBERSHIP CLUB

An organization catering exclusively to members and their guests in premises and buildings for

Cascade County Planning Division
Public Information Request
Scanned Documents
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has a lot coverage of 0.25 or 25 percent (0.5 / 2 = 0.25).

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOT LINE, ZERO

A lot where the building is placed on or near one of the side lot lines.

LOT, WIDTH OF

The average width measured at right angles to the depth.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

Animals such as, but not limited to, horses, cows, emus, llamas, alpacas, ostriches, and the like.

LIVESTOCK, SMALL

Animals such as, but not limited to, goats, pigs, sheep, and the like.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, TOWNHOUSE / TOWNHOME

A lot defined as a properly recorded and deeded lot upon which a townhouse unit is located.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface

Cascade County Planning Division
Public Information Request
Scanned Documents
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LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, which is used or is intended for renting, selling, and/or repairing of large equipment that is normally stored out of doors; typical items would include trucks (greater than 26,000 GVW), vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 p.m. to 7:00 a.m.).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, ~~and~~ llamas, and bison~~uffalo~~, and excluding bees.

LIVESTOCK, LARGE

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INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD /SALVAGE YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs, cats or other domesticated animals over six months of age for the purpose of boarding, breeding, training, sale; or wholesale the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, pet shops, or animal shelters.

LANDING AREA

The area of the Airport used for the landing, taking off or taxiing of aircraft.

LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Administrator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

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Public Information Request
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A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, archery ranges and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture~~,~~ (predominantly from previously prepared materials)~~,~~ of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products~~, but excluding basic industrial processing~~.~~;~~ T~~t~~he term includes furniture production, metal fabrication, apparel manufacturing, printing, and publishing~~, and the like~~.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

~~Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.~~Land, structures, and/or buildings utilized for processes engaging in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, where the new product is finished in the sense of being ready for consumption or utilization in an advanced manufacturing process. Additionally, such industrial uses may be accompanied by research and development and/or the preparing, sorting, packaging, temporary warehousing, and distribution of products. This definition applies to uses not otherwise defined in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

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Public Information Request
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hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. (~~MCA)~~50-5-101(26~~5~~)~~-~~(a), MCA).

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in a~~n urban~~ residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

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Luminance in excess~~ive~~ of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRAVEL PIT

See Open-cut Mining Operation

GROUP DAY CARE HOME

"Group day-care home" means a private residence or other structure in which day care is provided to 7 to 12 children on a regular basis. (~~MCA~~)52-2-703(7), MCA.

GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

GUEST RANCH

A ranch ~~operated wholly or in part as a resort~~ that provides recreational activities including, but not limited to, hunting, horseback riding, fishing, hiking, biking, snowmobiling, or a working cattle ranch experience to its guests and day visitors~~offering horse-riding related activities as outdoor recreation opportunities~~, and offering only temporary rental accommodations for vacation use ~~by nonresidents~~.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

"Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies,

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A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

GARAGE, PRIVATE

A ~~B~~building that is intended to house vehicles and household items belonging to the owner of the subject property.~~principal residence.~~

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

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adoption, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAY CARE HOME

"Family day-care home" means a private residence in which day care is provided to three to six children on a regular basis. (~~MCA)~~52-2-703(6), MCA).

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security from which height is measured from natural grade.

FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

FIREARMS RANGE, INDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

FIREARMS RANGE, OUTDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is not located within a building or structure.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe.

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FORESTRY

To grow and harvest timber on a long production cycle (10 or more years). Trees farmed under shorter production cycles are considered crops.

FOWL, DOMESTIC

Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, turkeys and swans.

FOWL, WILD

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Fourplex

A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Apartment

A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Dwelling, Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.

EDUCATIONAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, ~~or~~ high school, or secondary education ~~:~~ (such as colleges, universities, community colleges, and vocational schools).

ENTOCULTURE

To farm raise insects or other non-aquatic invertebrates as a process of producing a commodity or multiple commodities.

EQUINE PRODUCTION

To raise members of the equine family (*equus* genus) as a process of producing a commodity or multiple commodities.

EVENT CENTER

A publically or privately owned structure or area used for the purposes of public performances, private receptions or parties, professional conferences, or similar draws.

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or

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The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DISTILLERY

Establishment engaged in manufacturing, assembly, fabrication, packing or industrial processing of products from raw materials including the chemical transformation of materials or substances into new products, and blending of materials including liquors.

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

Dwelling, Single family

Detached dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

Dwelling, Multi-family

A dwelling unit that is part of a structure containing two or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

Duplex

A building designed as a single structure, containing two separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Triplex

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

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Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

CROP PRODUCTION

To grow crop plants as a process of producing a commodity or multiple commodities; mainly food and/or fiber products. This includes farms, orchards, groves, greenhouses, and nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds.

COMMODITY

An unprocessed material or other natural resource that is intended for sale or exchange. This includes, but is not limited to, crops, minerals, livestock, insects, or fish.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

DAY CARE CENTER

"Day-care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis. (~~MCA)~~ 52-2-703(3)~~-~~(a), MCA).

DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

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A congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. ~~(MCA)~~50-5-101(7), MCA.

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Concentrated animal feeding operation-means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. ~~(MCA)~~75-5-801(2), MCA.

CONDOMINIUM

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

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Public Information Request
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each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis. ~~(MCA)~~ (76-2-412, MCA).

Definition of community residential facility. "Community residential facility" means:

(1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;

(2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in ~~(MCA)~~52-2-602, MCA;

(3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;

(4) a licensed adult foster family care home; or

(5) an assisted living facility licensed under ~~(MCA)~~50-5-227, MCA. ~~(MCA)~~76-2-411, MCA.

Community group home

"Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202(1), MCA).

Youth foster home

"Youth foster home" means a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards. (52-2-602(12),MCA).

Youth group home

"Youth group home" means a youth care facility in which substitute care is provided to 7 to 12 children or youth. ~~(MCA)~~(52-2-602(13), MCA).

Halfway house

"Halfway house" means a community residential facility for treatment of substance use disorders. (ARM 37.106.1413(17)).

Adult foster family care home

"Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (50-5-101(5) (a), MCA).

Assisted living facility

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A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CO-LOCATION

Placing more than one exterior transmitting or receiving device on one Telecommunications facility/structure at one location.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned

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Public Information Request
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BUTCHER SHOP

A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from preprocessed carcausses.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

CAMPGROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under 23-5-1, MCA ~~(MCA)Title 23, Chapter 5, Part 1~~ (except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law.

"Casino" means any and all establishments that offer legalized gambling authorized under 23-5-1, MCA, ~~(MCA)Title 23, Chapter 5, Part 1,~~ et. seq., and where any one of the following characteristics applies:

(1) the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
(2) five or more gambling machines are on the premises; and/or
(3) a card table is on the premises.

CEASE AND DESIST NOTICE

A notice issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

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Public Information Request
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"Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

(a) breakfast is served and is included in the charge for a guest room; and

(b) the number of daily guests served does not exceed ~~(MCA) 18.~~ 50-51-102, MCA.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BREEZEWAY

A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUFFER YARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

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Public Information Request
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A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APIARY

A place where bee colonies are kept.

APICULTURE

To raise bees through the maintenance of one or more apiaries as a process of producing a commodity or multiple commodities.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

AQUACULTURE

To farm raise or produce aquatic animals or plants, in controlled or selected aquatic environments, as a process of producing a commodity or multiple commodities.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include paintings, sculptures, taxidermy, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST

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Public Information Request
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A Change or Rearrangement of the structural parts in the existing facilities; or

An Enlargement or Addition on a building or structure; or

Moving a building or structure from one location or position to another.

ALTERATION, STRUCTURAL

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL PRODUCTION

To raise animals as a process of producing a commodity or multiple commodities. This includes livestock ranching/farming on open range pasture, equine production, apiculture, aquaculture, entoculture.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and raccoon.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANIMAL THERAPEUTIC FACILITY

Therapy that involves individuals interacting with animals, most frequently horses using specially-trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including children with autism. Examples are therapeutic horseback riding or hippotherapy.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

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~~products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.~~
The use of land for crop production, animal production, aquaculture, apiculture, entoculture, or forestry.

AIRPORT

An area or building, or portion thereof, that is used, intended, or designed for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of the same.

AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

ALCOHOL DISTILLERY

A place and/or building, or portion thereof, that is used or intended for the production, packaging, and distribution of beverage grade alcohol from the distillation of fermented grains, fruits, or vegetables and sold on-site for consumption along with other beverages and food.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure:

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ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal.

ADULT-ORIENTED BUSINESS (SEE SEXUALLY-ORIENTED BUSINESS)

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

AGRICULTURAL COMMODITY

Any commodity produced from an agricultural use. This includes, but is not limited to, livestock, raw milk, soybeans, hay, corn, timber, honey, fish, fruits, vegetables, crickets, or oil seeds.

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

AGRICULTURAL USE

~~The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock~~

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SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows. Unless specifically defined in this section, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Words used in the present tense include the future and the plural includes the singular. The word lot includes the words plat, tract or parcel. The word building includes the word structure. The words shall and must are intended to be mandatory. Occupied or used shall be considered as though followed by the words "or intended", "arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

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Public Information Request
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(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

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Public Information Request
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The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

1.2 Interpretation, Conflict with Other Laws

1.2.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare.

1.2.2 Whenever the requirements of these regulations are at variance with itself or the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.2.3 If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will only affect ~~only~~ the part held invalid.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

Montana Code Annotated § 76-2-203 (2015~~5~~7). Criteria and guidelines for zoning regulations.

(1) Zoning regulations must be:

(a) made in accordance with the growth policy and

(b) designed to:

(i) secure safety from fire, and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the Board of County Commissioners shall consider:

(a) reasonable provision of adequate light and air:

(b) the effect on motorized and non-motorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 1. PURPOSE

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

1.1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

1.1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;

1.1.3 To establish adequate standards for the provision of light, air, and open spaces;

1.1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

1.1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

1.1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

1.1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;

1.1.8 To fix reasonable zoning standards to which buildings and structures shall conform;

1.1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;

1.1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

1.1.11 To isolate or control the location of unavoidable nuisance producing uses;

1.1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and

1.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

Cascade County Planning Division
Public Information Request
Scanned Documents
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18.10 REVOCABILITY 18975164

NOTE: MONTANA CODE ANNOTATED HAS BEEN SHORTENED TO "MCA**" THROUGHOUT THESE REGULATIONS.

ADMINISTRATIVE RULES OF MONTANA HAS BEEN SHORTENED TO "**ARM**" THROUGHOUT THESE REGULATIONS.

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Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

13.2.3 PROSECUTE 16375138
SECTION 14. PROCEDURES FOR AMENDMENT 16475139
14.1 APPLICATION 16475139
14.1.1 APPLICATION REQUIREMENTS 16475139
14.2 HEARING BEFORE THE PLANNING BOARD 16675141
14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS 16675141
14.3.1 NOTICE OF A PUBLIC HEARING 16675141
14.3.2 BOARDoard OFof COUNTYounty COMMISSIONERSommissioners 16675141
14.4 ACTION AFTER HEARING 16675141
14.4.1 AFTERfter THEthe PUBLICpublic HEARINGhearing 16675141
14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION 16775142
14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE 16775142
SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT 16875143
15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT 16875143
15.1.1 ESTABLISHMENT OF ZONES 16875143
15.1.2 HEIGHT LIMITATIONS 17075145
15.1.3 TRANSITIONAL ZONES 17075145
15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE 17175146
15.1.5 NON-CONFORMING USES: 17175146
15.1.6 AIRPORT AREA PERMITS 17275147
15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE 17375148
15.1.8 APPEALS 17475149
SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD) 17875153
16.1 MAFB RUNWAY AREA 17875153
16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS) 17975154
16.3 EXCEPTIONS 17975154
SECTION 17 FLOOD ROAD OVERLAY DISTRICT (FOD) 18275157
17.1 INTENT 18275157
17.2 PERMITTED USES 18275157
17.3 USES ALLOWED WITH A SPECIAL USE PERMIT 18375158
17.4 PROHIBITED USES 18375158
SECTION 18 UNCLASSIFIED USE PERMITS 18575160
18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT 18575160
18.2 PUBLIC NOTIFICATION 18675161
18.3 EXPIRATION 18675161
18.4 EXISTING VIOLATIONS 18675161
18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES 18675161
18.6 OPERATIONS 18875163
18.7 STAFF REVIEW 18875163
18.8 ZONING BOARD OF ADJUSTMENT REVIEW 18875163
18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 18975164

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE 14975124
9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE 14975124
9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION 15075125
9.5.5 LIMITATIONS ON ISSUING A VARIANCE 15075125
9.5.6 IMPOSITION OF CONDITIONS 15075125
9.5.7 AIRPORT HEIGHT VARIANCES 15075125
9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES 15075125
9.5.9 STAFF REPORT CONTENT 15175126
9.5.10 EFFECT OF APPROVAL 15175126
9.5.11 EXPIRATION OF APPROVAL 15175126
9.5.12 APPEAL 15175126
SECTION 10. STANDARDS FOR SPECIAL USE PERMITS 15275127
10.1 GENERAL PROVISIONS 15275127
10.2 REQUIRED PLAN 15275127
10.3 PUBLIC NOTIFICATION 15375128
10.4 EXPIRATION 15375128
10.5 EXISTING VIOLATIONS 15475129
10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES 15475129
10.7 OPERATIONS 15575130
10.8 STAFF REVIEW 15575130
10.9 ZONING BOARD OF ADJUSTMENT REVIEW 15575130
10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 15675131
10.11 REVOCABILITY 15675131
SECTION 11. NON-CONFORMING USES AND STRUCTURES 15775132
11.1 ALTERATIONS AND ADDITIONS 15775132
11.2 NATURAL DISASTER 15775132
11.3 DISCONTINUANCE 15775132
11.4 CHANGES 15775132
11.5 DISPLACEMENT 15875133
11.6 DISTRICT CHANGES 15875133
11.7 NATURAL RESOURCES PROTECTED 15875133
11.8 EXISTING PLATTED SUBDIVISION 15875133
SECTION 12. ZONING BOARD OF ADJUSTMENT 15975134
12.1 CREATION OF ZONING BOARD OF ADJUSTMENT 15975134
12.2 MEETINGS, RULES 15975134
12.3 APPEALS TO BOARD OF ADJUSTMENT 15975134
12.3.1 APPEAL FEE 15975134
12.3.2 APPEAL PROCEEDINGS 16075135
12.3.3 BOARD APPEAL POWERS 16075135
12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION 16075135
12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD 16175136
SECTION 13. VIOLATIONS AND PENALTIES 16375138
13.1 VIOLATIONS 16375138
13.2 PROCEDURE/PENALTIES 16375138
13.2.1 VIOLATION 16375138
13.2.2 COMPLIANCE 16375138

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.3 MOTELS AND HOTELS ..... 125~~75~~101
8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES ..... 125~~75~~101
8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME ..... 125~~75~~101
8.4.6 STORES ..... 125~~75~~102
8.4.7 OFFICE BUILDINGS ..... 125~~75~~102
8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS ..... 125~~75~~102
8.4.9 GENERAL ..... 125~~75~~102
8.5 SITE PLAN REVIEW CRITERIA ..... 126~~75~~102
8.6 FLOODPLAIN REGULATIONS ..... 126~~75~~103
8.7 KENNEL BUSINESSES AND FACILITIES ..... 128~~75~~104
8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO: ..... 128~~75~~104
8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: ..... 128~~75~~104
8.8 TOWERS AND FACILITIES ..... 128~~75~~104
8.9 POWER PLANTS ..... 129~~75~~105
8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT) ..... 130~~75~~106
8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS: ... . 131~~75~~107
8.12 POWER PLANT, SOLAR ..... 132~~75~~108
8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS ..... 133~~75~~109
8.14 TEMPORARY FIREWORKS STAND REGULATIONS ..... 134~~75~~110
8.14.1 REQUIRED PERMITS ..... 134~~75~~110
8.14.2 APPLICABLE TIME PERIOD ..... 135~~75~~111
8.14.3 REQUIRED DISTANCES AND SETBACKS ..... 135~~75~~111
8.14.4 APPLICABILITY OF OTHER REGULATIONS ..... 136~~75~~112
8.14.5 PENALTY ..... 136~~75~~112
8.15 CONTRACTOR YARDS ..... 136~~75~~112
8.15.1 CONTRACTOR YARD, SMALL ..... 136~~75~~112
8.15.2 CONTRACTOR YARD, LARGE ..... 137~~75~~113
8.16 HOME OCCUPATIONS ..... 137~~75~~113
8.17 ADMINISTRATIVE WAIVER ..... 138~~75~~114
8.18 LANDSCAPING REQUIREMENTS ..... 139~~75~~115
8.18.1 LANDSCAPING PLAN REQUIREMENTS ..... 139~~75~~115
8.18.2 MINIMUM REQUIREMENTS ..... 141~~75~~117
8.18.3 ADMINISTRATIVE RELIEF ..... 143~~75~~119
8.18.4 POLICIES ..... 144~~75~~120
8.19 MEDICAL MARIJUANA PROVIDER ..... 145~~75~~121
8.20 SEXUALLY ORIENTED BUSINESS ..... 145~~75~~121
SECTION 9. PERMIT REQUIREMENTS ..... 147~~75~~122
9.1 GENERAL ..... 147~~75~~122
9.2 LOCATION /CONFORMANCE PERMIT ..... 147~~75~~122
9.3 FEES ..... 147~~75~~122
9.4 MINOR VARIANCES ..... 148~~75~~123
9.5 VARIANCES ..... 148~~75~~123
9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS ..... 148~~75~~123

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

..... 1087587
7.6 OPEN SPACE (OS) DISTRICT 1097588
7.6.1 REQUIRED LOT AREA 1097588
7.6.2 LOT COVERAGE 1097588
7.6.3 PERMITTED PRINCIPAL USES 1097588
7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING: 1097588
7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT: 1107589
7.8 MU DISTRICT – MIXED USE DISTRICT 1117590
7.8.1 MINIMUM LOT AREA 1117590
7.8.2 BUILDING HEIGHT 1117590
7.8.3 YARDS REQUIRED 1117590
7.8.4 SIGNS 1117590
7.8.5 OFF-STREET PARKING 1117590
7.8.6 LANDSCAPING 1117590
7.8.7 SITE PLAN 1127591
7.8.8 PERMITTED PRINCIPAL USES 1127591
7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 1147593
7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 1157594
7.8.11 USES SPECIFICALLY NOT PERMITTED 1167595
SECTION 8. SUPPLEMENTARY REGULATIONS 1177596
8.1 USES, SIGNS, LOTS 1177596
8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS 1177596
8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS 1197596
8.1.3 OTHER SIGNS (ALL DISTRICTS) 1207597
8.1.4 NON-CONFORMING SIGNS 1207597
8.1.5 NATURAL PRODUCTION USE 1217598
8.1.6 DWELLINGS ON SMALL LOTS 1217599
8.1.7 REVERSE AND KEY LOTS 1227599
8.1.8 ABANDONED BUILDINGS / ITEMS 1227599
8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND 1227599
8.2 YARDS 1227599
8.2.1 VISIBILITY AT INTERSECTIONS 1227599
8.2.2 PORCHES 1227599
8.2.3 PROJECTING ARCHITECTURAL FEATURES 1227599
8.2.4 FIRE ESCAPES 12275100
8.2.5 FENCES 12275100
8.2.6 FRONT YARD DEPTH 12475100
8.3 TRANSITION REGULATIONS 12475100
8.3.1 LOTS IN TWO DISTRICTS 12475100
8.3.2 SIDE AND REAR YARD TRANSITION 12475100
8.3.3 FRONT YARD TRANSITION 12475101
8.3.4 CORNER YARD TRANSITION 12475101
8.4 OFF-STREET PARKING 12475101
8.4.1 DWELLINGS 12575101
8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY 12575101

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED 615656
SECTION 7. DISTRICT REGULATIONS 625757
7.1 RESIDENTIAL (R) DISTRICTS 625757
7.1.0 RESIDENTIAL DISTRICTS 625757
7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES) 656060
7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2) 686363
7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.) 706565
7.2 MIXED USE – 20 (MU-20)~~AGRICULTURAL (A)~~ DISTRICTS 726767
7.2.1 MINIMUM LOT AREA 726767
7.2.2 PERMITTED PRINCIPAL USES 746768
7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 766769
7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 766770
7.3 MIXED USE - 40 (MU-40) DISTRICT xx
7.3.x
7.3 COMMERCIAL (C) DISTRICT 957574
7.3.1 MINIMUM LOT AREA 957574
7.3.2 BUILDING HEIGHT 957574
7.3.3 YARDS REQUIRED 957574
7.3.4 SIGNS 967575
7.3.5 OFF-STREET PARKING 967575
7.3.6 LANDSCAPING 967575
7.3.7 SITE PLAN 967575
7.3.8 PERMITTED PRINCIPAL USES 967575
7.3.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 997578
7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 997578
7.3.11 USES NOT PERMITTED 1007579
7.4 INDUSTRIAL (I) DISTRICTS 1017580
7.4.1 AREA REQUIREMENTS 1017580
7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT 1057584
7.5 MOBILE HOME (MH) DISTRICT 1067585
7.5.1 MINIMUM LOT AREA 1067585
7.5.2 BUILDING HEIGHT 1067585
7.5.3 REQUIRED YARDS 1067585
7.5.4 LOT COVERAGE 1067585
7.5.5 LOT WIDTH 1067585
7.5.6 OFF-STREET PARKING REQUIREMENTS 1067585
7.5.7 LANDSCAPING 1077586
7.5.8 SITE PLAN REVIEW AND APPROVAL 1077586
7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES 1077586
7.5.10 PERMITTED PRINCIPAL USES 1077586
7.5.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 1087587
7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

Cascade County Planning Division
Public Information Request
Scanned Documents
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CASCADE COUNTY ZONING REGULATIONS

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007 Resolution #07-71
Revised Version Adopted August 25, 2009 Resolution #09-82
Revised Version Adopted December 18, 2012 Resolution #12-71
Revised Version Adopted June 14, 2016 Resolution #16-39
Revised Version Adopted December 13, 2016 Resolution #16-120
Revised Version Adopted June 13, 2017 Resolution #17-458
Revised Version Adopted June 26, 2018 Resolution #18-54

These regulations are to be hereby known as the Cascade County Zoning Regulations. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. This Zoning Jurisdictional Area is hereby amended by the Cascade County Commission on June 26, 20189 by Resolution #189-541.

TABLE OF CONTENTS

SECTION 1. PURPOSE **111**
1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives: 111
1.2 Interpretation, Conflict with Other Laws 2
SECTION 2. DEFINITIONS **444**
SECTION 3. ESTABLISHMENT OF DISTRICTS **525250**
RR 5 Rural Residential District Page 60 525250
SR 1 Suburban Residential District 1 Page 63 525250
SR 2 Suburban Residential District 2 Page 63 525250
UR Urban Residential District Page 65 525250
MU-20A Mixed Use - 20Agricultural District Page 66 525250
MU-40 Mixed Use - 40 District Page xx 50
C Commercial District Page 74 525250
I-1 Light Industrial District Page 80 525250
I-2 Heavy Industrial District Page 84 525250
MH Mobile Home District Page 85 525250
OS Open Space District Page 88 525250
PUD Planned Unit Development District Page 89 525250
MU Mixed–Use District Page 90 525250
MOD Military Overlay District Page 153 525250
FOD Flood Road Overlay District Page 157 525250
SECTION 4. ZONING MAP **535351**
SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES **605555**
SECTION 6. APPLICATION OF REGULATIONS **615656**
6.1 CONFORMITY TO REGULATIONS 615656
6.2 ERECTION OR ALTERATION OF BUILDINGS 615656
6.3 YARDS 615656

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promoting the retention of existing businesses and promoting new business opportunities in the county while the protection of MU-40 areas leaves those areas open to larger-scale productive land uses (Goal 1, Objective A). The commercial allowances in MU-20 and reduction of SUP processes for conventional agricultural uses reduces local government intervention (Goal 5, Objective A). The creation of the MU-20 district out of the current Agricultural district produces an open buffer (minimum 20 acre lot) between many rural town Mixed Use districts and other primarily residential districts and surrounding agricultural lands (Goal 9, Objective F). Finally, the MU-20 and MU-40 division of the Agricultural district—in conjunction with the changes in allowed uses and the increased minimum lot size of 40 acres—promotes cluster development in denser developed areas characterized by the MU-20 geographies while protecting the open spaces of the MU-40 geographies (Goal 11, Objective A).

Relevant Growth Policy Goals and Objectives

- Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.
    - Objective A: Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/ processing and forest products.
- Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.
    - Objective A: Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- Goal 9: Foster the heritage of the area in agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.
    - Objective F: Encourage open buffers between rural residences and adjoining agricultural lands.
- Goal 11: Protect and maintain Cascade County's rural character, encourage efficient use of land.
    - Objective A: Preserve the county's open space setting by encouraging cluster development.

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Appendix A: Agricultural District Zoning Change Justification

The areas currently zoned as Agricultural (A) consist of a wide variety of land use and development patterns. However, there's a clear difference between areas largely utilized for residential purposes and areas that remain primarily utilized for productive purposes. The proposed split of the Agricultural District into two new districts—Mixed Use - 20 (MU-20) and Mixed Use - 40 (MU-40)—was driven by the observation that there are distinct areas throughout the county that tend towards one or the other use and that these areas could be logically determined through development patterns. Whereas the productive land use areas tend towards larger contiguous parcels with low dwelling and road density, the residential lands tend towards clusters of smaller parcels and higher dwelling and road densities. The geographic division of the two new districts reveals these areas and was produced by a geospatial statistical analysis (with some minor edits) to back up what intuition suggests.

Given the geographic division of the MU-20 and MU-40 districts, it became possible to produce zoning regulations for those districts that cater to their predominant land use characteristics while working towards established Growth Policy goals and objectives. Since the areas proposed to be zoned MU-20 are largely residential, located along major transportation corridors, and amenity areas (eg. rivers, mountains, and forests) the MU-20 district diverged from the current Agricultural district by allowing conventional mixed uses that are currently not allowed. For example, the MU-20 district allows restaurants, micro-breweries, and other commercial uses that provide services to seasonal and year-round tourists as well as the increasing exurban residences whether seasonal or permanent. Additionally, the allowance of these uses under an approved Special Use Permit (SUP) provides an opportunity for the public and adjacent property owners to be heard.

The MU-40 district diverges from the Agricultural district through the removal of uses that are more appropriate for MU-20 and an increase in permitted principal uses for agricultural uses which were previously allowed only through an approved SUP. For example, tourist homes and bed and breakfast operations are not allowed in MU-40, however, they remain an allowance in MU-20. This preserves the ability for desired amenity areas to cater to temporary tourist occupancy while keeping those operations in closer proximity to service centers and transportation corridors. Additionally, this protects productive land use areas from types of development driven by demand for amenity destinations which have infringed upon ranching and farming areas throughout the county and the state. Some productive land uses allowed through an approved SUP in the Agricultural district are proposed to be permitted principal uses in the MU-40 districts. For example, value-added agricultural commodity processing facilities, wild-game processing facilities, agricultural commodity storage facilities, and other uses are allowed 'by right.' With the Agricultural district divided between the MU-20 and MU-40 geographies there is less of a need for the use of the SUP process since there are fewer potentially impacted residences and those around are likely to be involved in a productive land use.

Does this create any conflicts for goals in growth policy?

Staff finds that the following goals are served by the proposed split of the Agricultural district into MU-20 and MU-40: Goal 1, Objective A; Goal 5, Objective A; Goal 9, Objective F; and, Goal 11, Objective A. The MU-20 district opens commercial uses in strategic areas thus

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

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water discharge. A requirement for a signed Operational Statement Checklist is included which refers to the existing checklist used by 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. Other change is minor grammatical.

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:

13.2.2: The Planning Division desires to reduce the length of time allowed to seek compliance before enforcement action can be taken for violations of these regulations.

13.2.3: The added language in this section was moved from 13.2.2 to more logically follow the violation process.

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:

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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:

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 reference to a Fee Schedule.

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

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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.

7.5 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.

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 18.6.246, ARM. The Public Works Department authorized 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 required and woven fencing addressed.

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

8.2.5.2 Electrical fencing locations and type 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.

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Further description of the methodology employed in designating the MU-20 and MU-40 zones can be found in Appendix A.

Section 5:

No changes.

Section 6:

No substantive changes.

Section 7:

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 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 A.

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.

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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.

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

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

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

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 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 updated to reflect proposed zoning regulation changes.

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.

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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."

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

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."

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

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.

Livestock: This definition was adjusted for grammar.

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.

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DRAFT

Cascade County Zoning Regulations (CCZR) List of Changes and Rationale

Planning Division Proposal - November 30, 2018

Note: Multiple non-substantive changes made throughout the document. This list of changes document 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 submittal.

Cascade County Zoning Regulations:

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

Table of Contents:

Minor formatting and date updates only.

Section 1:

Minor formatting and grammatical updates.

Section 2 Definitions:

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 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 correct format.

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SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.

5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.

5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.

5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

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SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families,

6.2.3 To occupy a greater percentage of lot area; or

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location/~~or~~ conformance permit may not also be used as the basis for meeting the requirements for a subsequent location/~~or~~ conformance permit.

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SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 RESIDENTIAL DISTRICT~~S~~ STANDARDS

~~Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements~~

7.1.0.1 AREA REQUIREMENTS

(1) Table of District Area Requirements

District	Minimum Lot Area
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	No minimum

(2) Previously Described Lots

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 8.1.6; 11.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet.

(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements.

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7.1.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.1.0.3 YARDS

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

The front yard shall not have a depth of less than thirty (30) feet except in the UR District which shall not be less than twenty (20) feet.

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

(4) Side Street and Corner Yard Transitions

See Section 8.3.4

(5) Streamside Setback

The streamside setback shall be no less than fifty (50) feet.

7.1.0.4 LOT COVERAGE

The percentage of lot area covered by main building, ~~and~~ accessory building ground floor area, and impervious surfaces shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 REQUIRED COURT DIMENSIONS

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any

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opposing wall forming said court.

7.1.0.6 OFF STREET PARKING AS REQUIRED IN SECTION 8.4

7.1.0.7 REQUIRED STREAMSIDE SETBACK

Any portion of any structure must be set back a minimum of fifty (50) ~~foot setback~~feet from any perennial-flowing stream or river. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

(1) ~~A~~ One single~~one~~ family dwelling per tract of land.

(2) Educational Facility

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Agricultural uses of land and usual agricultural buildings and structures.

(5) Public safety facility.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Limited Agricultural uses.

(a) The keeping of livestock animals, except bison~~uffalo~~, 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~~uffalo~~, 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.

(8) Family Day Care Home, Group Day Care Home, Day Care Center

(9) Community Residential Facility-Provided eight occupants or fewer~~less~~.

(10) Retirement Home, Nursing Home.

(11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).

(12) Bed and Breakfast.

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(13) Community Garden.

(14) On-Site Construction Office.

(15) Public Building.

(16) Public Institution.

7.1.1.2 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) Professional office in a residence.

(3) Customary home occupation (see d~~D~~efinition of Home Occupation and Section 8.16).

(4) 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.

(5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) A 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).

(2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.

(3) Utility Installation, minor.

(4) 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).

(5) The excavation of sand and gravel.

(6) Tourist Home.

(7) Community Residential Facility – provided nine occupants or

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more.

7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS PER SECTION 7.1.0

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7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2)

7.1.2.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facilities.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center

(8) Community Residential Facility-Provided eight occupants or less

(9) Retirement Home, Nursing Home

(10) Agricultural uses of land and usual agricultural buildings and structures.

(11) Limited Agricultural Uses

(a) The keeping of livestock animals, except bison~~uffalo~~, 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~~uffalo~~, 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.

(12) Community Garden

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(13) On-Site Construction Office.

(14) Public Institution.

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

(1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 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.

7.1.2.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS PER SECTION 7.1.0.

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7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.)

7.1.3.1 PERMITTED PRINCIPAL USES

(1) A ~~one-family~~ single family dwelling.

(2) Educational Facility.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center.

(8) Community Residential Facility-Provided eight occupants or less.

(9) Multi-Family Dwellings.

(10) Retirement Home, Nursing Home.

(11) Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.

(12) Mobile home park.

(13) Limited Agricultural Uses.

(a) The keeping of livestock animals, except bison~~uffalo~~, 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~~uffalo~~, 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

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Public Information Request
Scanned Documents
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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 other than that of owner.

(14) Accessory Dwelling Unit.

(15) Community Garden.

(16) On-Site Construction Office.

(17) Public Institution.

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

(1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met)

7.1.3.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

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

(2) Bed and Breakfast.

(3) Community Residential Facility.

7.1.3.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS AS PER SECTION 7.1.0.

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~7.2 AGRICULTURAL (A) DISTRICTS~~

~~7.2.1 MINIMUM LOT AREA~~

~~The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:~~

~~order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;~~

~~to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;~~

~~creates cemetery lots;~~

~~is created for rights-of-way or utility sites;~~

~~for gift or sale to a member of the immediate family; and~~

~~(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:~~

~~(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or~~

~~(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved~~

Cascade County Planning Division
Public Information Requests
Scanned Documents
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~~pursuant to local regulations or current MT DEQ regulations.~~

~~7.2.0.1 MINIMUM LOT WIDTH~~

~~The minimum lot or tract width in an A District shall be two-hundred (200) feet.~~

~~7.2.0.2 HEIGHT LIMITS~~

~~No restrictions, except as regulated in the Military Overlay District.~~

~~7.2.0.3 REQUIRED YARDS~~

~~The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.~~

~~7.2.0.4 LOT COVERAGE~~

~~All buildings and accessory buildings shall not cover more than forty percent (40%) of~~

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~~the lot or tract.~~

~~7.2.0.5 SIGNS~~

~~Agricultural District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.~~

~~7.2.0.6 OFF-STREET PARKING~~

~~In an Agricultural District off-street parking shall be provided in accordance with Section 8.4.~~

~~7.2.2 PERMITTED PRINCIPAL USES~~

~~(1) Agricultural uses of land; usual agricultural buildings and structures.~~

~~Public Building.~~

~~Public Safety Facility.~~

~~Park.~~

~~Community Center.~~

~~Public and private forest and wildlife preserve and similar conservation areas.~~

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Public Information Request
Scanned Documents
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~~Commercial dairy if on a parcel 20 acres or greater.~~

~~(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.~~

~~(9) A one or two family dwelling(s) on a parcel of 20 acres or greater.~~

~~(example: 1 single family home or 1 duplex for two families or two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.~~

~~(10) Golf driving range if located on a tract of five (5) acres or greater.~~

~~(11) Campground, Recreational Vehicle Park.~~

~~(12) Bed and Breakfast.~~

~~(13) Tourist Home.~~

~~(14) 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.~~

~~(15) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.~~

~~(16) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet~~

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Public Information Request
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~~from all property lines and shall comply with the standards listed in Section 8.7.~~

~~(17) Community Garden.~~

~~(18) On-Site Construction Office.~~

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

~~Accessory buildings and uses customarily incidental to any of the above A District uses~~

~~(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).~~

~~(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.~~

~~7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT~~

~~(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.~~

~~(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from~~

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Public Information Request
Scanned Documents
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~~7:00 a.m. until 7:00 p.m.~~

~~(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.~~

~~(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.~~

~~(5) Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.~~

~~(6) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.~~

~~(7) Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.~~

~~(8) Mobile Home Park/Mobile Home Court.~~

~~(9) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:~~

~~(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or~~

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~~product; and~~

~~(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.~~

~~(c) Landscaping requirements shall be in accordance with Section 8.18~~

~~(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.~~

~~(10) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.~~

~~(11) General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.~~

~~(12) Small and Large Equipment Rental / Sales / Repair and General Repair.~~

~~(13) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.~~

~~(14) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.~~

~~(15) Utilities both minor and major.~~

~~(16) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size~~

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Public Information Request
Scanned Documents
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~~is twenty (20) acres or greater.~~

~~(17) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.~~

~~(18) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.~~

~~(19) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.~~

~~(20) Outfitter/Guide Facility.~~

~~(21) Federal Firearm Retailers, Dealers, Repairers.~~

~~(22) Guest Ranch, provided parcel size is 20 acres or greater.~~

~~(23) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.~~

~~Manufactured housing sales.~~

~~Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.~~

~~Distillery~~

~~Value Added Agricultural Commodity Processing Facility. This may include processing,~~

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~~manufacturing, storage, and the like~~

~~Warehouse.~~

~~Parking structure/garage.~~

~~Artisan shop.~~

~~Light manufacturing & assembly.~~

~~Power Plant.~~

~~Tourist cabins.~~

~~Worship facility.~~

~~Educational facility.~~

~~Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.~~

~~Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential~~

Cascade County Planning Division
Public Information Request
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~~Facility.~~

~~(38) Nursing Home, Retirement Home.~~

~~(39) Second dwelling unit on parcel less than 20 acres.~~

~~(40) Contractor Yard, small (8.15.1).~~

~~(41) Workforce Housing (Permanent Labor Camp).~~

~~(42) Temporary Workforce Housing (Temporary Labor Camp).~~

~~(43) Agricultural Commodity Storage Facility.~~

~~(44) Membership Club.~~

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7.2 ~~MU-20 –~~ MIXED USE – 20 (MU-20) DISTRICT (MINIMUM LOT AREA: 20 ACRES)

7.2.1 MINIMUM LOT AREA

The minimum lot or tract area in a Mixed Use – 20 (MU-20) District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(1) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(2) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

DO WE WANT THIS?

(3) creates cemetery lots;

(4) is created for rights-of-way or utility sites;

(5) for gift or sale to a member of the immediate family; or

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

I think this went away in DEQ Regs.

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.2.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in a Mixed Use – 20 (MU-20) District shall be two-hundred (200) feet.

7.2.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

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Public Information Request
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7.2.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in a Mixed Use – 20 (MU-20) District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.0.4 LOT COVERAGE

Lot Size	Lot Coverage
Greater than or equal to 5 acres	10%
Greater than or equal to 1 acre but less than 5	20%
Less than 1 acre	30%

7.2.0.5 SIGNS

Mixed Use – 20 District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.0.6 OFF-STREET PARKING

In a Mixed Use - 20 District off-street parking shall be provided in accordance with Section 8.4.

7.2.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Single-family dwelling.

(3) Two-family dwelling (duplex) or second single-family dwelling. If a parcel is less than twenty (20) acres, a second dwelling is allowed with an approved Special Use Permit.

(4) Public Building.

(5) Public Safety Facility.

(6) Park.

(7) Community Center.

(8) Public or private forest or wildlife preserve and similar conservation areas.

(9) Commercial dairy if on a parcel twenty (20) acres or greater.

(10) Riding and roping arena, excluding commercial rodeo

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Public Information Request
Scanned Documents
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grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(11) Golf driving range if located on a tract of five (5) acres or greater.

(12) Bed and Breakfast.

(13) Tourist Home.

(14) 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.

(15) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(16) Community Garden.

(17) On-Site Construction Office.

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

Accessory buildings and uses customarily incidental to any of the above MU-20 District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided

Cascade County Planning Division
Public Information Request
Scanned Documents
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that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock), sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately-owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(5) Mobile Home Park/Mobile Home Court.

(6) Campground, Recreational Vehicle Park.

(7) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions: (a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and; (b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted; (c) Landscaping requirements shall be in accordance with Section 8.18; (d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Administrator, as to shield these units will occur.

(8) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

(9) General Sales.

(10) Agricultural Sales.

(11) Auction Sales.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(12) Convenience Sales.

(13) Shopping Center.

(14) Restaurant.

(15) Retail sales.

(16) Specialty Sales.

(17) Worship facility.

(18) Tavern.

(19) Micro-brewery.

(20) Alcohol Distillery.

(21) Educational Facility.

(22) Small and Large Equipment Rental / Sales / Repair and General Repair.

(23) Veterinary Clinic – Small Animal.

(24) Veterinary Clinic – Large Animal.

(25) Outfitter/Guide Facility.

(26) Hospital, Health Care Centers and Facilities, provide parcel size is twenty (20) acres or greater.

(27) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.

(28) Utilities both minor and major.

(29) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(30) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(31) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(32) Federal Ammunition Manufacturer.

(33) Federal Firearm Retailers, Dealers, Repairers.

(34) Guest Ranch, provided parcel size is twenty (20) acres or greater.

(35) Manufactured housing sales.

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Public Information Request
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(36) Value Added Agricultural Commodity Processing Facility.

(37) Warehouse.

(38) Parking structure/garage.

(39) Artisan shop.

(40) Tourist cabins.

(41) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(42) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(43) Nursing Home, Retirement Home.

(44) Second dwelling unit or duplex on a parcel less than twenty (20) acres.

(45) Contractor Yard, Small (see Section 8.15.1).

(46) Permanent Workforce Housing.

(47) Temporary Workforce Housing.

(48) Agricultural Commodity Storage Facility.

(49) Membership Club.

(50) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt subject to the requirements of Section 8.10 of these regulations.

(51) Wild-game Processing Facility.

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7.3 ~~MU-40 –~~MIXED USE - 40 (MU-40) DISTRICT (MINIMUM LOT AREA: 40

ACRES)

7.3.1 MINIMUM LOT AREA

The minimum lot or tract area in a Mixed Use – 40 (MU-40) District shall be forty (40) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(6) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

Do we want this

(7) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(8) creates cemetery lots;

(9) is created for rights-of-way or utility sites;

(10) for gift or sale to a member of the immediate family; or

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

Get Away

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.3.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in a MU-40 District shall be two-hundred (200) feet.

7.3.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.3.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for

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any lot or tract in a MU-40 District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.3.0.4 LOT COVERAGE

Lot Size	Lot Coverage
Greater than or equal to 5 acres	10%
Greater than or equal to 1 acre but less than 5	20%
Less than 1 acre	30%

7.3.0.5 SIGNS

Mixed Use - 40 District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.3.0.6 OFF-STREET PARKING

In a Mixed Use - 40 District off-street parking shall be provided in accordance with Section 8.4.

7.3.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Single-family dwelling.

(3) Two-family dwelling (duplex) or second single-family dwelling. If a parcel is less than forty (40) acres, a second dwelling is allowed with an approved Special Use Permit.

(4) Public Safety Facility.

(5) Park.

(6) Veterinary clinic provided that the structure and use are not less than two-hundred (200) feet from any residential district.

(7) Commercial dairy if on a parcel forty (40) acres or greater.

(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number

Cascade County Planning Division
Public Information Request
Scanned Documents
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less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(9) Public and private forest and wildlife preserve and similar conservation areas.

(10) 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.

(11) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.

(12) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(13) Community Garden.

(14) On-Site Construction Office.

(15) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(16) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

DID THAT REFERENCE GO AWAY?

(17) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(18) Guest Ranch.

(19) Value Added Agricultural Commodity Processing Facility.

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This may include processing, manufacturing, storage, and the like.

(20) Agricultural Commodity Storage Facility.

(21) Wild-game Processing Facility

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

Accessory buildings and uses customarily incidental to any of the above MU-40 District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

7.3.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock), sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Commercially operated feedlots or concentrated animal

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How Do I Store Animals on Site for Slaughter if I am not a Licensed CAFO?

feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.

(5) Mobile Home Park/Mobile Home Court.

(6) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions: (a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product, and: (b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted; (c) Landscaping requirements shall be in accordance with Section 8.18; (d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(7) Agricultural Sales, Auction Sales

(8) Small and Large Equipment Rental / Sales / Repair and General Repair.

(9) Community Center.

(10) Artisan Shop.

(11) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(12) Golf driving range if located on a tract of five (5) acres or greater.

(13) Public Building.

(14) Contractor Yard, Small (see Section 8.15.1).

(15) Composting Facility.

(16) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

(17) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

parcel size is twenty (20) acres or greater.

(18) Utilities both minor and major.

(19) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(20) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

(21) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.

(22) Commercial propagation, boarding, grazing, or butchering of large animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

AND LEGALLY PERMITTED?

(23) Distillery

(24) Manufacturing.

(25) Power Plant.

(26) Worship facility.

(27) Educational facility.

(28) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(29) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(30) Second dwelling unit or duplex on a parcel less than forty (40) acres.

(31) Membership Club.

(32) Permanent Workforce Housing

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Public Information Request
Scanned Documents
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(33) Temporary Workforce Housing.

(34) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.~~3~~4 COMMERCIAL (C) DISTRICT

7.~~3~~4.1 MINIMUM LOT AREA

No minimum required.

7.~~3~~4.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.~~3~~4.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet required for principal, accessory and special use permit uses and buildings excluding customer parking except where the c~~C~~ommercial district abuts or joins a r~~R~~esidential d~~D~~istrict in which case there shall be a front yard as specified in Section 8.3.

(2) **Side yard**

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the Commercial district abuts upon a lot in a Residential District in which case the standards shall be followed as shown in Section 8.3.

(3) **Rear yard**

Ten (10) feet except that required to provide parking as specified in Section 8.3. When a lot in a Commercial District abuts upon a lot in a Residential district, the standards shall be followed as set forth in Section 8.3.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.9(3).

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.~~3~~4.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.~~3~~4.5 OFF-STREET PARKING

Off-Street Parking shall be provided in accordance with Section 8.4. If spaces are paved, off-street parking shall be in accordance with Section 8.18.2.5.

7.~~3~~4.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18

7.~~3~~4.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.~~3~~4.8 PERMITTED PRINCIPAL USES

(1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store, hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

(2) Any retail or wholesale trade, excluding large equipment trade (see large equipment rental / sales / repair definition) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/ machinery).

(c) Artisan Shop.

(d) Auction Sales.

(e) Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

(f) Commercial Kennel, provided it complies with the regulations set forth in Section 8.7.

(g) Contractor Yard, ~~s~~Small (Section 8.15.1).

(h) Construction Material Sales.

(i) Restaurant.

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

(n) General Services.

(o) Health Care Center.

(p) Health Care Facility.

~~(p)~~(q) Hotel and Motel.

~~(q)~~(r) Indoor Sports and Recreation / Entertainment.

~~(r)~~(s) Micro-brewery.

~~(s)~~(t) Off-Site Liquor Sales.

~~(t)~~(u) Outdoor sports and R~~r~~ecreation/E~~e~~ntertainment.

~~(u)~~(v) Professional Services.

~~(v)~~(w) Secondhand Sales.

~~(w)~~(x) Shopping Center.

~~(x)~~(y) Small Equipment Rental / Sales / Repair.

~~(y)~~(z) Specialty Sales.

~~(z)~~(aa) Tavern.

~~(aa)~~(bb) Veterinary Clinic – Small Animal.

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Public Information Request
Scanned Documents
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~~(bb)~~(cc) Veterinary Clinic – Large Animal.

~~(cc)~~(dd) Vehicle Fuel Sales.

~~(dd)~~(ee) Vehicle Repair.

~~(ee)~~(ff) Vehicle Sales and Rental.

~~(ff)~~(gg) Vehicle Services.

~~(gg)~~(hh) Wholesale trade.

~~(hh)~~(ii) Instructional Facility.

(jj) Convenience Sales.

(kk) Alcohol Distillery.

~~(ii)~~(ll) Butcher Shop.

(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable~~,~~ vehicles including, but not limited to, ~~R~~recreational ~~V~~vehicles, c~~C~~ars, ~~T~~trucks, v~~V~~ans, t~~T~~railers, ~~B~~boats, m~~M~~otorcycles, and a~~A~~ll ~~T~~terrain ~~V~~vehicles, may be outside provided that proper screening, approved by the Planning Administrator~~Director~~, as to shield these units will occur.

(4) On-Site Construction Office.

(5) Public Building.

(6) Public Safety Facility.

(7) Community Cultural Facility.

(8) Community Center.

(9) Educational Facility.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(10) Administrative Government Center.

(11) Educational Facility.

(12) Public Institution.

(13) Bus Terminal.

(14) Park.

(15) Parking Lot.

(16) Parking Garage.

(17) Parking Structure.

(18) Event Center.

~~(17)~~(19) Wild Game Processing.

7.~~3~~4.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) The permitted accessory uses set forth under Section 8.8 Amateur Radio Station and/or Antenna (conditions 6,7 and 8 do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW may be used in the Commercial District subject to the requirements of Section 7.3 and 8.8 of these regulations.

7.~~3~~4.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family ~~D~~dwelling ~~Unit~~ required by and incidental to the
business enterprise.

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Public Information Request
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(2) Large equipment rental / sales / repair.

(3) Garage, Public.

(4) Gravel Pit (open-cut mining operation).

(5) Manufacturing, Light.

(6) Agricultural, Building.

(7) Agricultural Commodity Storage~~,~~ Facility.

(8) Animal Shelter.

(9) Manufactured Housing Sales.

(10) Membership Club.

(11) Recycling Center.

(12) Solid Waste Transfer Station.

(13) Utility Installation, Minor.

(14) Warehouse.

(15) Worship Facility.

(16) Federal Firearm Retailers, Dealers, Repairers.

~~(15)~~(17) Contractor Yard, Large (see section 8.15.2)

7.~~3~~4.11 USES NOT PERMITTED

(1) Medical Marijuana Registered Premises or ~~Provider~~Testing Facility.

(2) Sexually Oriented Business.

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7.45 INDUSTRIAL (I) DISTRICTS (I) DISTRICTS

7.5.0 I-1 DISTRICT – LIGHT INDUSTRIAL DISTRICT

7.45.1 AREA REQUIREMENTS

7.45.1.1 MINIMUM LOT AREA

No minimum requirement.

7.54.1.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.45.1.3 REQUIRED YARDS

(1) **Front yard** - Fifteen (15) feet depth minimum.

(2) **Side yard**

(a) Adjacent to an industrial district shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a Residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) **Rear yard**

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such Rresidentialce district shall be always maintained by the industrial enterprise as a landscape buffer area.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.45.1.4 LOT COVERAGE

None designated.

7.45.1.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.

7.45.1.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.45.1.7 LANDSCAPING~~andscaping~~ REQUIREMENTS

Landscaping requirements shall be in accordance with Section 8.18.

7.45.1.8 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.45.1.9 PERMITTED PRINCIPAL USES

(1) All principal uses permitted in a Commercial District.

(2) Industrial Uses (see Section 8.21).~~Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:~~

~~(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;~~

~~(b) emit no excessive obnoxious odors;~~

~~(c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;~~

~~(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;~~

~~(e) carry on no operation that would produce heat or glare~~

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Public Information Request
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~~perceptible from any property line on the lot on which the industrial operation is located;~~

~~(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;~~

~~(g) conduct no mining, extracting, filling or soil stripping operations; and~~

~~(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.~~

(3) Agricultural Commodity Storage Facility.

~~(3)~~(4) Value Added Agricultural Commodity Processing Facility.

~~(4)~~(5) Artisan Shop.

~~(5)~~(6) Bus Transit Terminal.

~~(6)~~(7) Composting Facility.

(8) Contractor Yard, ~~s~~Small (see Section 8.15.1).

~~(7)~~(9) Contractor Yard, Large (see Section 8.15.2).

~~(8)~~(10) Freight Terminal.

~~(9)~~(11) Fuel Tank Farm.

~~(10)~~(12) Heli-Pad.

~~(11)~~(13) Large Equipment Rental / Sales / Repair.

~~(12)~~(14) Manufactured Housing Sales.

~~(13)~~(15) Park.

~~(14)~~(16) Parking Lot.

~~(15)~~(17) Parking Garage.

~~(16)~~(18) Parking Structure.

~~(17)~~(19) Railroad Yard.

~~(18)~~(20) Recycling Center.

~~(19)~~(21) Sexually Oriented Business.
It may not be located within one-thousand (1000) feet of an

Cascade County Planning Division
Public Information Request
Scanned Documents
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existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

~~(20)~~(22) Solid Waste Transfer Station.

(23) Truck Terminal.

~~(21)~~(24) Utility Installation, Minor and Major.

~~(22)~~(25) Warehouse.

~~(23)~~(26) Worship Facility.

~~(24)~~(27) 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.

~~(25)~~(28) "Power Plants, Commercial Wind Farms" subject to the requirements of Section 8.10 and 8.11 of these regulations.

~~(26)~~(29) Educational Facility.

~~(27)~~(30) Gravel Pit (open-cut mining operation).

~~(28)~~(31) Public Institution.

~~(29)~~(32) Power Plants, Solar subject to the requirements of Section 8.12 of these regulations.

7.~~4~~5.1.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family dwelling ~~unit~~ that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land.

(3) Animal Shelter.

(4) Agricultural Buildings.

~~(4)~~(5) Garage, Public.

~~(5)~~(6) Membership Club.

7.~~4~~5.1.11 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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Public Information Request
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7.45.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT

7.45.2.1 PERMITTED PRINCIPAL USES

All **NON-RESIDENTIAL** uses not otherwise prohibited by law. Any such use shall be required to comply with any supplemental regulations outlined in Section 8 of these regulations. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless modified or waived by the Zoning Administrator.

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

(1) One single family dwelling ~~unit~~ that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land; Agricultural Buildings.

7.45.2.3 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

7.5.2.4 MEDICAL MARIJUANA REGISTERED PREMISES OR TESTING FACILITY

Medical marijuana registered premises or testing facilities shall only be permitted in the I-2 District (Heavy Industrial District).

Any registered premises or testing facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

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Public Information Request
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7.~~5~~6 MOBILE HOME (MH) DISTRICT

7.~~5~~6.1 MINIMUM LOT AREA

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.~~5~~6.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.~~5~~6.3 REQUIRED YARDS

(1) **Front yard**

The minimum front yard required shall be ten (10) feet.

(2) **Side yard**

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

(3) **Rear yard**

The minimum rear yard shall be at least ten (10) feet.

7.~~5~~6.4 LOT COVERAGE

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.~~5~~6.5 LOT WIDTH

The minimum lot width shall be thirty (30) feet.

7.~~5~~6.6 OFF-STREET PARKING REQUIREMENTS

All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 8.4.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.~~5~~6.7 LANDSCAPING

Requirements shall be in accordance with Section 8.18.

7.~~5~~6.8 SITE PLAN REVIEW AND APPROVAL

Prior to the construction of a mobile home court or subdivision, the following steps must be taken:

7.~~5~~6.8.1 ZONING

The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.~~5~~6.8.2 PLANNING BOARD

The Planning Board must approve the court site plan or subdivision plat.

7.~~5~~6.8.3 SUBMISSION

After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.~~5~~6.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES

7.~~5~~6.9.1 REQUIREMENTS

In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, mobile home courts, and mobile home subdivisions must also be complied with.

7.~~5~~6.9.2 SEASONAL STORAGE

Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary abode of the owner or any other person is permitted on privately owned tracts of ground.

7.~~5~~6.10 PERMITTED PRINCIPAL USES

7.~~5~~6.10.1 MOBILE HOME COURT

In a Mobile Home Court, only mobile homes are allowed.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.~~5~~6.10.2 MOBILE HOME SUBDIVISION

In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.~~5~~6.10.3 ON-SITE CONSTRUCTION OFFICE.

7.~~5~~6.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

7.~~5~~6.11.1 Private Garage.

7.5.11.2 Other customary accessory use and building.

7.5.12.3 Professional office in a residence.

7.5.12.4 Customary home occupation (see Section 8.16).

7.~~5~~6.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

7.5.12.1 Worship facility, where off-street parking is not provided are permitted when approved by the Zoning Board of Adjustment.

7.5.12.2 Recreation building or area operated by a membership club for the benefit of members and not for gain.

7.5.12.3 Educational facilities not heretofore defined, public library and publicly owned building.

7.5.12.4 Utility installation, minor.

7.5.12.5 On-site real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Zoning Board of Adjustment.

7.5.12.6 Convenience Sales

Allowed with the following exclusions:

(1) Liquor

(2) Gambling except for:
(a) The Montana State Lottery, Powerball tickets, and the like.

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Public Information Request
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7.~~6~~7 OPEN SPACE (OS) DISTRICT

7.~~6~~7.1 REQUIRED LOT AREA

No minimum requirement.

7.~~6~~7.2 LOT COVERAGE

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.~~6~~7.3 PERMITTED PRINCIPAL USES

7.~~6~~7.3.1 Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

7.~~6~~7.3.2 Utility Installation, Minor.

7.~~6~~7.3.3 Agriculture and forestry.

7.~~6~~7.3.4 On-Site Construction Office.

7.~~6~~7.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING:

7.~~6~~7.4.1 Automobile parking area as required in Section 8.4.

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Public Information Request
Scanned Documents
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7.~~7~~8 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

Cascade County Planning Division
Public Information Request
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7.~~8~~9 ~~MU DISTRICT –~~ MIXED USE (MU) DISTRICT

7.~~8~~9.1 MINIMUM LOT AREA

No minimum required

7.~~8~~9.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.~~8~~9.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.~~9~~8.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.~~8~~9.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.~~8~~9.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.~~8~~9.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.
In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, ~~or~~ approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

MAKE ALL Gender neutral

7.~~8~~9.8 PERMITTED PRINCIPAL USES

(1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts.

(2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/machinery).

(d) Auction Sales.

(e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.

(f) Building materials, hardware and farm equipment sales and service.

~~(f)~~(g) Butcher Shop.

~~(g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.~~

(h) Construction Material Sales.

(i) Contractor Yard, Small (see Section 8.15.1).

SPELLED Convenience

~~(j)~~(j) Convienence Sales.

~~(j)~~(k) Financial Services.

~~(k)~~(l) Funeral Home.

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Cascade County Planning Division
Public Information Request
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~~(l)~~(m) General Repair.

~~(m)~~(n) General Sales.
~~(n)~~(o) General Services. ← SPACE

~~(o)~~(p) Health Care Center

~~(p)~~(q) Health Care Facility.

~~(q)~~(r) Hotel and Motel.

(s) Micro-brewery.

~~(r)~~(t) Alcohol Distillery

~~(s)~~(u) Off-Site Liquor Sales.

~~(t)~~(v) Outdoor ~~s~~Sports and ~~r~~Recreation/Outdoor ~~e~~Entertainment.

~~(u)~~(w) Professional Services.

~~(v)~~(x) Restaurant.

~~(w)~~(y) Recreational Vehicle Park.

~~(x)~~(z) Retail.

~~(y)~~(aa) Secondhand Sales.

~~(z)~~(bb) Shopping Center.

~~(aa)~~(cc) Small Equipment Rental / Sales / Repair.

~~(bb)~~(dd) Specialty Sales.

~~(cc)~~(ee) Tavern.

~~(dd)~~(ff) Veterinary Clinic – Small Animal.

~~(ee)~~(gg) Vehicle Fuel Sales.

~~(ff) Vehicle Repair.~~

~~(gg)~~(hh) Vehicle Sales and Rental.

~~(hh)~~(ii) Vehicle Services.

~~(ii)~~(jj) Wholesale trade.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

~~(jj)~~(kk) Instructional Facility.

~~(kk)~~(ll) Agricultural Commodity Storage Facility.

(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable~~,~~ vehicles including, but not limited to, ~~R~~recreational ~~V~~vehicles, ~~C~~cars, ~~T~~trucks, ~~V~~vans, ~~T~~trailers, ~~B~~boats, ~~M~~motorcycles, and ~~A~~all ~~T~~terrain ~~V~~vehicles, may be outside provided that proper screening, approved by the Planning Administrator~~Director~~, as to shield these units will occur.

(4) Mobile Home Park / Mobile Home Court.

(5) On-Site Construction Office.

(7) ~~(6)~~ Gravel Pit (open cut mining operation).

~~(6)~~(8) Wild Game Processing.

7.~~8~~9.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.

(5) Home Occupations.

(6) Professional Office in a Residence.

7.~~8~~9.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Manufactured ~~h~~Housing ~~s~~Sales.

(2) Veterinary ~~c~~Clinic, ~~l~~Large ~~a~~Animal.

(3) Commercial ~~k~~Kennel.

(4) Large ~~e~~Equipment ~~r~~Rental-/-Sales-/-Repair.

(5) Warehouse.

(6) Animal ~~s~~Shelter.

(7) Administrative Government Center.

(8) Composting ~~f~~Facility.

(9) Recycling ~~c~~Center.

(10) Solid ~~w~~Waste ~~t~~Transfer ~~s~~Station.

(11) Telecommunications ~~f~~Facility.

(12) Bus ~~T~~transit ~~t~~Terminal.

(13) ~~Commercial p~~Parking ~~l~~Lot.

(14) Parking ~~s~~Structure.

(15) Taxi ~~c~~Cab ~~d~~Dispatch ~~t~~Terminal.

(16) Artisan ~~s~~Shop.

(17) ~~Light~~ ~~M~~manufacturing & ~~a~~Assembly.

(18) Garage, Public.

~~(18)~~(19) Garage, Private.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

~~(19)~~(20) Indoor Entertainment.

~~(20)~~(21) Indoor Sports and Recreation.

~~(21)~~(22) Membership Club.

~~(22)~~(23) Parking Garage.

~~(23)~~(24) Tourist Home.

(25) Utility Installation, Minor.

(26) Casino , provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.

(27) Federal Firearm Retailers, Dealers, Repairers.

(28) Multi-family Dwelling.

(29) Event Center.

(30) Contractor Yard, Large (see 8.15.2)

(31) Vehicle Repair.

~~(24) Worship Facility.~~

7.~~8~~9.11 USES SPECIFICALLY NOT PERMITTED

(1) Medical Marijuana Registered Premises or Testing Facility~~Provider~~.

(2) Sexually-Oriented Businesses.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 8. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Sections 7 and 9 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

8.1 USES, SIGNS, LOTS

8.1.1 General Sign Regulations by District

General Sign Regulations by District						
District	**Type[9]**	**Lot Size (acre)**	**Maximum Quantity (freestanding sign)**	**Maximum Height[1,2] (feet)**	**Maximum area per sign (square feet)**	**Illuminated[3]**
UR[8]	Non-commercial Display	N/A	1	20	32	No
SR-1[8]	Non-commercial Display	N/A	1	20	32	No
SR-2[8]	Non-commercial Display	N/A	1	20	32	No
RR-5[8]	Non-commercial Display	N/A	1	20	32	No
MU[8]	Non-commercial or Commercial Display	N/A	1	20	100	Yes[7]
MU-20[4,5,8]	Commercial Display	≤ 1	2	30	300	Yes[7]
	Commercial Display	> 1	3	30	300	Yes[7]
MU-40[4,5]	Commercial Display	≤ 1	2	30	300	Yes[7]
	Commercial Display	> 1	3	30	300	Yes[7]
C[4,5]	Commercial Display	≤ 1	2	30	300	Yes
	Commercial Display	> 1	3	30	300	Yes
I-1[4,5]	Commercial	≤ 1	2	30	300	Yes

Cascade County Planning Division
Public Information Request
Scanned Document
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	Display					
	Commercial Display	> 1	3	30	300	Yes
	Billboard[6]	≤ 1	2	30	672	Yes
	Billboard[6]	>1	3	30	672	Yes
I-2[4,5]	Commercial Display	≤ 1	2	30	300	Yes
	Commercial Display	> 1	3	30	300	Yes
	Billboard[6]	≤ 1	2	30	672	Yes
	Billboard[6]	>1	3	30	672	Yes

Notes:

1. Maximum height is measured from the average elevation of the lot.
2. Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.
3. Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) milliamperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) milliamperes on all exposed tubing.
4. No sign shall occupy any front, side or rear landscaping buffer area.
5. Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.
6. Billboard signs shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of a Residential (R) district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.
7. An illuminated sign shall be allowed for commercial use in the MU, MU-20 and MU-40 districts provided the sign uses shielded lights that illuminate the area of the sign only and are only illuminated during normal operating hours.
8. The sign shall be located not less than ten (10) feet from the established right-of-way line of any street or highway and shall not obstruct traffic visibility at street or highway intersections.
9. All signs must be located on the premises of the commercial use for which the display advertises. Off-premise signage is allowed for non-profit, non-commercial uses only.

~~**SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS**~~

~~**8.1.1.1** There shall be a limit of two (2) total freestanding signs per tract of land~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Division. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.~~

~~**8.1.1.2** Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.~~

~~**8.1.1.3** Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.~~

~~**8.1.1.4** Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.~~

~~**8.1.1.5** Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.~~

~~8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS~~

~~**8.1.2.1** On-premise and off-premise (for non-profit only) signs in residential and agricultural districts (RR-5, SR-1, SR-2, UR and A)~~

~~**8.1.2.2** Signs in residential and agriculture districts shall be limited to non-commercial uses, such as religious institutions, fraternal organizations, schools, etc. Bulletin boards for worship facilities, educational facilities, or other public, religious, or educational institution are allowed provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.1.3 OTHER SIGNS (ALL DISTRICTS)

8.1.3.1 Temporary Signs

Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

8.1.3.2 Political Signs

Political Signs shall be regulated pursuant to Montana Code~~s~~ Annotated. Additionally, the following regulations shall apply:

~~8.1.3.2.1 Political Signs~~

(1) Signs promoting political candidates or issues shall:

(a) Not be erected or maintained within the highway right-of-way

(b) Not be erected or maintained prior to 90 days before the applicable election.

(c) Be removed within fourteen (14)~~30~~ days following the applicable election. The Public Works Department is authorized to remove illegal signs not removed within fourteen (14) days. The successful candidate in the primary election may leave their signs until after the general election.

8.1.3.3~~2.2~~ Directional Signs

(1) Including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they not exceed eight (8) square feet maximum in size and be no greater than eight (8) feet in height and may not contain any advertising. Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 1.2 shall apply.

8.1.4 NON-CONFORMING SIGNS

(1) Signs at the time of enactment of this Regulation which are not conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

(2) Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

8.1.5 NATURAL PRODUCTION USE

A Special Use Permit may be reviewed by the Zoning Board of Adjustment in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-1~~2 Heavy~~ Light Industrial District and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral deposits for the quarrying of any kind of rock formation, subject to the following conditions:

8.1.5.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.

8.1.5.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Zoning Board of Adjustment.

8.1.5.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (82-4-4, MCA~~) Title 82, Chapter 4, Part 4~~, et. seq).

8.1.5.4 In the case where a natural production use abuts an R District, a C District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.

8.1.5.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

8.1.6 DWELLINGS ON SMALL LOTS

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a ~~one~~single-family dwelling on any lot in an MU-20, MU-40, ~~Agricultural District~~ or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for ~~one~~single (1)

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

8.1.7 REVERSE AND KEY LOTS

In the case of a reverse lot, the building setback line shall be the same as the key lot.

8.1.8 ABANDONED BUILDINGS / ITEMS

Abandoned buildings—/—items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND

Each parcel of land shall have only one zoning designation.

8.2 YARDS

8.2.1 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

8.2.2 PORCHES

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

8.2.3 PROJECTING ARCHITECTURAL FEATURES

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

8.2.4 FIRE ESCAPES

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

8.2.5 FENCES

A Location/Conformance ~~p~~Permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations and regulations contained

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

herein below. Woven fencing shall not be erected anywhere in the county for range fencing, however, woven fencing may be used for small area enclosures such as corrals, pens, coops, and the like.

8.2.5.1 FENCE HEIGHT

No fence in any residential district (UR, SR-1, SR-2, RR-5, MU) may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement.

A variance may be allowed by the Zoning Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Zoning Board of Adjustment.

8.2.5.2 ELECTRIC FENCING

No fence of an electrically charged type shall be erected in the~~any~~ Urban R~~r~~esidential (UR) district, ~~m~~Mobile ~~h~~Home district (MH), or Mixed Use district (MU). Electrically charged fences utilized for agricultural use are allowed in any other district provided: (1) the energizer for the fence is designed for livestock; (2) the voltage of the energizer is appropriate for the particular livestock and/or animals intended for containment/determent under the agricultural use; (3) uses low impedance circuitry, millisecond-rate pulsating current, and low amperage; ~~and~~ (4) the electric fence is not used in conjunction with a barbed-wire fence for the same fenced perimeter. ~~unless intended for agricultural use~~.

8.2.5.3 RAZOR WIRE FENCING

Razor wire shall only be located in ~~only~~ an Industrial ~~Zoned~~ ~~D~~district (I-1) or (I-2), must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it.

8.2.5.~~3~~4 WILDLIFE-FRIENDLY FENCING

All fencing utilizing barbed-wire in the Mixed Use – 20 (MU-20), Mixed Use – 40 (MU-40), and Rural Residential – 5 (RR-5) districts shall meet the requirements of a legal fence defined in ~~MCA~~ 81-4-101 (1), MCA, with the exception that the bottom wire shall be not less than 16 inches from the ground. The following fencing structure is highly recommended: forty-two (42) inches from the ground to the top barbed-wire, twelve (12) inch spacing between the top barbed-wire and a second barbed-wire, seven (7) inch spacing between the second and a third barbed-wire, seven (7) inch spacing between the third barbed-wire and a bare bottom wire sixteen (16) inches from the ground. A graphic example is provided in the Montana Department of Transportation (MDT) brochure titled "Wildlife Friendly Fencing"

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

available in the Cascade County Planning Office or from MDT.

~~A Llocation/ Cconformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.~~

8.2.6 FRONT YARD DEPTH

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

8.3 TRANSITION REGULATIONS

8.3.1 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

8.3.2 SIDE AND REAR YARD TRANSITION

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

8.3.3 FRONT YARD TRANSITION

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

8.3.4 CORNER YARD TRANSITION

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

8.4 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected; or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

Cascade County Planning Division
Public Information Requests
Scanned Documents
(Unofficial Copy)

8.4.1 DWELLINGS

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

8.4.3 MOTELS AND HOTELS

At least one (1) parking space for each one (1) guest unit.

8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME

8.4.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

8.4.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

8.4.6 STORES

8.4.6.1 C District (Commercial District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

8.4.7 OFFICE BUILDINGS

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS

At least two (2) parking spaces for each three (3) working people on a maximum shift.

8.4.9 GENERAL

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

building.

8.5 SITE PLAN REVIEW CRITERIA

In each case where a ~~commercial~~ building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with this section and shall approve, or approve with conditions, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter into the Office of the Zoning Administrator's record the reason for such action.

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

(1) Name and address of applicant.

(2) Legal description and boundary lines of property being considered for review.

(a) Existing and proposed land use upon the site.

(b) Names of owners and existing land use on adjacent property.

(c) Location, size, dimensions and uses of existing and proposed buildings and improvements.

(d) Location and description of existing and proposed utilities.

(e) Location and dimensions of curb cuts and access points.

(f) Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

(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.

~~(i)~~(j) Compliance with Circular DEQ 8 (issued by the Montana Department of Environmental Quality) to mitigate and detain stormwater discharge.

8.6 FLOODPLAIN REGULATIONS

The Board of County Commissioners adopted the "Cascade County Floodplain

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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 Division 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. (See Letter of Map Change definition).

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) Pet Wholesalers.

(2) Pet Breeders.

(3) At a minimum, kennels shall provide:

(4) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from residential districts.

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) Exotic and Wild Animal Dealers.

8.8 TOWERS AND FACILITIES

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations providing they meet the following conditions:

(1) Setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries).

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.9 POWER PLANTS

The following regulations are for all proposed commercial power plants. Additional requirements for specific types of power plants are delineated in the following sections.

(1) Must meet all state, federal, and local regulations regarding

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Public Information Request
Scanned Documents
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the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT)

(1) Facility may not exceed one (1) megawatt of total generating capacity.

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:

(1) Must meet all state, federal, and local regulations regarding the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(6) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(7) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(8) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally

Cascade County Planning Division
Public Information Requested
Scanned Documents
(Unofficial Copy)

darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(9) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(10) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(11) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.12 POWER PLANT, SOLAR

Based on the typical solar power plant design, uses tend to be low in intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use may be compatible in both urbanized and non-urbanized areas throughout the County. Standards for power plant generation by solar energy shall be subject to the administrative requirements of Section 18 and the following site development standards:

(1) Lot coverage: All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of a lot unless adjusted by the Zoning Board of Adjustment.

(2) Setbacks: solar power plant structures shall be set back from all property lines at least thirty (30) feet from the front and six (6) feet from the side yards, and ten (10) feet from a rear yard.

(3) Landscaping Buffer: as determined by the Zoning Board of Adjustment through the Unclassified Use Permit process with considerations of location, size of parcel and topography of parcel. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.

(4) No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is

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Public Information Request
Scanned Documents
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required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style.

(5) Siting requirements of any structure within the Height Military Overlay District (MOD) must be met. Any variance requested for over-height must be presented to Malmstrom's reviewing staff and approved.

(6) Safety/Access: An appropriate security fence (height and material to be determined through the Unclassified use permit process) shall be placed around the perimeter of the solar power plant.

(7) Signage: appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.

(8) Noise: No operating solar power plant shall produce noise that exceeds any of the following limitations:

(a) Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
(b) Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
(c) Sixty dBA, as measured at the property lines of any other project boundary.

(9) Agreements/Easements: If the land on which the project is to be leased rather than owned by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project and a copy provided with an Unclassified use permit application.

(10) Removal: Structures that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS

A Special Use Permit is required by the Zoning Board of Adjustment in the Agricultural District. In addition to the submittal requirements of Section 10, Standards for Special Use Permits, the following items will be required.

(1) Cover letter describing project and submittal materials.

(2) Copy of associated mineral leases.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(3) Copy of order from the Montana Board of Oil and Gas Conservation, and associated stipulations/conditions.

(4) Name and location of all water wells on adjacent properties.

(5) Operations statement detailing the proposed hours of operation, duration of project, operation of project including staffing schedules and estimated trips per day, traffic study with proposed mitigation and fire plan with proposed mitigation.

(6) Noxious Weed Management Plan.

(7) Plan for reclamation of all disturbances associated with the project.

(8) Workforce Housing plan, if applicable.

(9) Any additional information deemed necessary by the Planning Division.

8.14 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated (M.C.A). Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in this Section.

8.14.1 REQUIRED PERMITS

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 9.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana.

Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31st and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

Cascade County Planning Division
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8.14.2 APPLICABLE TIME PERIOD

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise **prior to June 1** of the year for the **June 24th through July 5th** selling period and must be removed by **July 31st** of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise **prior to December 6th** of the year for the **December 29th through December 31st** selling period and must be removed by **January 15th** of the next year.

8.14.3 REQUIRED DISTANCES AND SETBACKS

A temporary fireworks stand shall be located:

(1) At least 300 feet from a worship facility, a hospital, or educational facility.

(2) At least 150 feet from any flammable liquid dispensing device or installation.

(3) At least 150 feet from any residential dwelling unit.

(4) At least 30 feet from any public roadway.

(5) At least 50 feet from any non-residential structure.

(6) At least 25 feet from any attendant vehicle or structure associated with the fireworks stand.

(7) Setbacks

Front Yard- The minimum front setback shall be thirty (30) feet.

Rear Yard- The minimum rear setback shall be thirty (30) feet.

Side Yard- The minimum side setback shall be ten (10) feet.

(8) Off-street Parking

Size- The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

Number- The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

The required front yard may be used for off-street parking.

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8.14.4 APPLICABILITY OF OTHER REGULATIONS

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

8.14.5 PENALTY

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 14, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

8.15 CONTRACTOR YARDS

8.15.1 CONTRACTOR YARD, SMALL

~~Generally these standards do not apply to contractor yards in Industrial zoning districts.~~

(1) Lot size requirements

The minimum lot size shall be one (1) acre.

(2) Limitations on equipment

No more than two (2) pieces of heavy equipment exceeding three tons may be stored on the premises.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is prohibited.

(4) Buildings.

A building(s) not exceeding a cumulative total of three thousand (3,000) square feet shall be constructed on the premises to accommodate the contractor's operations.

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Public Information Request
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8.15.2 CONTRACTOR YARD, LARGE

~~Generally these standards do not apply to contractor yards in Industrial zoning districts.~~

(1) Lot size requirements

There are no minimum lot size requirements.

(2) Limitations on equipment

There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is permitted.

(4) Buildings

The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.

8.16 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in a~~n urban~~ residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home Occupations also must:

(1) Be carried on only within the principal or accessory buildings;

(2) Be incidental and secondary to the use of the dwelling unit for residential purposes;

(3) Be carried on by a member of the family residing in the dwelling unit; and

(4) Conform to the following additional conditions:

(a) There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.

(b) There shall be no exterior storage of materials or variation

Cascade County Planning Division
Public Information Request
Scanned Documents
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from the residential character of the principal building;

(c) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and

(d) Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

(1) Art studio;

(2) Dress and drapery making;

(3) Teaching with musical instruments limited to a single pupil at a time; and/or

(4) Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

(1) Restaurants;

(2) Commercial stables and commercial kennels; and / or

(3) Auto repairing.

In instances where the appropriateness of the proposed home occupation in unclear, the Zoning Administrator may request an Operational Statement from the applicant that provides a complete description of the operation, such as days and hours of operation, number of customers or visitors, type and frequency of deliveries, etc.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

8.17 ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Administrator~~Director~~ or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Administrator~~Director~~ may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Administrator ~~Director~~ or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

Cascade County Planning Division
Public Information Request
Scanned Documents
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(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief.

(2) The intent of the section and the specific regulation in question is preserved.

(3) The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.

(4) All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Administrator~~Director~~ or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Administrator~~Director~~'s decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all C, I-1, I-2, MU, and MH and as otherwise required in these regulations.

The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

8.18.1 LANDSCAPING PLAN REQUIREMENTS

A landscaping plan must be approved by the Planning Administrator~~Director~~ or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

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Public Information Request
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(1) Appropriate to the site conditions ~~in which they are planted~~;

(2) Inhibit the spread of noxious or invasive plant species~~Have non-invasive growth habits~~;

(3) Encourage low maintenance, high quality design; and

(4) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the ~~Planning Division or the~~ Montana State University Extension Service.

The landscaping plan should contain the following elements:

(1) Scale: ¼"=1'0" to 1"=40'

(2) Property lines, easements and public rights-of-way, including clear vision triangles

(3) Buildings or structures - both new and existing.

(4) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.

(5) Landscaping materials:

(a) Location and spacing of proposed plant materials

(b) Location of existing trees or landscaping to be preserved or eliminated

(c) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule

(d) Size of materials, in caliper, diameter and height at installation and maturity

(e) Quantity of each planting materials to be used

(f) Types and location of inorganic landscaping material

(6) Location of walls, fences and refuse storage area

(7) Methods of protecting the landscaped areas

(8) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a healthly, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have

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Public Information Request
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been irreparably damaged shall be removed and replaced with living plant materials consistent with the approved landscape plan or as required by these regulations.

8.18.2 MINIMUM REQUIREMENTS

8.18.2.1 STREET FRONTAGE LANDSCAPING

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: Fifteen (15)' foot minimum buffer yard width with one (1) tree per eighty (80) linear feet of frontage.

Option 2: Ten (10') foot minimum buffer yard width with two (2) trees per eighty (80) linear feet of frontage.

Option 3: Landscaped berm with two (2)' foot minimum average height, One (1) foot' rise: 4' run maximum slope, and
No minimum or maximum berm width.
One (1) tree per eighty (80) linear feet of frontage in addition to berm.

Option 4: Five (5)' foot minimum buffer yard with one (1) tree per forty (40) linear feet of frontage and a thirty (30) inch" high decorative or non-decorative wall located appurtenant to the parking area.
A non-decorative wall shall be covered with vines on the street side of the wall.
A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

Cascade County Planning Division
Public Information Request
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8.18.2.2. PERIMETER LANDSCAPING

(1) The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Administrator shall determine which category best matches the use.

8.18.2.3 BUFFER YARD CLASSIFICATION REQUIREMENTS:

Buffer yard A: No Landscaping Required.

Buffer yard B: Five (5) foot minimum buffer yard with one (1) tree per forty (40) linear feet.

Buffer yard C: Ten (10) foot minimum buffer yard with two (2) trees per forty (40) linear feet and either a Six (6) foot sight obscuring fence or wall located on the property line.*

Buffer yard D: Fifteen (15) foot minimum buffer yard with four (4) trees per forty (40) linear feet and either a Six (6) foot sight obscuring fence or wall located on the property line.*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.4 BUFFER YARD STANDARDS FOR ALL DEVELOPMENT

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

8.18.2.5 OTHER REQUIREMENTS

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, or~~and~~ any combination thereof.

Any paved parking lot ~~which requires more than ten (10) parking spaces~~ must ~~be paved and~~ provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm Water Runoff Regulations. Unpaved ~~P~~parking lots ~~which require less than ten parking spaces~~ must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Administrator~~Director~~.

8.18.3 ADMINISTRATIVE RELIEF

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Administrator~~Director~~ or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Administrator~~Director~~ or his/her designee must make all of the following findings in order to grant Administrative Relief:

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary

Cascade County Planning Division
Public Information Request
Scanned Documents
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or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(2) The intent of the landscaping section and the specific regulation in question is preserved; and

(3) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Administrator~~Director~~ or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Administrator~~Director~~'s decision may be made to the Zoning Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18.4 POLICIES

(1) The Planning Division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Division may grant Administrative Relief in the event of these situations and proposals.

(2) The Planning Division recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

(3) The Planning Division shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

(4) The Planning Division also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

Cascade County Planning Division
Public Information Request
Scanned Documents
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The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the Planning Division generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered.

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees.

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

~~8.19 MEDICAL MARIJUANA PROVIDER~~

~~Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.~~**8.20~~19~~ SEXUALLY ORIENTED BUSINESS**

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

~~8.20 LIGHT INDUSTIRIAL (I-1) ZONING DISTRICT STANDARDS~~

~~All operations shall:~~

~~(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;~~

~~(b) emit no excessive obnoxious odors;~~

~~(c) exhaust no excessive waste into the air or create excessive~~

Cascade County Planning Division
Public Information Request
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dust by the industrial operation;

(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate authority;

(e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;

(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

(g) conduct no mining, extracting, filling or soil stripping operations unless permitted as a gravel pit; and

(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(i) operations conducted between 7 AM and 7 PM.

MOUNTAIN STANDARD OR DAYLIGHT SAVINGS

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SECTION 9. PERMIT REQUIREMENTS

9.1 GENERAL

These regulations shall be enforced by the Zoning Administrator. ~~who shall be appointed by the Board of County Commissioners of Cascade County.~~ No Location-/-Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been met.

9.2 LOCATION-/CONFORMANCE PERMIT

No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; 2) a site plan meeting the requirements of Section 8.5 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator, and a separate Location/Conformance Permit has been issued for each tract of land.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned ~~A-~~ Agricultural (A), and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the ~~A-~~ Agricultural (A) requirements listed in these regulations. All other uses including commercial, special use permits, etc. require obtaining a location/conformance permit and complying with the Cascade County Zoning Regulations.

A is Gone

Location/Conformance Permit approval by the Zoning Administrator~~s~~ shall be valid for only one particular use and shall expire one (1) year after the date of the approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only twelve (12)-month extension to the expiration the Location/Conformance Permit approval.

9.3 FEES

The fee to be paid upon application for a Location-/-Conformance Permit shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~Fifty Dollars ($50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars ($200.00).~~ The fee to be paid upon application for a Special Use Permit or an Unclassified Use Permit shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~Four Hundred Fifty~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~Dollars ($450.00).~~ The fee to be paid for an Appeal Application or for a Variance Application shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~Two Hundred Fifty Dollars ($250.00).~~ All fees are non-refundable.

9.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined by the Zoning Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of 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 Division along with the application / appeal fee ~~($250)~~ as ~~may be~~ established by the County Commission.

(2) **Determination of completeness**. Within 10 working days of submittal, the Planning Administrator~~Director~~ shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The Administrator~~director~~ shall take no further steps to process the application until the deficiencies are remedied.

(3) **Notice**. Consistent with Section 12 of these regulations, the director 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 Zoning Board of Adjustment 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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(4) **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, 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 Zoning Board of Adjustment shall hold a public hearing to review the application.

(7) **Decision.** Within 30 days of the determination of completeness, the Zoning Board of Adjustment 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 director 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

Cascade County Planning Division
Public Information Request
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In addition to the general findings required above, the following findings shall apply to variances from floodplain requirements:

(1) The proposed use will be adequately 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 3 members shall be necessary to approve a variance. (~~MCA)~~76-2-224, MCA).

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.

(4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the Zoning Board of Adjustment 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. (~~MCA)~~ 67-4-314, MCA).

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

Cascade County Planning Division
Public Information Request
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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. (~~MCA)~~ 76-2-227 (1), MCA).

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Public Information Request
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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 as Provided in Section 10" 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 Division's Fee Schedule~~$450.00~~.

10.2 REQUIRED PLAN

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 Operational Statement Checklist.

Req'd for correct?

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 Office of the County Clerk and Recorder or Planning Division).

Cascade County Planning Division
Public Information Request
Scanned Documents
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(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.

(h) Compliance with Circular DEQ 8 (issued by the Montana Department of Environmental Quality) to mitigate and detain stormwater discharge.

10.3 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications heard by the Cascade County Zoning Board of Adjustment. Notice shall be provided for as set by ~~MCA~~ 7-1-2121, MCA. 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 Zoning Board of Adjustment will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the special use permit.

10.4 EXPIRATION

A Special Use Permit application, once deemed sufficient and prior to the hearing by the Zoning Board of Adjustment, 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 Division 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 applicaton 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.

Do we need to address existing uses?

Cascade County Planning Division
Public Information Request
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The Zoning Board ~~O~~of Adjustment 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 Zoning Board Of Adjustment 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 Zoning Board of Adjustment 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 Board of Adjustment can approve any Special Use Permit, it must first reach each of the following conclusions:

(1) Conditions may be required that the Zoning Board of Adjustment 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:

(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 stormwater 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:

Cascade County Planning Division
Public Information Request
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(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:

(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:

(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 ~~the~~ Special Use ~~p~~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 Cascade County Zoning Board of Adjustment.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

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In reviewing Special Use Permit Applications, the Zoning Board of Adjustment 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 makes 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 Zoning Board of Adjustment 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 Zoning Board of Adjustment, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment 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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 11. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

11.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

11.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his or her ability the date of a discontinuance of a non-conforming use based on substantiating evidence from the applicant and any other historical records or documents.

11.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

Cascade County Planning Division
Public Information Request
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11.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

11.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

11.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

11.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

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Public Information Request
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SECTION 12. ZONING BOARD OF ADJUSTMENT

12.1 CREATION OF ZONING BOARD OF ADJUSTMENT

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Zoning Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term.

All members of the Board shall serve without compensation. The Zoning Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person or persons, jointly or severely aggrieved by a decision of the administrative officer or by an officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the Board, in a timely manner all papers constituting the record upon which the action appealed was taken.

12.3.1 APPEAL FEE

Upon the filing of an appeal to the Zoning Board of Adjustment, the applicant shall pay to such Board, an appeal fee as listed in the Cascade County Planning Division's Fee Schedule.~~of Two Hundred Fifty Dollars ($250.00)~~; provided,

Cascade County Planning Division
Public Information Request
Scanned Documents
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however, that if any officer, department, board or bureau of the Countymunicipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 APPEAL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate of stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken, and on due cause shown.

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest and decide the appeal within a reasonable time. The notice shall be published at least fifteen (15) days prior to, but no more than thirty (30) days prior to, the public hearing. At the hearing, a party may appear in person or by the party's attorney.

12.3.3 BOARD APPEAL POWERS

The Zoning Board of Adjustment shall have the following powers:

12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

12.3.3.2 To hear and decide Special Use Permits (see Special Use Permit definition) to the terms of the zoning regulations as provided for in Section 10 of these regulations. The language herein is not intended to restrict or limit the power of the Zoning Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.

12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION

Cascade County Planning Division
Public Information Request
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12.3.4.1 In exercising the above-mentioned powers, the Zoning Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

12.3.4.2 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD

12.3.5.1 Any person or persons, jointly or severally, aggrieved by a decision of the Zoning Board of Adjustment, may present to the Board of County Commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Board of County Commissioners within thirty (30) days after the filing of the decision of the board of adjustment, and a final decision must be made within sixty (60) days of the receipt of the petition.

The office of the Zoning Board of Adjustment in which the decision shall be filed shall be the Cascade County Public Works Department Planning Division. A vote of the zoning board of adjustment shall constitute a final decision of the matter and shall be deemed filed at the adjournment of the meeting.

The Board of County Commissioners may:

a) remand the special exception to the board of adjustment;
b) reverse or affirm, wholly or partly, the decision of the board of adjustment; or
c) modify the decision of the board of adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners or the Zoning Board of Adjustment, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the appropriate board.

12.3.5.2 Upon presentation of a petition, the court may allow a writ of certiorari directed to the Board of County Commissioners or the Zoning Board of Adjustment to review the decision of the Board and shall prescribe in the writ the time within which a return must be made and served upon

Cascade County Planning Division
Public Information Request
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the party's~~realtor's~~ attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ may not stay proceedings upon the decision appealed from, but the court may, upon application, on notice to the board of county commissioners or the board of adjustment, and on due cause shown, grant a restraining order.

12.3.5.3 The Board of County Commissioners or the Zoning Board of Adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

12.3.5.4 If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Cascade County Planning Division
Public Information Request
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SECTION 13. VIOLATIONS AND PENALTIES

13.1 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, placed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, placement, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

13.2 PROCEDURE/PENALTIES

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 VIOLATION

After first knowledge of the violation, a notice to comply or cease and desist notice to comply within thirty (30) days shall be issued.

13.2.2 COMPLIANCE

If compliance as enumerated in 13.2.1 above is not obtained within the allotted thirty (30) days, the violation shall be forwarded to the Cascade County Attorney's Office.~~an additional thirty (30) days (for a total of sixty (60) days since the date of the first notice to comply), the violation shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.~~

13.2.3 PROSECUTE

The County reserves the right to prosecute a continuing violation which has not been corrected after the above steps have been taken. the violation shall be punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

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SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 rezoning petition process.

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

(1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.

(2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.

(3) A legal description of the boundaries of the proposed district.

(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 Office of the County Clerk and Recorder or Planning Division).

(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.

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(f) On a site plan, indicate the location of existing curb cuts or access points.

(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.

(5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

(6) Prepare a statement which addresses the following considerations:

(a) Made in accordance with the growth policy and

(b) Designed to:

(i) Secure safety from fire, and other dangers; and

(ii) Promote public health, public safety, and general welfare; and

(iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(c) Reasonable provision of adequate light and air:

(d) The effect on motorized and non-motorized transportation systems;

(e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(f) The character of the district and its peculiar suitability for particular uses; and

(g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

7. Application Fee: All applications for rezoning must include an application fee as listed in the Cascade County Planning Division's Fee Schedule.~~of seven hundred fifty dollars ($750.00).~~

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14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district.

14.3.1.2 The general character of the proposed zoning regulations.

14.3.1.3 The time and place of the public hearing.

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

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addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202, (MCA~~) Title 15 Chapter 7 Part 202~~ or whose property is taxed as forest land under 15-44-1, (MCA~~) Title 15, Chapter 44, Part 1~~ have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

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SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport.

(2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

(3) That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

15.1.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zone which are hereby referenced in these regulations and made a part hereof (Section 4). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

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15.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

15.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

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15.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

15.1.2 HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

15.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

15.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

15.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.3 TRANSITIONAL ZONES

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and

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Public Information Request
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extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

15.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

15.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

15.1.5 NON-CONFORMING USES:

15.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

15.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of

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aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

15.1.6 AIRPORT AREA PERMITS

15.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations.

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15.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

15.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

15.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on Exhibit B-1, B-2, and B-3 which are attached to these regulations and made a part hereof. (Reference Section 4.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) seventy-five (75) Ldn.

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(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

15.1.7.2 Exceptions

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 15 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

15.1.8 APPEALS

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 15~~16~~ of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.

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EXHIBIT B-1

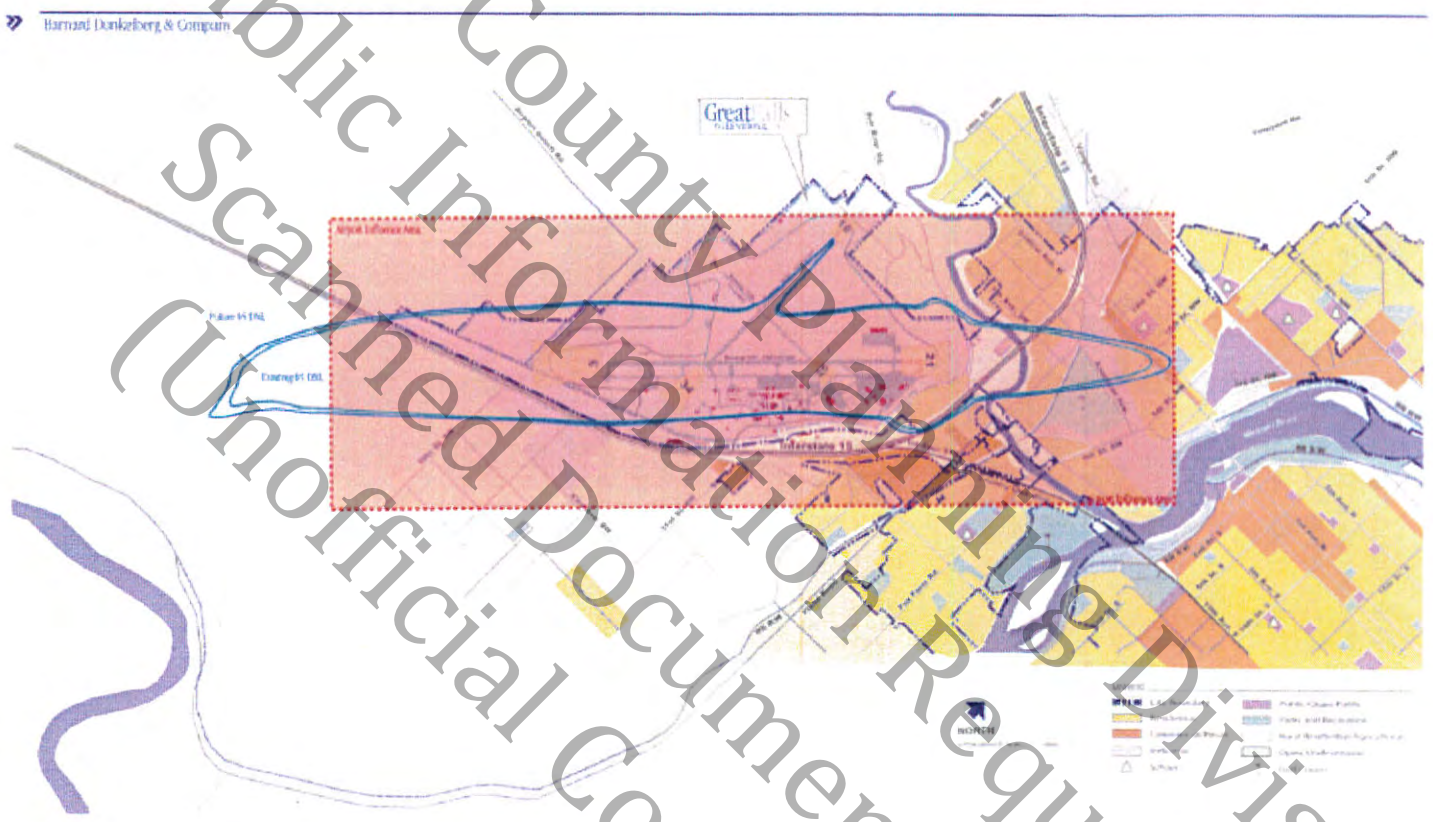

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Exhibit B-2

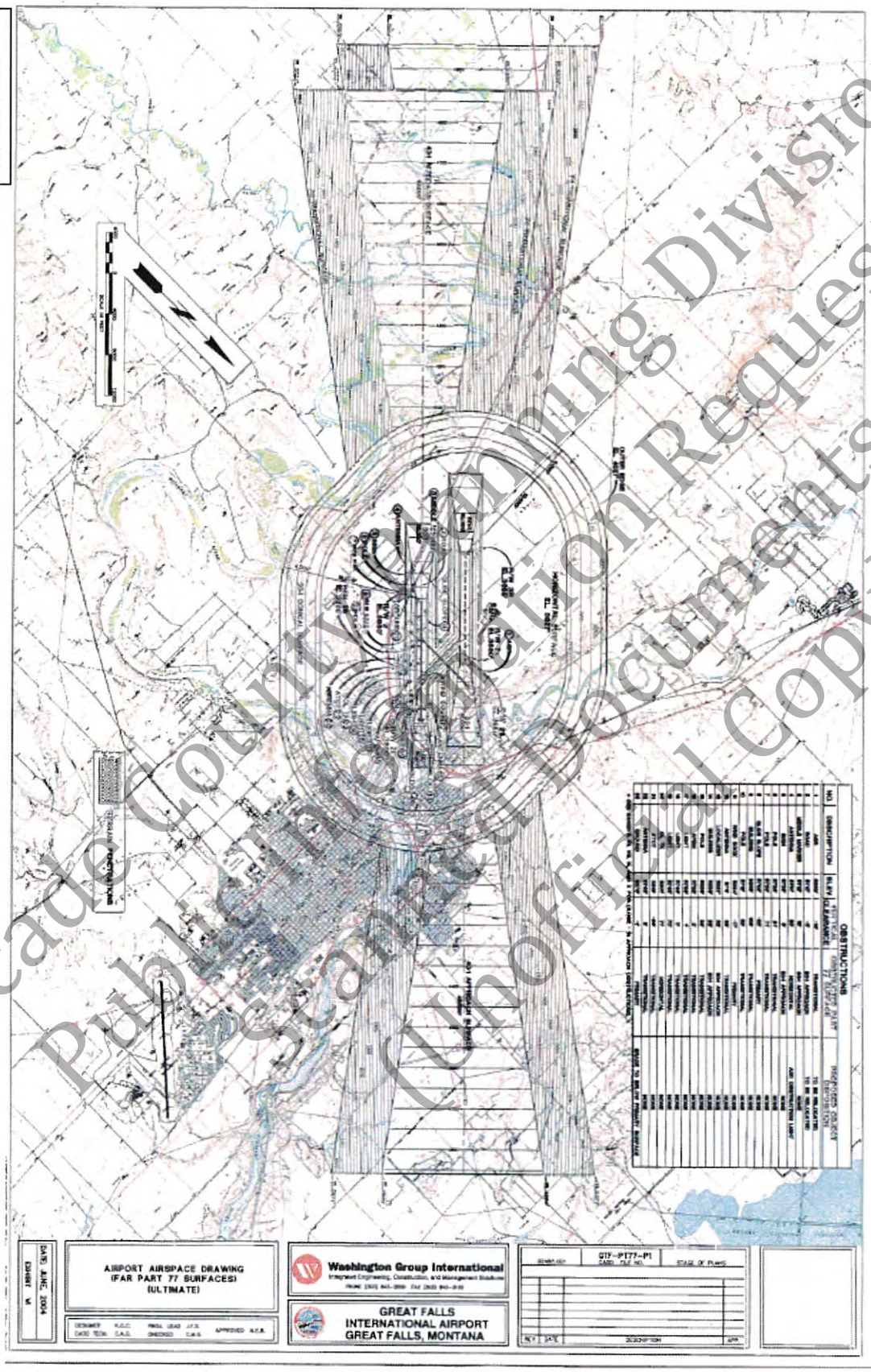

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EXHIBIT B-3

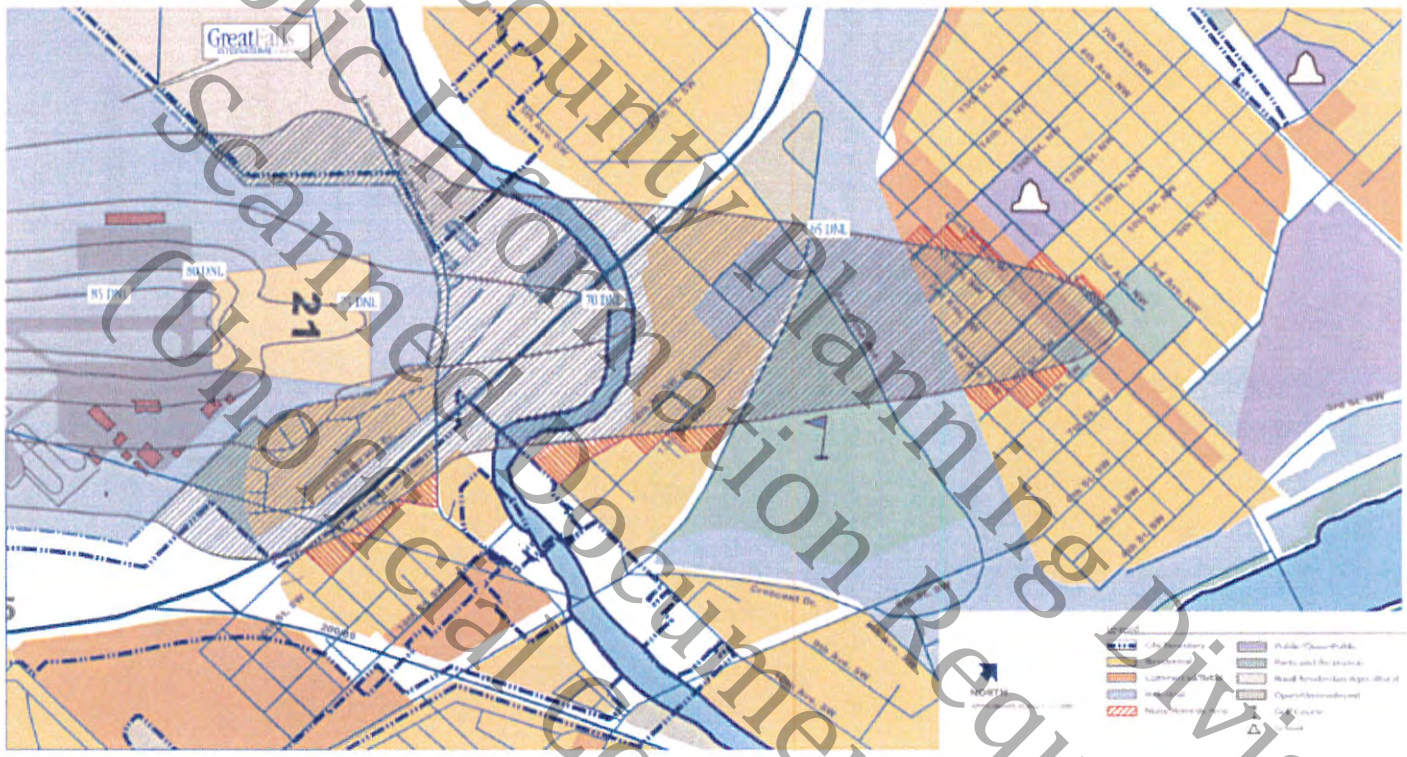

FIGURE 6.5
Recommended Noise Remedy Boundary

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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 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

16.1 MAFB RUNWAY AREA

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

MOD-A (Clear Zone Surface)

No structures greater than 50 feet in height.

MOD-B (Transitional Surface)

No structures greater than 50 feet in height.

MOD-C (Inner Horizontal Surface)

No structures greater than 150 feet in height.

MOD-D (Conical Surface)

No structures greater than 150 feet in height.

MOD-E (Approach/Departure Clearance Surface)

No structures greater than 50 feet in height.

MOD-F (Outer Horizontal Surface)

No structures greater than 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 Zoning Board of Adjustment 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.

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16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS)

No structures shall be allowed within the 1,200 foot buffer around each MAF and LF.

Any proposed structures over 50 feet in height between 1,200 feet and 2,400 feet of a MAF or LF 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 Zoning Board of Adjustment 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.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

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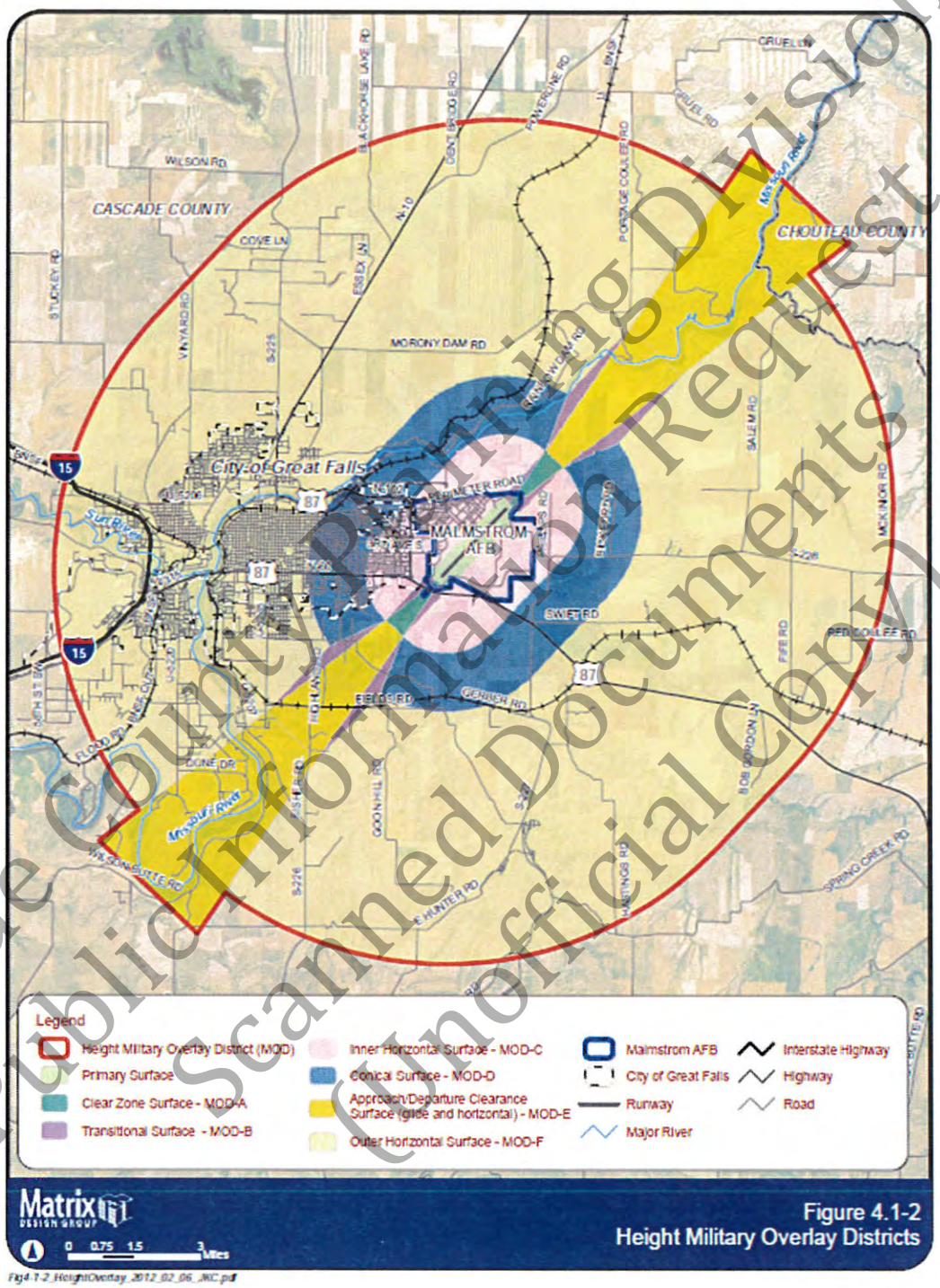

Figure 4.1-2
Height Military Overlay Districts

Fig4.1-2_HeightOverlay_2012_02_06_JKC.pdf

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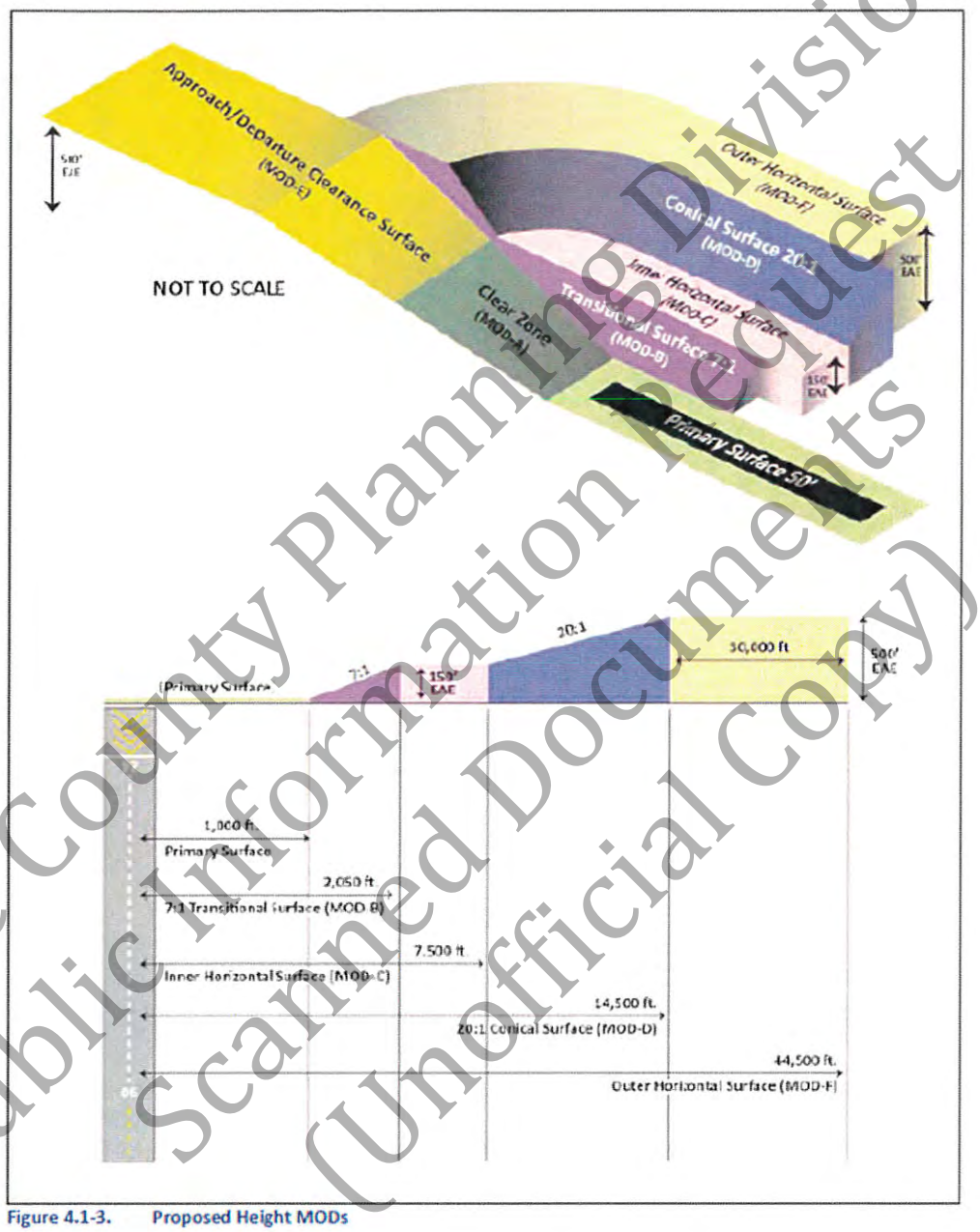

Figure 4.1-3. Proposed Height MODs

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SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

On January 25, 2000, a citizen initiated zoning district, the Flood Road Zoning District, was proposed by residents in the Woodland Estates area and subsequently adopted by the Board of Cascade County Commissioners. In 2005, Cascade County adopted countywide zoning exclusive of the incorporated communities of Belt, Cascade, Great Falls and Neihart and of the Flood Road Zoning District. Thus, the Flood Road Zoning District regulations are not included in the Cascade County Zoning Regulations and have not been amended or updated since adoption in 2000. Overtime, this has created inconsistencies between how administration of the Flood Road Zoning District is processed as compared to the rest of the County.

Of the eleven (11) zone districts adopted as part of the countywide zoning, the zone district that is most comparable is terms of lot size and permitted uses is the Suburban Residential Two (SR-2) zone district. This zone district now abuts the Flood Road Zoning District on two sides.

In the spring of 2012 as part of the update of the Cascade County Zoning Regulations, County staff sent letters to all property owners in the Flood Road Zoning District asking for comments to three options; 1) maintain the Flood Road Zoning District as is; 2) incorporate the Flood Road Zoning District as an overlay with an underlying zoning of SR-2, which would keep the existing standards intact; or 3) rezone to SR-2, eliminating the Flood Road Zoning District entirely. The residents overwhelming wished to retain the permitted and prohibited uses but with easier administration of the regulations, therefore, this overlay district, with SR-2 zoning.

17.1 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.

17.2 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.

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(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.

(9) Home Occupations, provided the following conditions are met:

(a) 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.

(b) 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.

(c) 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.

(d) There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.

(e) The primary unit shall remain a residential structure.

(f) 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.

17.3 USES ALLOWED WITH A SPECIAL USE PERMIT

See Suburban Residential 2 (SR-2)

17.4 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.

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~~(4)~~(5) Junk and scrap yards.

~~(5)~~(6) Commercial feedlots, large commercial hog or poultry operations, commercial mink or fur farm, slaughterhouse or rendering plant.

~~(6)~~(7) Any industrial operations, with the exception of sand and gravel removal.

~~(7)~~(8) Commercial marinas.

~~(8)~~(9) Storage of more than 1,000 gallons of flammable liquids, other than propane storage tanks.

~~(9)~~(10) Commercial strip malls or outlet malls

~~(10)~~(11) New or used car lots.

~~(11)~~(12) Commercial dog kennels.

~~(12)~~(13) Temporary structures beyond a one-year period during the construction of a permanent dwelling.

~~(13)~~(14) More than two head of livestock per acre of land on a permanent or temporary basis.

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SECTION 18 UNCLASSIFIED USE PERMITS

Unclassified uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions outlined within this section. In addition, the following uses may be permitted by Unclassified Use Permits except for any use, including a power generating plant, which utilizes coal, coke, or other coal-based fuel as an industrial fuel source.

Unclassified uses are hereby said to possess characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district.

An Unclassified 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 an Unclassified Use Permit" as provided in this section. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Unclassified Use Permit. A separate Unclassified Use Permit shall be required per each tract of land. The Unclassified Use Permit fee shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~$450.00.~~

18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT

(1) Airport.

(2) Cemeteries.

(3) Civic Use Facility.

(4) Commercial propagation, boarding, grazing or butchering of small livestock and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(5) Community Residential Facilities.

(6) Hospitals.

(7) Indoor Sports and Recreation.

(8) Outdoor Sports and Recreation.

(9) Power Plant.

(10) Public Entity.

(11) Public Institution.

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(12) Public Safety Facility.

(13) Public Uses.

18.2 PUBLIC NOTIFICATION

A public hearing shall be required for all Unclassified Use permit applications heard by the Cascade County Zoning Board of Adjustment. Notice shall be provided for as set by ~~MCA~~ 7-1-2121, MCA. 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, their agent, and all adjacent land owners for which an Unclassified Use permit is sought shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and opponents of the Unclassified Use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the Unclassified Use permit.

18.3 EXPIRATION

The Zoning Board Of Adjustment approval of the Unclassified 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 Zoning Board Of Adjustment approval.

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

18.4 EXISTING VIOLATIONS

No permit shall be issued for an unclassified 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.

18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES

Before the Board of Adjustment can approve any Unclassified Use Permit, it must first reach each of the following conclusions: (Conditions may be required that the Zoning Board of Adjustment determines, if implemented will mitigate potential conflicts in order to reach these conclusions.)

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(1) The proposed development will not materially endanger the public health or safety.

Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

c. Soil erosion, sedimentation, and stormwater run-off

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

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.

(3) The proposed development will be in harmony with the area in which it is located.

Considerations:

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.

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(4) The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

a. Consistency with the Growth Policy objectives for the various planning areas.
b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

18.6 OPERATIONS

Operations in connection with the Unclassified 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.

18.7 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 Cascade County Zoning Board of Adjustment.

18.8 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Unclassified Use Permit Applications, the Zoning Board of Adjustment 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 Unclassified Use Permit or table the review process until the next Zoning Board of Adjustment 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 Unclassified Use

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Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Staff will issue the Unclassified Use Permit.

18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment decision shall follow the process as outlined in Section 12 of these regulations.

18.10 REVOCABILITY

A violation of an Unclassified Use permit will be treated as any other violation under Section 13 of these regulations.

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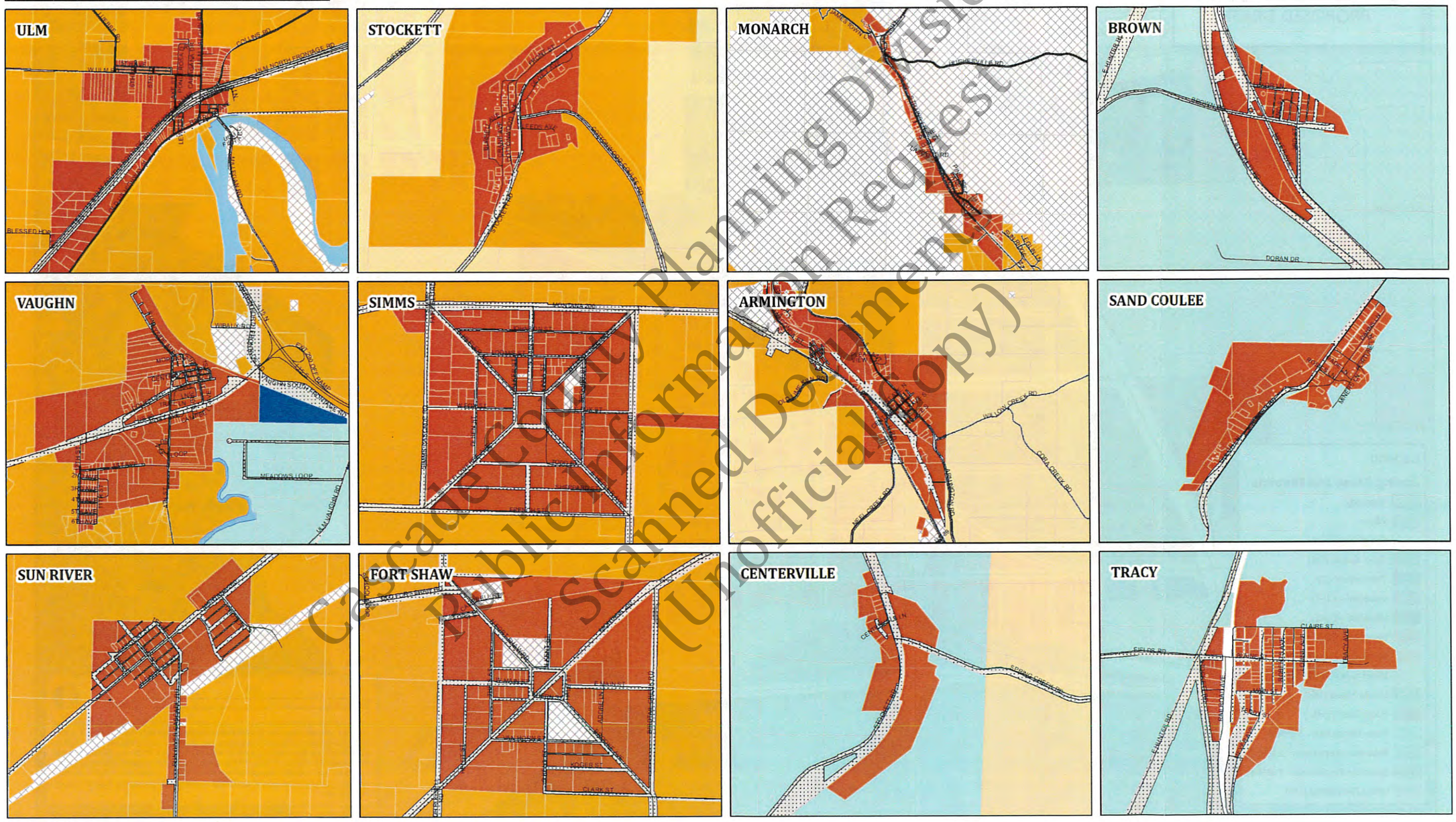
Legend

- Roadway
- Water
- Out of Jurisdiction
- Open Space (OS)
- Commercial (C)
- Industrial - 1 (I-1)
- Industrial - 2 (I-2)
- Mixed Use (MU)
- Mixed Use - 20 (MU-20)
- Mixed Use - 40 (MU-40)
- Mobile Home (MH)
- Flood Road (FR)
- Rural Residential - 5 (RR-5)
- Suburban Residential - 2 (SR-2)
- Suburban Residential - 1 (SR-1)
- Urban Residential (UR)

2018 CASCADE COUNTY ZONING MAP EXHIBIT A-3 PROPOSED DRAFT



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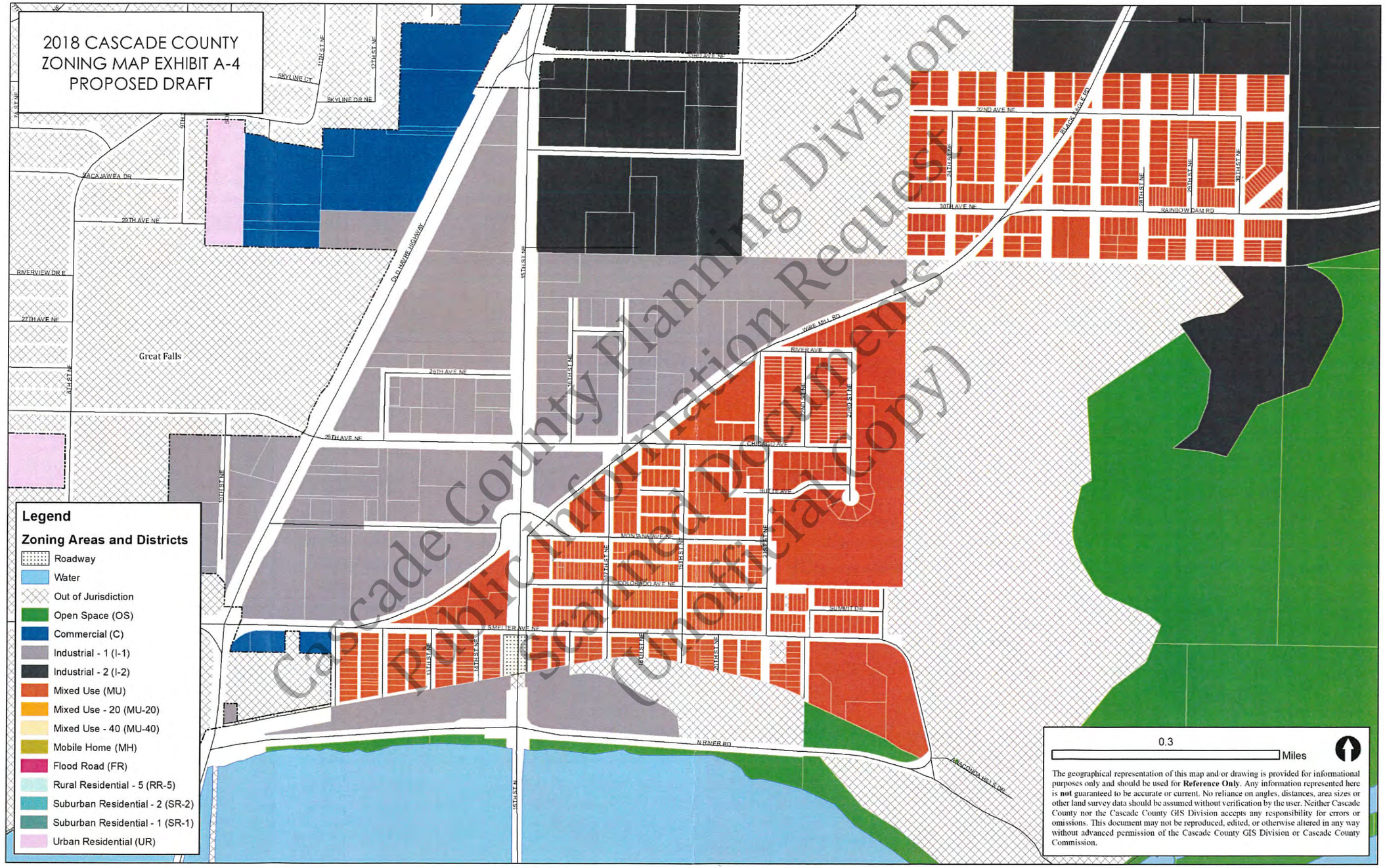

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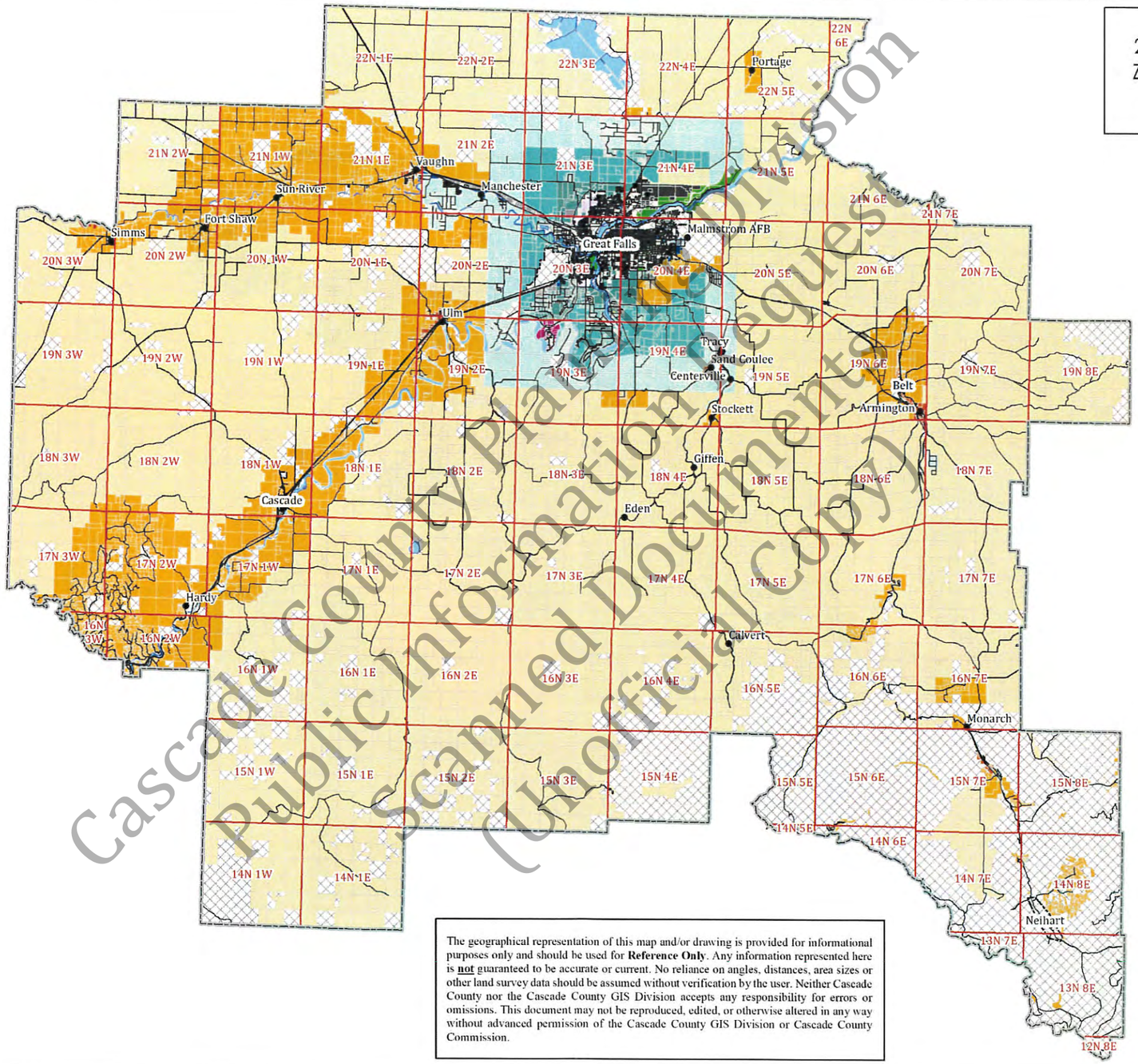
2017 CASCADE COUNTY

2018 CASCADE COUNTY ZONING MAP EXHIBIT A-1 PROPOSED DRAFT



Legend

Zoning Areas and Districts

- Roadway
- Water
- Out of Jurisdiction
- Open Space (OS)
- Commercial (C)
- Industrial - 1 (I-1)
- Industrial - 2 (I-2)
- Mixed Use (MU)
- Mixed Use - 20 (MU-20)
- Mixed Use - 40 (MU-40)
- Mobile Home (MH)
- Flood Road (FR)
- Rural Residential - 5 (RR-5)
- Suburban Residential - 2 (SR-2)
- Suburban Residential - 1 (SR-1)
- Urban Residential (UR)

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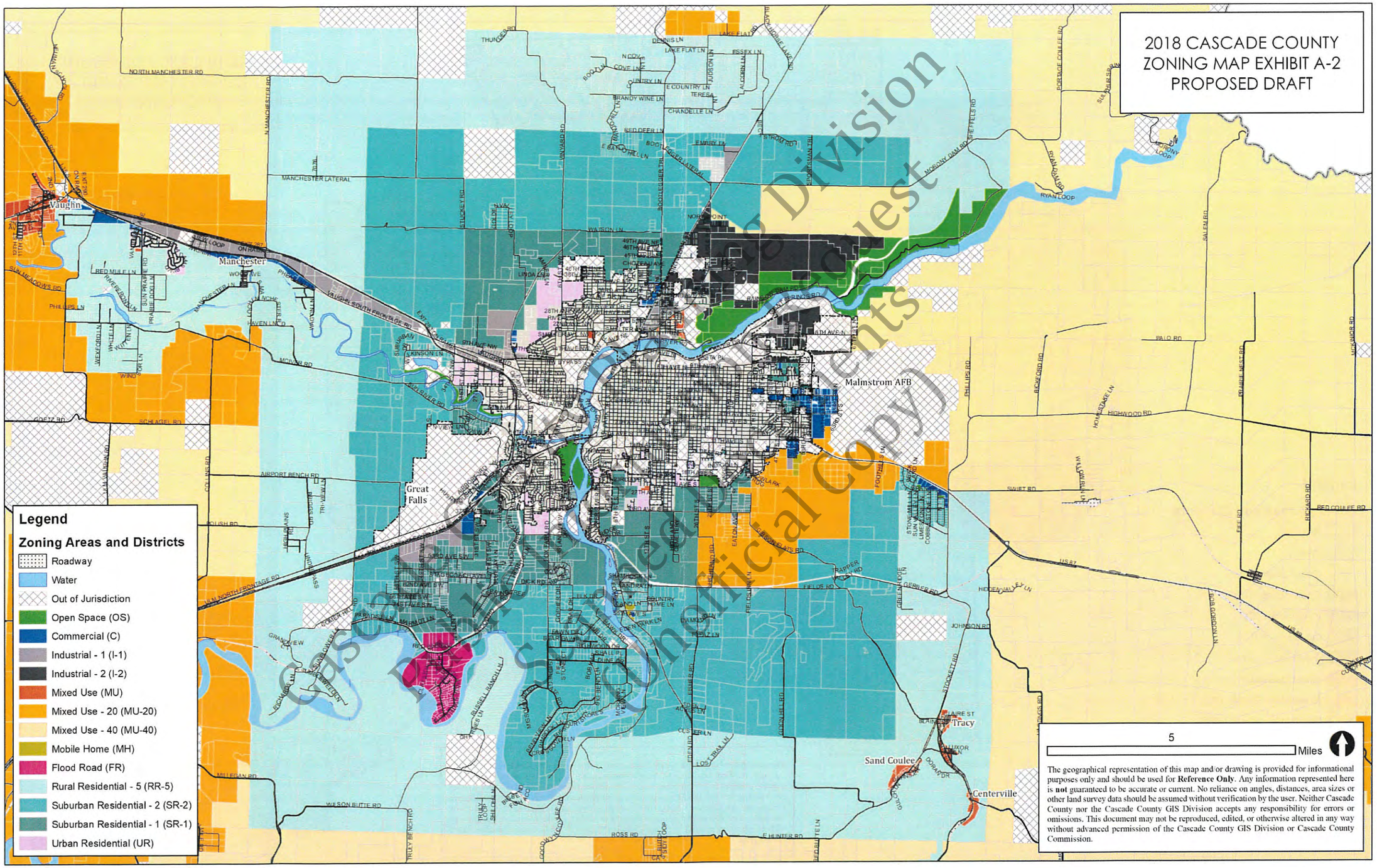

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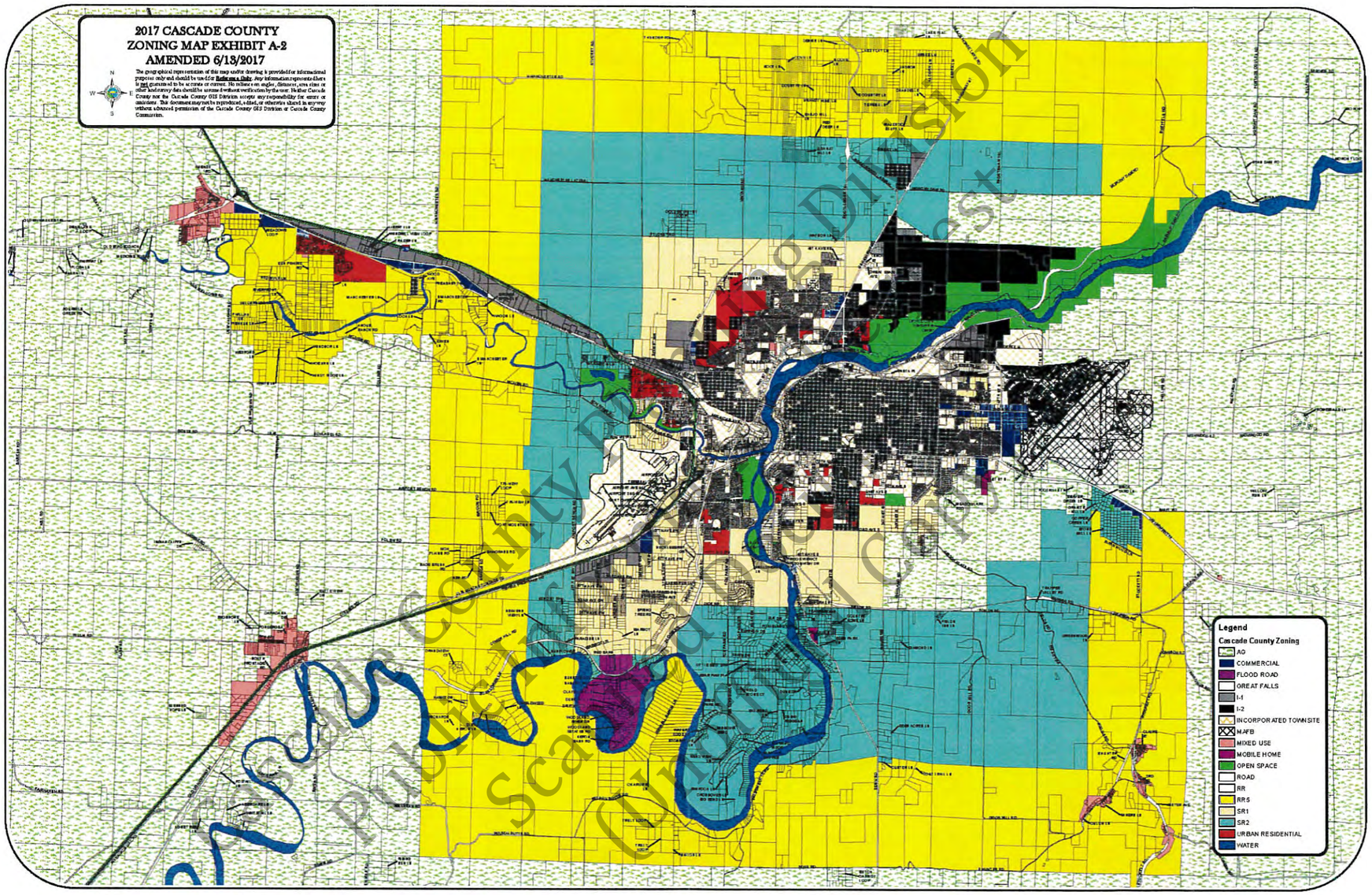

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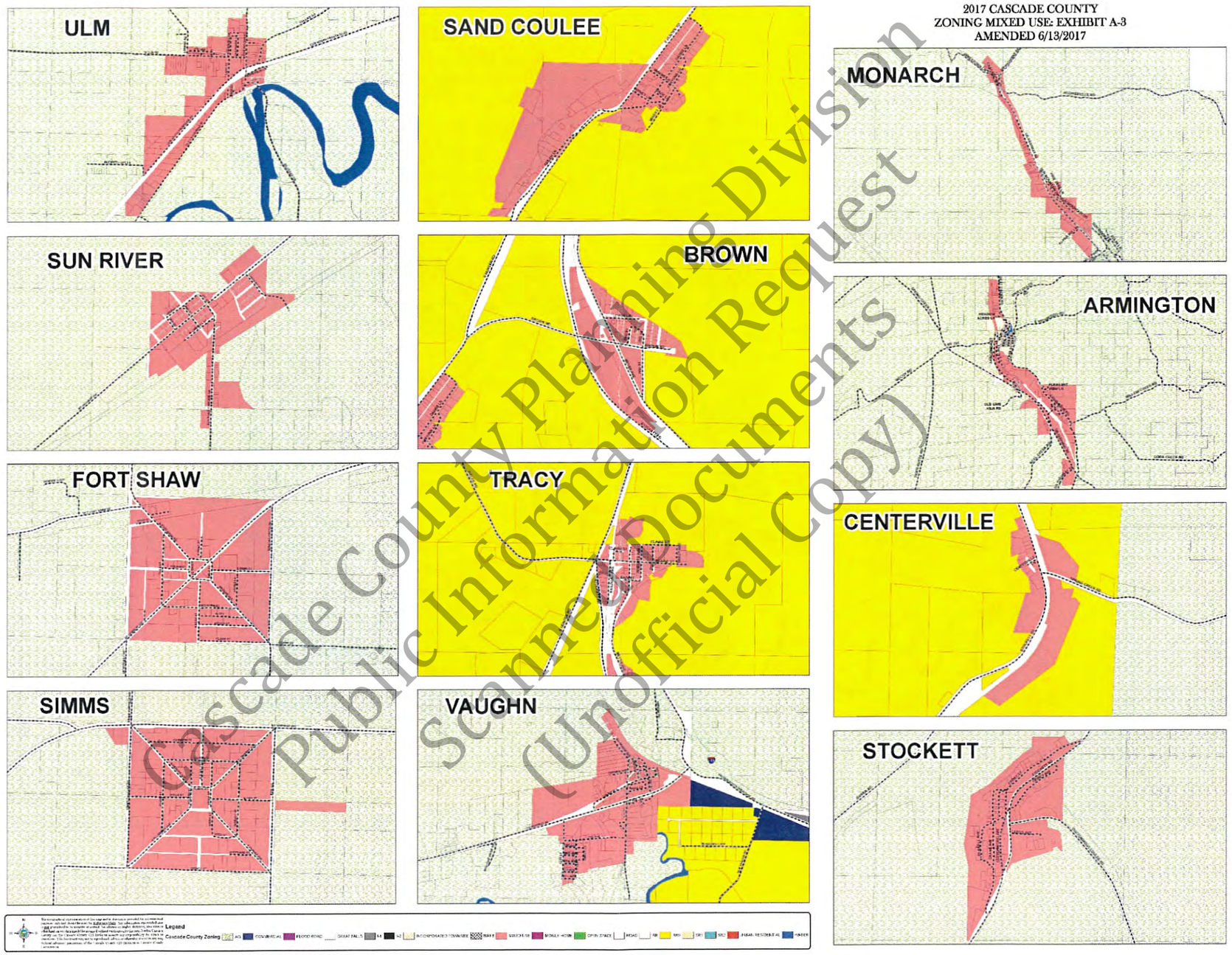
ZONING MIXED USE: EXHIBIT A-3
AMENDED 6/13/2017



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Charity
12/17/18

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CASCADE COUNTY ZONING REGULATIONS

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007 Resolution #07-71
Revised Version Adopted August 25, 2009 Resolution #09-82
Revised Version Adopted December 18, 2012 Resolution #12-71
Revised Version Adopted June 14, 2016 Resolution #16-39
Revised Version Adopted December 13, 2016 Resolution #16-120
Revised Version Adopted June 13, 2017 Resolution #17-458
Revised Version Adopted June 26, 2018 Resolution #18-54

These regulations are ~~to be~~ hereby known as the and accompanying map(s) Cascade County Zoning Regulations and shall be cited and referred to as. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. This Zoning Jurisdictional Area is hereby amended by the Cascade County Commission on June 26, 2018~~9~~ by Resolution #18~~9~~-54~~1~~.

in accordance with and according the authority of Section 76-2-201, MCA.

TABLE OF CONTENTS

SECTION 1. PURPOSE ..... 1~~11~~
1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives: ..... 1~~11~~
1.2 Interpretation, Conflict with Other Laws 2
SECTION 2. DEFINITIONS ..... 4~~44~~
SECTION 3. ESTABLISHMENT OF DISTRICTS ..... 5~~25~~2~~50~~
RR 5 Rural Residential District Page 60 ..... 5~~25~~2~~50~~
SR 1 Suburban Residential District 1 Page 63 ..... 5~~25~~2~~50~~
SR 2 Suburban Residential District 2 Page 63 ..... 5~~25~~2~~50~~
UR Urban Residential District Page 65 ..... 5~~25~~2~~50~~
~~MU-20A~~ Mixed Use - 20~~Agricultural~~ District Page 66 ..... 5~~25~~2~~50~~
MU-40 Mixed Use - 40 District Page xx 50
C Commercial District Page 74 ..... 5~~25~~2~~50~~
I-1 Light Industrial District Page 80 ..... 5~~25~~2~~50~~
I-2 Heavy Industrial District Page 84 ..... 5~~25~~2~~50~~
MH Mobile Home District Page 85 ..... 5~~25~~2~~50~~
OS Open Space District Page 88 ..... 5~~25~~2~~50~~
PUD Planned Unit Development District Page 89 ..... 5~~25~~2~~50~~
MU Mixed–Use District Page 90 ..... 5~~25~~2~~50~~
MOD Military Overlay District Page 153 ..... 5~~25~~2~~50~~
FOD Flood Road Overlay District Page 157 ..... 5~~25~~2~~50~~
SECTION 4. ZONING MAP ..... 5~~35~~3~~51~~
SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES ..... 6~~05~~5~~55~~
SECTION 6. APPLICATION OF REGULATIONS ..... 6~~15~~6~~56~~
6.1 CONFORMITY TO REGULATIONS ..... 6~~15~~6~~56~~
6.2 ERECTION OR ALTERATION OF BUILDINGS ..... 6~~15~~6~~56~~
6.3 YARDS ..... 6~~15~~6~~56~~

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED 615656
SECTION 7. DISTRICT REGULATIONS..... 625757
7.1 RESIDENTIAL (R) DISTRICTS 625757
7.1.0 RESIDENTIAL DISTRICTS 625757
7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES) 656060
7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2) 686363
7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.) 706565
7.2 MIXED USE – 20 (MU-20)AGRICULTURAL (A) DISTRICTS 726767
7.2.1 MINIMUM LOT AREA 726767
7.2.2 PERMITTED PRINCIPAL USES 746768
7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 766769
7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 766770
7.3 MIXED USE - 40 (MU-40) DISTRICT xx
7.3.x
7.3 COMMERCIAL (C) DISTRICT 957574
7.3.1 MINIMUM LOT AREA 957574
7.3.2 BUILDING HEIGHT 957574
7.3.3 YARDS REQUIRED 957574
7.3.4 SIGNS 967575
7.3.5 OFF-STREET PARKING 967575
7.3.6 LANDSCAPING 967575
7.3.7 SITE PLAN 967575
7.3.8 PERMITTED PRINCIPAL USES 967575
7.3.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 997578
7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 997578
7.3.11 USES NOT PERMITTED 1007579
7.4 INDUSTRIAL (I) DISTRICTS 1017580
7.4.1 AREA REQUIREMENTS 1017580
7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT 1057584
7.5 MOBILE HOME (MH) DISTRICT 1067585
7.5.1 MINIMUM LOT AREA 1067585
7.5.2 BUILDING HEIGHT 1067585
7.5.3 REQUIRED YARDS 1067585
7.5.4 LOT COVERAGE 1067585
7.5.5 LOT WIDTH 1067585
7.5.6 OFF-STREET PARKING REQUIREMENTS 1067585
7.5.7 LANDSCAPING 1077586
7.5.8 SITE PLAN REVIEW AND APPROVAL 1077586
7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES 1077586
7.5.10 PERMITTED PRINCIPAL USES 1077586
7.5.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 1087587
7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

..... 1087587
7.6 OPEN SPACE (OS) DISTRICT 1097588
7.6.1 REQUIRED LOT AREA 1097588
7.6.2 LOT COVERAGE 1097588
7.6.3 PERMITTED PRINCIPAL USES 1097588
7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING: 1097588
7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT: 1107589
7.8 MU DISTRICT – MIXED USE DISTRICT 1117590
7.8.1 MINIMUM LOT AREA 1117590
7.8.2 BUILDING HEIGHT 1117590
7.8.3 YARDS REQUIRED 1117590
7.8.4 SIGNS 1117590
7.8.5 OFF-STREET PARKING 1117590
7.8.6 LANDSCAPING 1117590
7.8.7 SITE PLAN 1127591
7.8.8 PERMITTED PRINCIPAL USES 1127591
7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 1147593
7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 1157594
7.8.11 USES SPECIFICALLY NOT PERMITTED 1167595
SECTION 8. SUPPLEMENTARY REGULATIONS 1177596
8.1 USES, SIGNS, LOTS 1177596
8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS 1177596
8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS 1197596
8.1.3 OTHER SIGNS (ALL DISTRICTS) 1207597
8.1.4 NON-CONFORMING SIGNS 1207597
8.1.5 NATURAL PRODUCTION USE 1217598
8.1.6 DWELLINGS ON SMALL LOTS 1217599
8.1.7 REVERSE AND KEY LOTS 1227599
8.1.8 ABANDONED BUILDINGS / ITEMS 1227599
8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND 1227599
8.2 YARDS 1227599
8.2.1 VISIBILITY AT INTERSECTIONS 1227599
8.2.2 PORCHES 1227599
8.2.3 PROJECTING ARCHITECTURAL FEATURES 1227599
8.2.4 FIRE ESCAPES 12275100
8.2.5 FENCES 12275100
8.2.6 FRONT YARD DEPTH 12475100
8.3 TRANSITION REGULATIONS 12475100
8.3.1 LOTS IN TWO DISTRICTS 12475100
8.3.2 SIDE AND REAR YARD TRANSITION 12475100
8.3.3 FRONT YARD TRANSITION 12475101
8.3.4 CORNER YARD TRANSITION 12475101
8.4 OFF-STREET PARKING 12475101
8.4.1 DWELLINGS 12575101
8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY 12575101

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.3 MOTELS AND HOTELS ..... 125~~75~~101
8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES ..... 125~~75~~101
8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME ..... 125~~75~~101
8.4.6 STORES ..... 125~~75~~102
8.4.7 OFFICE BUILDINGS ..... 125~~75~~102
8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS ..... 125~~75~~102
8.4.9 GENERAL ..... 125~~75~~102
8.5 SITE PLAN REVIEW CRITERIA ..... 126~~75~~102
8.6 FLOODPLAIN REGULATIONS ..... 126~~75~~103
8.7 KENNEL BUSINESSES AND FACILITIES ..... 128~~75~~104
8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO: ..... 128~~75~~104
8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: ..... 128~~75~~104
8.8 TOWERS AND FACILITIES ..... 128~~75~~104
8.9 POWER PLANTS ..... 129~~75~~105
8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT) ..... 130~~75~~106
8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS: ... . 131~~75~~107
8.12 POWER PLANT, SOLAR ..... 132~~75~~108
8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS ..... 133~~75~~109
8.14 TEMPORARY FIREWORKS STAND REGULATIONS ..... 134~~75~~110
8.14.1 REQUIRED PERMITS ..... 134~~75~~110
8.14.2 APPLICABLE TIME PERIOD ..... 135~~75~~111
8.14.3 REQUIRED DISTANCES AND SETBACKS ..... 135~~75~~111
8.14.4 APPLICABILITY OF OTHER REGULATIONS ..... 136~~75~~112
8.14.5 PENALTY ..... 136~~75~~112
8.15 CONTRACTOR YARDS ..... 136~~75~~112
8.15.1 CONTRACTOR YARD, SMALL ..... 136~~75~~112
8.15.2 CONTRACTOR YARD, LARGE ..... 137~~75~~113
8.16 HOME OCCUPATIONS ..... 137~~75~~113
8.17 ADMINISTRATIVE WAIVER ..... 138~~75~~114
8.18 LANDSCAPING REQUIREMENTS ..... 139~~75~~115
8.18.1 LANDSCAPING PLAN REQUIREMENTS ..... 139~~75~~115
8.18.2 MINIMUM REQUIREMENTS ..... 141~~75~~117
8.18.3 ADMINISTRATIVE RELIEF ..... 143~~75~~119
8.18.4 POLICIES ..... 144~~75~~120
8.19 MEDICAL MARIJUANA PROVIDER ..... 145~~75~~121
8.20 SEXUALLY ORIENTED BUSINESS ..... 145~~75~~121
SECTION 9. PERMIT REQUIREMENTS ..... 147~~75~~122
9.1 GENERAL ..... 147~~75~~122
9.2 LOCATION /CONFORMANCE PERMIT ..... 147~~75~~122
9.3 FEES ..... 147~~75~~122
9.4 MINOR VARIANCES ..... 148~~75~~123
9.5 VARIANCES ..... 148~~75~~123
9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS ..... 148~~75~~123

Cascade County Planning Division
Public Information Request
Scanned Documents
Unofficial Copy

9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE 14975124
9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE 14975124
9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION 15075125
9.5.5 LIMITATIONS ON ISSUING A VARIANCE 15075125
9.5.6 IMPOSITION OF CONDITIONS 15075125
9.5.7 AIRPORT HEIGHT VARIANCES 15075125
9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES 15075125
9.5.9 STAFF REPORT CONTENT 15175126
9.5.10 EFFECT OF APPROVAL 15175126
9.5.11 EXPIRATION OF APPROVAL 15175126
9.5.12 APPEAL 15175126
SECTION 10. STANDARDS FOR SPECIAL USE PERMITS 15275127
10.1 GENERAL PROVISIONS 15275127
10.2 REQUIRED PLAN 15275127
10.3 PUBLIC NOTIFICATION 15375128
10.4 EXPIRATION 15375128
10.5 EXISTING VIOLATIONS 15475129
10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES 15475129
10.7 OPERATIONS 15575130
10.8 STAFF REVIEW 15575130
10.9 ZONING BOARD OF ADJUSTMENT REVIEW 15575130
10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 15675131
10.11 REVOCABILITY 15675131
SECTION 11. NON-CONFORMING USES AND STRUCTURES 15775132
11.1 ALTERATIONS AND ADDITIONS 15775132
11.2 NATURAL DISASTER 15775132
11.3 DISCONTINUANCE 15775132
11.4 CHANGES 15775132
11.5 DISPLACEMENT 15875133
11.6 DISTRICT CHANGES 15875133
11.7 NATURAL RESOURCES PROTECTED 15875133
11.8 EXISTING PLATTED SUBDIVISION 15875133
SECTION 12. ZONING BOARD OF ADJUSTMENT 15975134
12.1 CREATION OF ZONING BOARD OF ADJUSTMENT 15975134
12.2 MEETINGS, RULES 15975134
12.3 APPEALS TO BOARD OF ADJUSTMENT 15975134
12.3.1 APPEAL FEE 15975134
12.3.2 APPEAL PROCEEDINGS 16075135
12.3.3 BOARD APPEAL POWERS 16075135
12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION 16075135
12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD 16175136
SECTION 13. VIOLATIONS AND PENALTIES 16375138
13.1 VIOLATIONS 16375138
13.2 PROCEDURE/PENALTIES 16375138
13.2.1 VIOLATION 16375138
13.2.2 COMPLIANCE 16375138

Cascade County Planning Division
Public Information Request
Scanned Documents
Unofficial Copy

13.2.3 PROSECUTE 16375138
SECTION 14. PROCEDURES FOR AMENDMENT 16475139
14.1 APPLICATION 16475139
14.1.1 APPLICATION REQUIREMENTS 16475139
14.2 HEARING BEFORE THE PLANNING BOARD 16675141
14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS 16675141
14.3.1 NOTICE OF A PUBLIC HEARING 16675141
14.3.2 BOARDoard OFof COUNTYounty COMMISSIONERSommissioners 16675141
14.4 ACTION AFTER HEARING 16675141
14.4.1 AFTERfter THEthe PUBLICpublic HEARINGhearing 16675141
14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION 16775142
14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE 16775142
SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT 16875143
15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT 16875143
15.1.1 ESTABLISHMENT OF ZONES 16875143
15.1.2 HEIGHT LIMITATIONS 17075145
15.1.3 TRANSITIONAL ZONES 17075145
15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE 17175146
15.1.5 NON-CONFORMING USES: 17175146
15.1.6 AIRPORT AREA PERMITS 17275147
15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE 17375148
15.1.8 APPEALS 17475149
SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD) 17875153
16.1 MAFB RUNWAY AREA 17875153
16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS) 17975154
16.3 EXCEPTIONS 17975154
SECTION 17 FLOOD ROAD OVERLAY DISTRICT (FOD) 18275157
17.1 INTENT 18275157
17.2 PERMITTED USES 18275157
17.3 USES ALLOWED WITH A SPECIAL USE PERMIT 18375158
17.4 PROHIBITED USES 18375158
SECTION 18 UNCLASSIFIED USE PERMITS 18575160
18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT 18575160
18.2 PUBLIC NOTIFICATION 18675161
18.3 EXPIRATION 18675161
18.4 EXISTING VIOLATIONS 18675161
18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES 18675161
18.6 OPERATIONS 18875163
18.7 STAFF REVIEW 18875163
18.8 ZONING BOARD OF ADJUSTMENT REVIEW 18875163
18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 18975164

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

18.10 REVOCABILITY 18975164

NOTE: MONTANA CODE ANNOTATED HAS BEEN SHORTENED TO "MCA**" THROUGHOUT THESE REGULATIONS.

ADMINISTRATIVE RULES OF MONTANA HAS BEEN SHORTENED TO "**ARM**" THROUGHOUT THESE REGULATIONS.

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SECTION 1. PURPOSE

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

1.1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

1.1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;

1.1.3 To establish adequate standards for the provision of light, air, and open spaces;

1.1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

1.1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

1.1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

1.1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;

1.1.8 To fix reasonable zoning standards to which buildings and structures shall conform;

1.1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;

1.1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

1.1.11 To isolate or control the location of unavoidable nuisance producing uses;

1.1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and

1.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

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Public Information Request
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The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

1.2 Interpretation, ~~Conflict with Other Laws~~

~~1.2.1~~ In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare. Where these regulations impose a greater restriction on land, building, or structures than imposed or required by existing provisions of law, ordinance, resolution, covenant or deed, the provisions of the reg. shall control.

1.3 Conflict of Laws

~~1.2.2~~ Whenever the requirements of these regulations are at variance with itself or the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.4 Severability

1.3.1 Heading

~~1.2.3~~ ~~If a court of competent jurisdiction holds any~~ word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will only affect ~~only~~ the part held invalid. If any ~~provision of~~ the provisions of these regulations is held ~~invalid~~ are declared to be severable.

Ex: "Zoning Amendments & Adoption of Zoning Districts"

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision: & follow the criteria & guidelines set forth in MCA § 76-2-203 (2017) as follows:

Montana Code Annotated § 76-2-203 (2015~~7~~). Criteria and guidelines for zoning regulations.

1.3.1 (1) Zoning regulations must be:

(a) made in accordance with the growth policy and

(b) designed to:

(i) secure safety from fire, and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

1.3.2 (2) In the adoption of zoning regulations, the Board of County Commissioners shall consider:

(a) reasonable provision of adequate light and air:

(b) the effect on motorized and non-motorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

1.3.3 (3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

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SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows. Unless specifically defined in this section, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Words used in the present tense include the future and the plural includes the singular. The word lot includes the words plat, tract or parcel. The word building includes the word structure. The words shall and must are intended to be mandatory. Occupied or used shall be considered as though followed by the words "or intended", "arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

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ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal.

ADULT-ORIENTED BUSINESS (SEE SEXUALLY-ORIENTED BUSINESS)

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

AGRICULTURAL COMMODITY

Any commodity produced from an agricultural use. This includes, but is not limited to, livestock, raw milk, soybeans, hay, corn, timber, honey, fish, fruits, vegetables, crickets, or oil seeds.

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

AGRICULTURAL USE

~~The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock~~

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~~products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.~~
The use of land for crop production, animal production, aquaculture, apiculture, entoculture, or forestry.

AIRPORT

An area or building, or portion thereof, that is used, intended, or designed for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of the same.

AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

ALCOHOL DISTILLERY

A place and/or building, or portion thereof, that is used or intended for the production, packaging, and distribution of beverage grade alcohol from the distillation of fermented grains, fruits, or vegetables and sold on-site for consumption along with other beverages and food.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure:

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A Change or Rearrangement of the structural parts in the existing facilities; or

An Enlargement or Addition on a building or structure; or

Moving a building or structure from one location or position to another.

ALTERATION, STRUCTURAL

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL PRODUCTION

To raise animals as a process of producing a commodity or multiple commodities. This includes livestock ranching/farming on open range pasture, equine production, apiculture, aquaculture, entoculture.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and raccoon.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANIMAL THERAPEUTIC FACILITY

Therapy that involves individuals interacting with animals, most frequently horses using specially-trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including children with autism. Examples are therapeutic horseback riding or hippotherapy.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

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A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APIARY

A place where bee colonies are kept.

APICULTURE

To raise bees through the maintenance of one or more apiaries as a process of producing a commodity or multiple commodities.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

AQUACULTURE

To farm raise or produce aquatic animals or plants, in controlled or selected aquatic environments, as a process of producing a commodity or multiple commodities.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include paintings, sculptures, taxidermy, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST ← move all "orphaned" readings to next page

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~~"Bed and breakfast" means~~ a private, owner- or manager-occupied residence that is used as a private residence but in which:

combine ~~(a)~~ breakfast is served and is included in the charge for a guest room; and

~~(b)~~ the number of daily guests served does not exceed ~~(MCA) 18.~~ 50-51-102, MCA.

18.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BREEZEWAY

A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUFFER YARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

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BUTCHER SHOP

A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from preprocessed carcausses.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

CAMPGROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under 23-5-1, MCA (MCA)Title 23, Chapter 5, Part 1 (except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law.

"Casino" means any and all establishments that offer legalized gambling authorized under 23-5-1, MCA, (MCA)Title 23, Chapter 5, Part 1, et. seq., and where any one of the following characteristics applies:

(1) the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
(2) five or more gambling machines are on the premises; and/or
(3) a card table is on the premises.

CEASE AND DESIST NOTICE

A notice issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

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A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CO-LOCATION

Placing more than one exterior transmitting or receiving device on one Telecommunications facility/structure at one location.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned

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each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Read 76-2-412

→ this is only considering one subsection of the statute when there are 9.

Community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis. ~~(MCA)~~ (76-2-412, MCA).

in accordance w/ MCA § 76-2-412

A

Definition of community residential facility. "Community residential facility" ~~means~~ includes:

(1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;

(2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in ~~(MCA)~~52-2-602, MCA;

(3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;

(4) a licensed adult foster family care home; or

(5) an assisted living facility licensed under ~~(MCA)~~50-5-227, MCA. ~~(MCA)~~76-2-411, MCA.

Is that P.C. or have we redefined this type of facility? It is the wording of the statute.

Community group home → which one?

"Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202(1), MCA).

Youth foster home

~~"Youth foster home" means~~ a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards. (52-2-602(12),MCA).

Youth group home

~~"Youth group home" means~~ a youth care facility in which substitute care is provided to 7 to 12 children or youth. ~~(MCA)~~(52-2-602(13), MCA).

Halfway house

~~"Halfway house" means~~ a community residential facility for treatment of substance use disorders. (ARM 37.106.1413(17)).

Adult foster family care home

~~"Adult foster care home" means~~ a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (50-5-101(5) (a), MCA).

Orphan **Assisted living facility**

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A congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. ~~(MCA)~~50-5-101(7), MCA.

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Concentrated animal feeding operation means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. ~~(MCA)~~75-5-801(2), MCA.

CONDOMINIUM

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

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Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

CROP PRODUCTION

To grow crop plants as a process of producing a commodity or multiple commodities; mainly food and/or fiber products. This includes farms, orchards, groves, greenhouses, and nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds.

COMMODITY

An unprocessed material or other natural resource that is intended for sale or exchange. This includes, but is not limited to, crops, minerals, livestock, insects, or fish.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

DAY CARE CENTER

"Day-care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis. (~~MCA)~~ 52-2-703(3)-(a), MCA).

DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

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The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DISTILLERY

Establishment engaged in manufacturing, assembly, fabrication, packing or industrial processing of products from raw materials including the chemical transformation of materials or substances into new products, and blending of materials including liquors. See also "Alcohol Distillery."

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

Dwelling, Single family

Detached dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

Dwelling, Multi-family

A dwelling unit that is part of a structure containing two or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

Duplex

A building designed as a single structure, containing two separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Triplex

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

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Fourplex

A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Apartment

A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Dwelling, Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.

EDUCATIONAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, ~~or~~ high school, or secondary education ~~;~~ (such as colleges, universities, community colleges, and vocational schools).

ENTOCULTURE

To farm raise insects or other non-aquatic invertebrates as a process of producing a commodity or multiple commodities.

EQUINE PRODUCTION

To raise members of the equine family (*equus* genus) as a process of producing a commodity or multiple commodities.

EVENT CENTER

A publically or privately owned structure or area used for the purposes of public performances, private receptions or parties, professional conferences, or similar draws.

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or

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adoption, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAY CARE HOME

"~~Family day-care home" means~~ a private residence in which day care is provided to three to six children on a regular basis. (~~MCA~~ 52-2-703(6), MCA).

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security from which height is measured from natural grade. (Does it include a gate?)

FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

FIREARMS RANGE, INDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

FIREARMS RANGE, OUTDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is not located within a building or structure.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe, as defined in ~~ARM 36.15.101.~~ MCA § 76-5-103.

watercourse or drainway that would be covered by a flood that is expected to occur in the average of once every 100 yrs or by a flood that has a one percent (1%) chance of occurring in any given year.

Not defined here

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FORESTRY

To grow and harvest timber on a long production cycle (10 or more years). Trees farmed under shorter production cycles are considered crops.

FOWL, DOMESTIC

Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, turkeys and swans.

Orphan

FOWL, WILD

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A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

GARAGE, PRIVATE

A ~~B~~building that is intended to house vehicles and household items belonging to the owner of the subject property.~~principal residence.~~

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

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Luminance in excess~~ive~~ of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRAVEL PIT

See Open-cut Mining Operation

GROUP DAY CARE HOME

"Group day-care home" means a private residence or other structure in which day care is provided to 7 to 12 children on a regular basis. (~~MCA)~~52-2-703(7), MCA.

GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

GUEST RANCH

A ranch ~~operated wholly or in part as a resort~~ that ~~-~~provides recreational activities including, but not limited to, hunting, horseback riding, fishing, hiking, biking, snowmobiling, or a working cattle ranch experience to its guests and day visitors~~offering horse-riding related activities as outdoor recreation opportunities~~, and offering only temporary rental accommodations for vacation use~~ by nonresidents~~.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

"Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies,

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hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. (~~MCA)~~50-5-101(2~~5~~)~~-~~(a), MCA).

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in a~~n urban~~ residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

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A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, archery ranges and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture~~,~~ (predominantly from previously prepared materials)~~,~~ of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products~~, but excluding basic industrial processing.~~; Tthe term includes furniture production, metal fabrication, apparel manufacturing, printing, and publishing~~, and the like~~.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

~~Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.~~Land, structures, and/or buildings utilized for processes engaging in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, where the new product is finished in the sense of being ready for consumption or utilization in an advanced manufacturing process. Additionally, such industrial uses may be accompanied by research and development and/or the preparing, sorting, packaging, temporary warehousing, and distribution of products. This definition applies to uses not otherwise defined in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

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Public Information Request
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INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD /SALVAGE YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs, cats or other domesticated animals over six months of age for the purpose of boarding, breeding, training, sale; or wholesale the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, pet shops, or animal shelters.

LANDING AREA

The area of the Airport used for the landing, taking off or taxiing of aircraft.

LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Administrator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

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LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, which is used or is intended for renting, selling, and/or repairing of large equipment that is normally stored out of doors; typical items would include trucks (greater than 26,000 GVW), vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 p.m. to 7:00 a.m.).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, ~~and~~ llamas, and bison~~uffalo~~, and excluding bees.

LIVESTOCK, LARGE

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Animals such as, but not limited to, horses, cows, emus, llamas, alpacas, ostriches, and the like.

LIVESTOCK, SMALL

Animals such as, but not limited to, goats, pigs, sheep, and the like.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, TOWNHOUSE / TOWNHOME

A lot defined as a properly recorded and deeded lot upon which a townhouse unit is located.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface

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has a lot coverage of 0.25 or 25 percent (0.5 / 2 = 0.25).

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOT LINE, ZERO

A lot where the building is placed on or near one of the side lot lines.

LOT, WIDTH OF

The average width measured at right angles to the depth.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

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MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The North American Vertical Datum of 1988 to which the base flood elevations are referenced.

MEDICAL MARIJUANA REGISTERED PREMISES

A place, structure, and/or building where a provider or marijuana-infused products provider: (a) has indicated that marijuana will be cultivated, chemical manufacturing will occur, or marijuana-infused products will be manufactured for one or more registered cardholders; or, (b) has established a dispensary for sale of marijuana or marijuana-infused products to one or more registered cardholders. "Provider," "marijuana-infused products," "marijuana-infused products provider," "chemical manufacturing," "dispensary," and "registered cardholder" all have the meanings defined in 50-46-302, MCA. A registered premises is only allowed in an I-2 District (Heavy Industrial District). ~~**MEAT PACKING PLANT**~~

~~A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limite to chickens, cattle, pigs, sheep and other livestock or fowl.~~

MEDICAL MARIJUANA TESTING FACILITY

A building where one or more qualified persons, licensed by the Montana Department of Health and Human Services and meeting the requirements of 50-46-311, MCA, provides testing of small samples of marijuana and marijuana-infused products and provides information regarding the chemical composition, the potency of a sample, and the presence of molds or pesticides in a sample. "Marijuana" has the meaning defined in 50-32-101, MCA, and "marijuana-infused products" has the meaning defined in 50-46-302, MCA. A testing facility is only allowed in an I-2 District (Heavy Industrial District).

~~**MEDICAL MARIJUANA DISPENSARY**~~

~~A facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations.~~

~~**MEDICAL MARIJUANA PROVIDER**~~

~~A Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) The term does not include the cardholder's treating physician or referral physician. (MCA)50-46-302 (10).~~

MEMBERSHIP CLUB

An organization catering exclusively to members and their guests in premises and buildings for

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recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

MICRO-BREWERY

~~A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.~~
A place and/or building, or portion thereof, that is used or intended for the production, packaging, and distribution of beverage grade alcohol from the fermentation of grains, fruits, vegetables, honey and the like sold on-site for consumption along with other beverages and food.

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY – See Storage Facility, Self-Service

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

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Public Information Request
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A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Manufactured Home.

MOTEL

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, tourist court and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

~~"Motor vehicle graveyard" means~~ a collection point established by a county for junk motor vehicles prior to their disposal. ~~(~~75-10-501(5), MCA~~)~~.

MOTOR VEHICLE WRECKING FACILITY

~~"Motor vehicle wrecking facility" means:~~

~~(i)~~ a facility which buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or which

~~(ii) a facility tha~~t buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. ~~(MCA)~~75-10-501(6)-(a), MCA.

MOTORIZED SPORTS ENTERTAINMENT

A place and / or structure or portion thereof that is used for outdoor spectator type uses or events for motorized vehicles. This term includes the racing of snowmobiles, cars, trucks, motorcycles, buses, and tractors and the like. This definition includes, but is not limited to motocross, mud bog events and demolition derbies.

MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

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Public Information Request
Scanned Documents
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NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-INSTRUMENT RUNWAY

A runway other than instrument runway.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NON-RESIDENTIAL USE

Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, or industrial purposes rather than private dwellings.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed

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Public Information Request
Scanned Documents
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management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity, or product that is not sold, conducted, or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

ON-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity, or product that is sold, conducted, or offered for sale on the premise where the sign is located.

OIL AND GAS EXPLORATION, DRILLING AND PRODUCTION

Oil and gas exploration, drilling, and production within new or established oil and gas fields outside of urban areas.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation

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Public Information Request
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of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes non-motorized race tracks, and amphitheaters.

OUTDOOR SPORTS AND RECREATION

A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, paintball fields, firearms ranges, archery ranges, and the like.

OUTFITTER/GUIDE FACILITY

A facility that:

(a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;

(b) furnishes sleeping accommodations to guests;

(c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in 37-47-101; and

(d) is a small establishment or a seasonal establishment (~~MCA)~~ 50-51-102(7), MCA.

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

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A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMIT

A document issued by the Zoning Administrator or their designee of the Cascade County Planning Division which records all land use decisions, which are made by Cascade County on a land use application. These include but are not limited to Location/Conformance Permits, Special Use Permits, Unclassified Use Permits, and Home Occupation Permits.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

PERMISSIVE CODE

Any use not specifically permitted or otherwise provided for, is not permitted.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

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PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10),MCA).

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

POLE SIGN

See Sign, Freestanding Sign.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORCH

A part of a building with a roof of its own that covers an entrance.

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition. For solar energy see Power Plant, Solar.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

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POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

POWER PLANT, SOLAR pick one

"Solar Power Plant," means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE

To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

PRINCIPAL LAND USE

The dominant land use of a parcel of land.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer,

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engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the State of Montana, including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the State of Montana, the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC INSTITUTION

A facility that provides a public service and is operated by a federal, state, or local government, public utility, public or private school or college, church, or public agency.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but

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not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary dweling unit for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home and the like.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International

If you should be as detailed under "Planning Board" as this.

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Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RENDERING PLANT

A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-build homes, manufactured homes and stick-build homes, but excludes mobile homes.

RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO-FAMILY

A single building that is situated on one lot and contains two dwelling units.

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RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RESIDENTIAL USE

Any regular use by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. Activities within land areas used predominately for housing.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., SR-1, SR-2, RR-5, UR, MU).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RETAIL

An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering of services incidental to the sale of such goods.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide an independent dwelling unit, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIDING AND ROPING ARENA

A private arena used for personal use or for small equestrian or rodeo events with twenty-five (25) or fewer participants.

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RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RUNWAY

The paved, graveled, or dirt surface of an airport landing area.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, ~~and the like~~. but is not limited to.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

make a complete sentence

NOTE Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book Store/Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for

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Public Information Request
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sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult Motel

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment which, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

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More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

Is this what you really mean? clarify better

an off-premise or on-premise that or is any sign that

An advertising sign is a sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered ~~elsewhere than upon the same lot.~~

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

Freestanding Sign

Directional Signs? Informational Signs? Temporary Signs?

A sign without props. An example is a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

Wall Sign

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the exterior walls of buildings.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

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SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage.

SLAUGHTERHOUSE

A building or~~,~~ structure~~, or facility~~ where livestock ~~and/or fowl~~ is slaughtered, butchered, prepared, and packaged ~~and prepared~~ for distribution or storage and/or on-site sales~~to butcher shops or retail sales establishments such as grocery stores~~. ~~A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.~~

SMALL EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, that is used or is intended for renting, selling, and/or repairing small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SOLID WASTE DISPOSAL SITE

"Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. (75-10-103(7) (a), MCA).

SOLID WASTE TRANSFER STATION

"Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility. (ARM 17.50.403(51))

SPECIALTY SALES

A place and/or building, or portion thereof, that is used or is intended for wholesale or retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special use permits may be permitted in a zoning classification district if a specific provision for such special use is explicitly listed in the Zoning

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District Regulations as a special use and a special use permit is issued by the Cascade County Planning Division upon approval of a Special Use Permit by the Cascade County Zoning Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY make complete sentence

An act

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STICK-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

STORAGE FACILITY, SELF-SERVICE

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing.

STORM WATER

Storm water runoff, snow melt runoff, and surface runoff + drainage

Water from a rainfall event or melting snow that flows over the ground surface.

(taken from ARM 17.30.1102(27))

STORM WATER DETENTION STRUCTURE

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A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

storm water discharge from

Flow on the surface of the ground, resulting from precipitation.

How is this different than "surface runoff"

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (~~Source:~~ 75-7-103, MCA).
A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title a condominium. The term also means area, regardless of its size, that provides or will provide multiple space for rent or lease on which recreational camping vehicles or mobile homes will be placed. (76-3-103(15), MCA).

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

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Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (~~MCA)~~ 50-51-102, MCA).

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office ~~(MCA)~~ 76-3-103(16)(a), MCA.

TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

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TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UNCLASSIFIED USE PERMIT

The Unclassified Use Permit is a permit issued to an applicant by the Cascade County Planning Division after approval from the Zoning Board of Adjustment allowing a particular use, structure or activity not allowed as a matter of right regardless of the underlying zoning district.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes public and private: pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public and private: water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY

Any facility in which one or more agricultural commodities are physically processed in such a way that results in a value-added agricultural product and is not otherwise defined in these regulations.

VALUE-ADDED AGRICULTURAL PRODUCT~~VALUE-ADDED (AGRICULTURAL COMMODITIES)~~

~~The process of taking a raw agricultural commodity and changings its form to produce a higher quality end product.~~
An agricultural commodity that has undergone any one or more of the following processes: (1) a change in the physical state or form of the commodity (such as milling wheat into flour, curdling milk in the production of cheese, melting honeycombs to make beeswax); (2) a production

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process of a manner that enhances its value, as demonstrated through a business plan (such as organically produced products); (3) the physical segregation of an agricultural product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system utilized, for example, in non-GMO products).

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL

A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and

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kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

VETERINARY CLINIC, LARGE ANIMAL

A clinic that specializes in the care and treatment of large animals and livestock.

VETERINARY CLINIC, SMALL ANIMAL

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WHOLESALE

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

WHOLESALE FEEDLOT (FEEDLOT)

A lot, structure, building or confined area used intensively for raising or keeping of livestock

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belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.

WILD GAME PROCESSING FACILITY

A building where any game animal, bird, or fish as defined by 87-6-101, MCA are butchered and packaged as a commercial service for distribution to the legal hunter and/or fisher responsible for the kill.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devises as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NON-COMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORKFORCE HOUSING, PERMANENT (LABOR CAMP)

A place, area, or piece of land where housing is provided for two (2) or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees; (b) supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees; (c) disburses wage payments to such employees.

WORKFORCE HOUSING, TEMPORARY (LABOR CAMP)

A facility as described under Permanent Workforce Housing except that it provides temporary or seasonal housing for two (2) more employees.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community

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recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year.

ZONING ADMINISTRATOR

A county staff member charged with enforcing zoning regulations.

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

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SECTION 13. VIOLATIONS AND PENALTIES

13.1 VIOLATIONS

What is a "violation"? = Availability of other remedies authorized

In case any building or structure is erected, constructed, reconstructed, placed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, placement, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

13.2 PROCEDURE~~/PENALTIES~~

?

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 VIOLATION

After first knowledge of the violation, a notice to comply or cease and desist notice to comply within thirty (30) days shall be issued..

13.2.2 COMPLIANCE

voluntary

to initiate appropriate action or proceeding

If compliance as enumerated in 13.2.1 above is not obtained within the allotted thirty (30) days, the violation shall be forwarded to the Cascade County Attorney's Office.~~an additional thirty (30) days (for a total of sixty (60) days since the date of the first notice to comply), the violation shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.~~

13.3 ~~13.2.3 PROSECUTE~~ PENALTIES AND Available Remedies

A violation of these Regulations is a misdemeanor and

~~The County reserves the right to prosecute a continuing violation which has not been corrected after the above steps have been taken.~~ the violation shall be punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both. Each day of continued violation after notification shall constitute a separate, additional violation.

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the party's~~realtor's~~ attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ may not stay proceedings upon the decision appealed from, but the court may, upon application, on notice to the board of county commissioners or the board of adjustment, and on due cause shown, grant a restraining order.

12.3.5.3 The Board of County Commissioners or the Zoning Board of Adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

12.3.5.4 If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

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Example

2.9.3 Appeal from County Commission. Those aggrieved by a decision made by the County Commission may present to the Eighteenth Judicial District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days of a decision made by a County Commission at a public hearing.

2.10 Complaints and Enforcement

2.10.1 Complaints. Any person may file a signed, written complaint with the Planning Department or Code Compliance Specialist addressing an alleged violation of these Regulations. The complaint shall fully describe the facts supporting the complaint. Upon receipt of a written, signed complaint or discovery of an alleged violation by other means, the Planning Department/Code Compliance Specialist may record and investigate an alleged violation, and determine if a violation exists. If the Planning Department/Code Compliance Specialist determines a violation exists, they may take appropriate action to resolve the violation.

2.10.2 Investigations. When investigating an alleged violation, the Planning Department or Code Compliance Specialist shall review these Regulations and other applicable information, regulations, rules or laws regarding the alleged violation. The Planning Department/Code Compliance Specialist may inspect the alleged violation from public right-of-way, from a neighboring property or the site itself if permission has been granted for the inspection. Permission for access is assumed in the event an alleged violator has a permit application pending with the Planning Department. The investigator shall document the inspection with written notes and/or photographs as appropriate.

2.10.3 Administrative Remedies. If the Planning Department/Code Compliance Specialist finds any violation(s) of these Regulations, including conditions of approval for any permit, the Planning Department/Code Compliance Specialist shall attempt to obtain voluntary compliance pursuant to MCA § 76-2-210. If informal contact does not remedy the violation, the Planning Department/Code Compliance Specialist may serve a written notice on persons responsible for corrective action necessary to remedy the violation(s). If 30 days after service of the notice the violation(s) has not been remedied or an agreemed reached to remedy the violation(s), then further enforcement action may be taken as provided by these Regulations and at law.

A. The Planning Department/ Code Compliance Specialist may: (i) revoke any Land Use Permit; (ii) issue orders to obtain after-the-fact permits; (iii) issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of these Regulations, (iv) require mitigation and/or corrective action, which may include orders to dismantle or remove noncompliant Structures to remedy the violation; (v) determine when compliance has been achieved and approve permits for Structures brought into compliance with these regulations; and/or (vi) take any other action authorized by these Regulations and law to insure compliance with, or prevent violation of its provisions.

From Four Corners Zoning Regs.

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B. Persons liable for violations and compliance with any order, determination, decision, fine, penalty, proceeding, and remedial action shall include without limitation, any and all owners, tenants, leaseholders, or other persons or entities that commits, maintains, participates, assists, causes or contributes to such violation; hereinafter "persons."

C. The owner of any building, Sign, premises, or part thereof, shall be held liable for any and all violations, remedies, remedial actions, fines, penalties, enforcement actions or proceedings, and shall be required to comply with any order, determination and decision of the Planning Department/Code Compliance Specialist. In addition to the owner, any person as defined herein shall each, jointly and severally, be held liable for any and all violations, remedies, remedial actions, fines, penalties, enforcement actions or proceedings, and shall be required to comply with any order, determination and decision of the Planning Department.

D. Gallatin County and/or the Planning Department/Code Compliance Specialist shall have the right to proceed or take action jointly or severally against any or all persons, and the failure to proceed or take action against any person or persons shall not constitute a waiver of any rights or remedies whatsoever against any person or persons.

2.10.4 Administrative Fine. In addition to the above, and upon a recommendation from the Planning Department/Code Compliance Specialist, the County Commission may, after a public meeting, duly dotice and assess violators fines of up to $500.00 per violation for noncompliance. Each day of violation may be considered a separate offense. When determining the amount and duration of the fine, the County Commission shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of culpability, and such other matters as justice may require. In addition, the violator may be required to pay administrative costs associated with the investigation. If the fine is not paid, it shall become a lien upon the property.

2.10.5 Injunction. The Commission, through the County Attorney or otherwise, may bring an action in the name of Gallatin County in the District Court to enforce these Regulations, which may include without limitation injunctive relief.

2.10.6 Remedies, Cumulative. The remedies provided for herein shall be cumulative and not exclusive.

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DRAFT

Cascade County Zoning Regulations (CCZR) List of Changes and Rationale

Planning Division Proposal - November 30, 2018

Note: Multiple non-substantive changes made throughout the document. This list of changes document 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 submittal.

Cascade County Zoning Regulations:

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

Table of Contents:

Minor formatting and date updates only.

Section 1:

Minor formatting and grammatical updates.

Section 2 Definitions:

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 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 correct format.

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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."

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

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."

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

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.

Livestock: This definition was adjusted for grammar.

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.

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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.

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

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

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

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 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 updated to reflect proposed zoning regulation changes.

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.

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Further description of the methodology employed in designating the MU-20 and MU-40 zones can be found in Appendix A.

Section 5:

No changes.

Section 6:

No substantive changes.

Section 7:

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 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 A.

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.

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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.

7.5 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.

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 18.6.246, ARM. The Public Works Department authorized 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 required and woven fencing addressed.

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

8.2.5.2 Electrical fencing locations and type 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.

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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:

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 reference to a Fee Schedule.

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

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water discharge. A requirement for a signed Operational Statement Checklist is included which refers to the existing checklist used by 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. Other change is minor grammatical.

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:

13.2.2: The Planning Division desires to reduce the length of time allowed to seek compliance before enforcement action can be taken for violations of these regulations.

13.2.3: The added language in this section was moved from 13.2.2 to more logically follow the violation process.

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:

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

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Appendix A: Agricultural District Zoning Change Justification

The areas currently zoned as Agricultural (A) consist of a wide variety of land use and development patterns. However, there's a clear difference between areas largely utilized for residential purposes and areas that remain primarily utilized for productive purposes. The proposed split of the Agricultural District into two new districts—Mixed Use - 20 (MU-20) and Mixed Use - 40 (MU-40)—was driven by the observation that there are distinct areas throughout the county that tend towards one or the other use and that these areas could be logically determined through development patterns. Whereas the productive land use areas tend towards larger contiguous parcels with low dwelling and road density, the residential lands tend towards clusters of smaller parcels and higher dwelling and road densities. The geographic division of the two new districts reveals these areas and was produced by a geospatial statistical analysis (with some minor edits) to back up what intuition suggests.

Given the geographic division of the MU-20 and MU-40 districts, it became possible to produce zoning regulations for those districts that cater to their predominant land use characteristics while working towards established Growth Policy goals and objectives. Since the areas proposed to be zoned MU-20 are largely residential, located along major transportation corridors, and amenity areas (eg. rivers, mountains, and forests) the MU-20 district diverged from the current Agricultural district by allowing conventional mixed uses that are currently not allowed. For example, the MU-20 district allows restaurants, micro-breweries, and other commercial uses that provide services to seasonal and year-round tourists as well as the increasing exurban residences whether seasonal or permanent. Additionally, the allowance of these uses under an approved Special Use Permit (SUP) provides an opportunity for the public and adjacent property owners to be heard.

The MU-40 district diverges from the Agricultural district through the removal of uses that are more appropriate for MU-20 and an increase in permitted principal uses for agricultural uses which were previously allowed only through an approved SUP. For example, tourist homes and bed and breakfast operations are not allowed in MU-40, however, they remain an allowance in MU-20. This preserves the ability for desired amenity areas to cater to temporary tourist occupancy while keeping those operations in closer proximity to service centers and transportation corridors. Additionally, this protects productive land use areas from types of development driven by demand for amenity destinations which have infringed upon ranching and farming areas throughout the county and the state. Some productive land uses allowed through an approved SUP in the Agricultural district are proposed to be permitted principal uses in the MU-40 districts. For example, value-added agricultural commodity processing facilities, wild-game processing facilities, agricultural commodity storage facilities, and other uses are allowed 'by right.' With the Agricultural district divided between the MU-20 and MU-40 geographies there is less of a need for the use of the SUP process since there are fewer potentially impacted residences and those around are likely to be involved in a productive land use.

Staff finds that the following goals are served by the proposed split of the Agricultural district into MU-20 and MU-40: Goal 1, Objective A; Goal 5, Objective A; Goal 9, Objective F; and, Goal 11, Objective A. The MU-20 district opens commercial uses in strategic areas thus

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Public Information Request
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promoting the retention of existing businesses and promoting new business opportunities in the county while the protection of MU-40 areas leaves those areas open to larger-scale productive land uses (Goal 1, Objective A). The commercial allowances in MU-20 and reduction of SUP processes for conventional agricultural uses reduces local government intervention (Goal 5, Objective A). The creation of the MU-20 district out of the current Agricultural district produces an open buffer (minimum 20 acre lot) between many rural town Mixed Use districts and other primarily residential districts and surrounding agricultural lands (Goal 9, Objective F). Finally, the MU-20 and MU-40 division of the Agricultural district—in conjunction with the changes in allowed uses and the increased minimum lot size of 40 acres—promotes cluster development in denser developed areas characterized by the MU-20 geographies while protecting the open spaces of the MU-40 geographies (Goal 11, Objective A).

Relevant Growth Policy Goals and Objectives

- Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.
    - Objective A: Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/ processing and forest products.
- Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.
    - Objective A: Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- Goal 9: Foster the heritage of the area in agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.
    - Objective F: Encourage open buffers between rural residences and adjoining agricultural lands.
- Goal 11: Protect and maintain Cascade County's rural character, encourage efficient use of land.
    - Objective A: Preserve the county's open space setting by encouraging cluster development.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5	**Rural Residential District 5**	**Page 60**
SR 1	**Suburban Residential District 1**	**Page 63**
SR 2	**Suburban Residential District 2**	**Page 63**
UR	**Urban Residential District**	**Page 65**
~~**A**~~	~~**Agricultural District**~~	~~**Page 67**~~
MU-20	**Mixed Use – 20**	**Page xx**
MU-40	**Mixed Use – 40**	**Page xx**
C	**Commercial District**	**Page 74**
I-1	**Light Industrial District**	**Page 80**
I-2	**Heavy Industrial District**	**Page 84**
MH	**Mobile Home District**	**Page 85**
OS	**Open Space District**	**Page 88**
PUD	**Planned Unit Development District**	**Page 89**
MU	**Mixed–Use District**	**Page 90**
MOD	**Military Overlay District**	**Page 153**
FOD	**Flood Road Overlay District**	**Page 157**

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Public Information Request
Scanned Documents
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SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in one district. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County Clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

4.1 "EXHIBIT A" ZONING MAP series or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County ". The map series consists of:

EXHIBIT A-1 "Cascade County Zoning Map" Full Extent

EXHIBIT A-2 "Cascade County Zoning Map" Enhanced Focus

EXHIBIT A-3 "Cascade County Zoning Map" Unincorporated Communities

EXHIBIT A-4 "Cascade County Zoning Map" Black Eagle

4.2 "EXHIBIT B" (Reference Section 15)

EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

EXHIBIT B-3 "Noise Zones"

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Division.

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SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists ~~with respect to~~ concerning the boundaries of ~~the aforesaid~~ any districts ~~as~~ shown on the Zoning Map, the following rules shall apply:

5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.

5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.

5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.

5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

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SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families,

6.2.3 To occupy a greater percentage of lot area; or

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location/~~or~~ conformance permit may not also be used as the basis for meeting the requirements for a subsequent location/~~or~~ conformance permit.

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SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 RESIDENTIAL DISTRICT~~S~~ STANDARDS

~~Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements~~

7.1.0.1 AREA REQUIREMENTS

(1) Table of District Area Requirements

District	Minimum Lot Area
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	No minimum

(2) Previously Described Lots

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 8.1.6; 11.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet.

(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements.

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7.1.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.1.0.3 YARDS

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

The front yard shall not have a depth of less than thirty (30) feet except in the UR District which shall not be less than twenty (20) feet.

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

(4) Side Street and Corner Yard Transitions

See Section 8.3.4

(5) Streamside Setback

The streamside setback shall be no less than fifty (50) feet.

7.1.0.4 LOT COVERAGE

The percentage of lot area covered by main building, ~~and~~ accessory building ground floor area, and impervious surfaces shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 REQUIRED COURT DIMENSIONS

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any

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opposing wall forming said court.

7.1.0.6 OFF STREET PARKING AS REQUIRED IN SECTION 8.4

7.1.0.7 REQUIRED STREAMSIDE SETBACK

Any portion of any structure must be set back a minimum of fifty (50) ~~foot setback~~feet from any perennial-flowing stream or river. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

(1) ~~A~~ One single~~one~~ family dwelling per tract of land.

(2) Educational Facility

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Agricultural uses of land and usual agricultural buildings and structures.

(5) Public safety facility.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Limited Agricultural uses.

(a) The keeping of livestock animals, except bison~~uffalo~~, 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~~uffalo~~, 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.

(8) Family Day Care Home, Group Day Care Home, Day Care Center

(9) Community Residential Facility-Provided eight occupants or fewer~~less~~.

(10) Retirement Home, Nursing Home.

(11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).

(12) Bed and Breakfast.

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(13) Community Garden.

(14) On-Site Construction Office.

(15) Public Building.

(16) Public Institution.

7.1.1.2 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) Professional office in a residence.

(3) Customary home occupation (see ~~D~~definition of Home Occupation and Section 8.16).

(4) 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.

(5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) A 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).

(2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.

(3) Utility Installation, minor.

(4) 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).

(5) The excavation of sand and gravel.

(6) Tourist Home.

(7) Community Residential Facility – provided nine occupants or

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more.

7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS PER SECTION 7.1.0

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7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2)

7.1.2.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facilities.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center

(8) Community Residential Facility-Provided eight occupants or less

(9) Retirement Home, Nursing Home

(10) Agricultural uses of land and usual agricultural buildings and structures.

(11) Limited Agricultural Uses

(a) The keeping of livestock animals, except bison~~uffalo~~, 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~~uffalo~~, 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.

(12) Community Garden

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Public Information Request
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(13) On-Site Construction Office.

(14) Public Institution.

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

(1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 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.

7.1.2.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS PER SECTION 7.1.0.

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7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.)

7.1.3.1 PERMITTED PRINCIPAL USES

(1) A ~~one-family~~ single family dwelling.

(2) Educational Facility.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center.

(8) Community Residential Facility-Provided eight occupants or less.

(9) Multi-Family Dwellings.

(10) Retirement Home, Nursing Home.

(11) Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.

(12) Mobile home park.

(13) Limited Agricultural Uses.

(a) The keeping of livestock animals, except bison~~uffalo~~, 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~~uffalo~~, 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

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Public Information Request
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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 other than that of owner.

(14) Accessory Dwelling Unit.

(15) Community Garden.

(16) On-Site Construction Office.

(17) Public Institution.

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

(1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met)

7.1.3.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

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

(2) Bed and Breakfast.

(3) Community Residential Facility.

7.1.3.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS AS PER SECTION 7.1.0.

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~~7.2 AGRICULTURAL (A) DISTRICTS~~

~~7.2.1 MINIMUM LOT AREA~~

~~The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:~~

~~order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;~~

~~to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;~~

~~creates cemetery lots;~~

~~is created for rights-of-way or utility sites;~~

~~for gift or sale to a member of the immediate family; and~~

~~(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:~~

~~(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or~~

~~(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved~~

Cascade County Planning Division
Public Information Request
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~~pursuant to local regulations or current MT DEQ regulations.~~

~~7.2.0.1 MINIMUM LOT WIDTH~~

~~The minimum lot or tract width in an A District shall be two-hundred (200) feet.~~

~~7.2.0.2 HEIGHT LIMITS~~

~~No restrictions, except as regulated in the Military Overlay District.~~

~~7.2.0.3 REQUIRED YARDS~~

~~The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.~~

~~7.2.0.4 LOT COVERAGE~~

~~All buildings and accessory buildings shall not cover more than forty percent (40%) of~~

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Public Information Request
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~~the lot or tract.~~

~~7.2.0.5 SIGNS~~

~~Agricultural District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.~~

~~7.2.0.6 OFF-STREET PARKING~~

~~In an Agricultural District off-street parking shall be provided in accordance with Section 8.4.~~

~~7.2.2 PERMITTED PRINCIPAL USES~~

~~(1) Agricultural uses of land; usual agricultural buildings and structures.~~

~~Public Building.~~

~~Public Safety Facility.~~

~~Park.~~

~~Community Center.~~

~~Public and private forest and wildlife preserve and similar conservation areas.~~

Cascade County Planning Division
Public Information Request
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~~Commercial dairy if on a parcel 20 acres or greater.~~

~~(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.~~

~~(9) A one or two family dwelling(s) on a parcel of 20 acres or greater.~~

~~(example: 1 single family home or 1 duplex for two families or two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.~~

~~(10) Golf driving range if located on a tract of five (5) acres or greater.~~

~~(11) Campground, Recreational Vehicle Park.~~

~~(12) Bed and Breakfast.~~

~~(13) Tourist Home.~~

~~(14) 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.~~

~~(15) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.~~

~~(16) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet~~

Cascade County Planning Division
Public Information Request
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~~from all property lines and shall comply with the standards listed in Section 8.7.~~

~~(17) Community Garden.~~

~~(18) On-Site Construction Office.~~

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

~~Accessory buildings and uses customarily incidental to any of the above A District uses~~

~~(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).~~

~~(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.~~

~~7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT~~

~~(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.~~

~~(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from~~

Cascade County Planning Division
Public Information Request
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~~7:00 a.m. until 7:00 p.m.~~

~~(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.~~

~~(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.~~

~~(5) Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.~~

~~(6) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.~~

~~(7) Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.~~

~~(8) Mobile Home Park/Mobile Home Court.~~

~~(9) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:~~

~~(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~product; and~~

~~(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.~~

~~(c) Landscaping requirements shall be in accordance with Section 8.18~~

~~(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.~~

~~(10) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.~~

~~(11) General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.~~

~~(12) Small and Large Equipment Rental / Sales / Repair and General Repair.~~

~~(13) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.~~

~~(14) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.~~

~~(15) Utilities both minor and major.~~

~~(16) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~is twenty (20) acres or greater.~~

~~(17) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.~~

~~(18) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.~~

~~(19) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.~~

~~(20) Outfitter/Guide Facility.~~

~~(21) Federal Firearm Retailers, Dealers, Repairers.~~

~~(22) Guest Ranch, provided parcel size is 20 acres or greater.~~

~~(23) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.~~

~~Manufactured housing sales.~~

~~Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.~~

~~Distillery~~

~~Value Added Agricultural Commodity Processing Facility. This may include processing,~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~manufacturing, storage, and the like~~

~~Warehouse.~~

~~Parking structure/garage.~~

~~Artisan shop.~~

~~Light manufacturing & assembly.~~

~~Power Plant.~~

~~Tourist cabins.~~

~~Worship facility.~~

~~Educational facility.~~

~~Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.~~

~~Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~Facility.~~

~~(38) Nursing Home, Retirement Home.~~

~~(39) Second dwelling unit on parcel less than 20 acres.~~

~~(40) Contractor Yard, small (8.15.1).~~

~~(41) Workforce Housing (Permanent Labor Camp).~~

~~(42) Temporary Workforce Housing (Temporary Labor Camp).~~

~~(43) Agricultural Commodity Storage Facility.~~

~~(44) Membership Club.~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.2 ~~MU-20 –~~ MIXED USE – 20 (MU-20) DISTRICT (MINIMUM LOT AREA: 20 ACRES)

7.2.1 MINIMUM LOT AREA

The minimum lot or tract area in a Mixed Use – 20 (MU-20) District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(1) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(2) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(3) creates cemetery lots;

(4) is created for rights-of-way or utility sites;

(5) for gift or sale to a member of the immediate family; or

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.2.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in a Mixed Use – 20 (MU-20) District shall be two-hundred (200) feet.

7.2.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.2.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in a Mixed Use – 20 (MU-20) District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.0.4 LOT COVERAGE

Lot Size	Lot Coverage
Greater than or equal to 5 acres	10%
Greater than or equal to 1 acre but less than 5	20%
Less than 1 acre	30%

7.2.0.5 SIGNS

Mixed Use – 20 District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.0.6 OFF-STREET PARKING

In a Mixed Use - 20 District off-street parking shall be provided in accordance with Section 8.4.

7.2.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Single-family dwelling.

(3) Two-family dwelling (duplex) or second single-family dwelling. If a parcel is less than twenty (20) acres, a second dwelling is allowed with an approved Special Use Permit.

(4) Public Building.

(5) Public Safety Facility.

(6) Park.

(7) Community Center.

(8) Public or private forest or wildlife preserve and similar conservation areas.

(9) Commercial dairy if on a parcel twenty (20) acres or greater.

(10) Riding and roping arena, excluding commercial rodeo

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(11) Golf driving range if located on a tract of five (5) acres or greater.

(12) Bed and Breakfast.

(13) Tourist Home.

(14) 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.

(15) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(16) Community Garden.

(17) On-Site Construction Office.

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

Accessory buildings and uses customarily incidental to any of the above MU-20 District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock), sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately-owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(5) Mobile Home Park/Mobile Home Court.

(6) Campground, Recreational Vehicle Park.

(7) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions: (a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and; (b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted; (c) Landscaping requirements shall be in accordance with Section 8.18; (d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Administrator, as to shield these units will occur.

(8) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

(9) General Sales.

(10) Agricultural Sales.

(11) Auction Sales.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(12) Convenience Sales.

(13) Shopping Center.

(14) Restaurant.

(15) Retail sales.

(16) Specialty Sales.

(17) Worship facility.

(18) Tavern.

(19) Micro-brewery.

(20) Alcohol Distillery.

(21) Educational Facility.

(22) Small and Large Equipment Rental / Sales / Repair and General Repair.

(23) Veterinary Clinic – Small Animal.

(24) Veterinary Clinic – Large Animal.

(25) Outfitter/Guide Facility.

(26) Hospital, Health Care Centers and Facilities, provide parcel size is twenty (20) acres or greater.

(27) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.

(28) Utilities both minor and major.

(29) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(30) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(31) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(32) Federal Ammunition Manufacturer.

(33) Federal Firearm Retailers, Dealers, Repairers.

(34) Guest Ranch, provided parcel size is twenty (20) acres or greater.

(35) Manufactured housing sales.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(36) Value Added Agricultural Commodity Processing Facility.

(37) Warehouse.

(38) Parking structure/garage.

(39) Artisan shop.

(40) Tourist cabins.

(41) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(42) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(43) Nursing Home, Retirement Home.

(44) Second dwelling unit or duplex on a parcel less than twenty (20) acres.

(45) Contractor Yard, Small (see Section 8.15.1).

(46) Permanent Workforce Housing.

(47) Temporary Workforce Housing.

(48) Agricultural Commodity Storage Facility.

(49) Membership Club.

(50) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt subject to the requirements of Section 8.10 of these regulations.

(51) Wild-game Processing Facility.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.3 MU-40 — MIXED USE - 40 (MU-40) DISTRICT (MINIMUM LOT AREA: 40

ACRES)

7.3.1 MINIMUM LOT AREA

The minimum lot or tract area in a Mixed Use – 40 (MU-40) District shall be forty (40) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(6) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(7) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(8) creates cemetery lots;

(9) is created for rights-of-way or utility sites;

(10) for gift or sale to a member of the immediate family; or

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.3.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in a MU-40 District shall be two-hundred (200) feet.

7.3.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.3.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

any lot or tract in a MU-40 District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.3.0.4 LOT COVERAGE

Lot Size	Lot Coverage
Greater than or equal to 5 acres	10%
Greater than or equal to 1 acre but less than 5	20%
Less than 1 acre	30%

7.3.0.5 SIGNS

Mixed Use - 40 District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.3.0.6 OFF-STREET PARKING

In a Mixed Use - 40 District off-street parking shall be provided in accordance with Section 8.4.

7.3.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Single-family dwelling.

(3) Two-family dwelling (duplex) or second single-family dwelling. If a parcel is less than forty (40) acres, a second dwelling is allowed with an approved Special Use Permit.

(4) Public Safety Facility.

(5) Park.

(6) Veterinary clinic provided that the structure and use are not less than two-hundred (200) feet from any residential district.

(7) Commercial dairy if on a parcel forty (40) acres or greater.

(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

This may include processing, manufacturing, storage, and the like.

(20) Agricultural Commodity Storage Facility.

(21) Wild-game Processing Facility

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

Accessory buildings and uses customarily incidental to any of the above MU-40 District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

7.3.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock), sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Commercially operated feedlots or concentrated animal

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(9) Public and private forest and wildlife preserve and similar conservation areas.

(10) 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.

(11) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.

(12) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(13) Community Garden.

(14) On-Site Construction Office.

(15) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(16) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(17) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(18) Guest Ranch.

(19) Value Added Agricultural Commodity Processing Facility.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

parcel size is twenty (20) acres or greater.

(18) Utilities both minor and major.

(19) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(20) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

(21) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.

(22) Commercial propagation, boarding, grazing, or butchering of large animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

(23) Distillery

(24) Manufacturing.

(25) Power Plant.

(26) Worship facility.

(27) Educational facility.

(28) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(29) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(30) Second dwelling unit or duplex on a parcel less than forty (40) acres.

(31) Membership Club.

(32) Permanent Workforce Housing

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.

(5) Mobile Home Park/Mobile Home Court.

(6) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions: (a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product, and; (b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted; (c) Landscaping requirements shall be in accordance with Section 8.18; (d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(7) Agricultural Sales, Auction Sales.

(8) Small and Large Equipment Rental / Sales / Repair and General Repair.

(9) Community Center.

(10) Artisan Shop.

(11) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(12) Golf driving range if located on a tract of five (5) acres or greater.

(13) Public Building.

(14) Contractor Yard, Small (see Section 8.15.1).

(15) Composting Facility.

(16) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

(17) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(33) Temporary Workforce Housing.

(34) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.~~3~~4 COMMERCIAL (C) DISTRICT

7.~~3~~4.1 MINIMUM LOT AREA

No minimum required.

7.~~3~~4.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.~~3~~4.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet required for principal, accessory and special use permit uses and buildings excluding customer parking except where the c~~C~~ommercial district abuts or joins a r~~R~~esidential d~~D~~istrict in which case there shall be a front yard as specified in Section 8.3.

(2) **Side yard**

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the Commercial district abuts upon a lot in a Residential District in which case the standards shall be followed as shown in Section 8.3.

(3) **Rear yard**

Ten (10) feet except that required to provide parking as specified in Section 8.3. When a lot in a Commercial District abuts upon a lot in a Residential district, the standards shall be followed as set forth in Section 8.3.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.9(3).

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

7.~~3~~4.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.~~3~~4.5 OFF-STREET PARKING

Off-Street Parking shall be provided in accordance with Section 8.4. If spaces are paved, off-street parking shall be in accordance with Section 8.18.2.5.

7.~~3~~4.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18

7.~~3~~4.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.~~3~~4.8 PERMITTED PRINCIPAL USES

(1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store, hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

(2) Any retail or wholesale trade, excluding large equipment trade (see large equipment rental / sales / repair definition) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/ machinery).

(c) Artisan Shop.

(d) Auction Sales.

(e) Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

(f) Commercial Kennel, provided it complies with the regulations set forth in Section 8.7.

(g) Contractor Yard, ~~s~~Small (Section 8.15.1).

(h) Construction Material Sales.

(i) Restaurant.

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

(n) General Services.

(o) Health Care Center.

(p) Health Care Facility.

~~(p)~~(q) Hotel and Motel.

~~(q)~~(r) Indoor Sports and Recreation / Entertainment.

~~(r)~~(s) Micro-brewery.

~~(s)~~(t) Off-Site Liquor Sales.

~~(t)~~(u) Outdoor sports and R~~r~~ecreation/E~~e~~ntertainment.

~~(u)~~(v) Professional Services.

~~(v)~~(w) Secondhand Sales.

~~(w)~~(x) Shopping Center.

~~(x)~~(y) Small Equipment Rental / Sales / Repair.

~~(y)~~(z) Specialty Sales.

~~(z)~~(aa) Tavern.

~~(aa)~~(bb) Veterinary Clinic – Small Animal.

Cascade County Planning Division
Public Information Request
Scanned Documents
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~~(bb)~~(cc) Veterinary Clinic – Large Animal.

~~(cc)~~(dd) Vehicle Fuel Sales.

~~(dd)~~(ee) Vehicle Repair.

~~(ee)~~(ff) Vehicle Sales and Rental.

~~(ff)~~(gg) Vehicle Services.

~~(gg)~~(hh) Wholesale trade.

~~(hh)~~(ii) Instructional Facility.

(jj) Convenience Sales.

(kk) Alcohol Distillery.

~~(ii)~~(ll) Butcher Shop.

(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable~~,~~ vehicles including, but not limited to, ~~R~~recreational ~~V~~vehicles, c~~C~~ars, ~~T~~trucks, v~~V~~ans, t~~T~~railers, ~~B~~boats, m~~M~~otorcycles, and a~~A~~ll ~~T~~terrain ~~V~~vehicles, may be outside provided that proper screening, approved by the Planning Administrator~~Director~~, as to shield these units will occur.

(4) On-Site Construction Office.

(5) Public Building.

(6) Public Safety Facility.

(7) Community Cultural Facility.

(8) Community Center.

(9) Educational Facility.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(10) Administrative Government Center.

(11) Educational Facility.

(12) Public Institution.

(13) Bus Terminal.

(14) Park.

(15) Parking Lot.

(16) Parking Garage.

(17) Parking Structure.

(18) Event Center.

~~(17)~~(19) Wild Game Processing.

7.~~3~~4.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) The permitted accessory uses set forth under Section 8.8 Amateur Radio Station and/or Antenna (conditions 6,7 and 8 do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW may be used in the Commercial District subject to the requirements of Section 7.3 and 8.8 of these regulations.

7.~~3~~4.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family ~~D~~dwelling ~~Unit~~ required by and incidental to the
business enterprise.

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7.45 INDUSTRIAL (I) DISTRICTS (I) DISTRICTS

7.5.0 I-1 DISTRICT – LIGHT INDUSTRIAL DISTRICT

7.45.1 AREA REQUIREMENTS

7.45.1.1 MINIMUM LOT AREA

No minimum requirement.

7.54.1.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.45.1.3 REQUIRED YARDS

(1) **Front yard** - Fifteen (15) feet depth minimum.

(2) **Side yard**

(a) Adjacent to an industrial district shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a Residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) **Rear yard**

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such Rresidentialce district shall be always maintained by the industrial enterprise as a landscape buffer area.

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(2) Large equipment rental / sales / repair.

(3) Garage, Public.

(4) Gravel Pit (open-cut mining operation).

(5) Manufacturing, Light.

(6) Agricultural, Building.

(7) Agricultural Commodity Storage~~,~~ Facility.

(8) Animal Shelter.

(9) Manufactured Housing Sales.

(10) Membership Club.

(11) Recycling Center.

(12) Solid Waste Transfer Station.

(13) Utility Installation, Minor.

(14) Warehouse.

(15) Worship Facility.

(16) Federal Firearm Retailers, Dealers, Repairers.

~~(15)~~(17) Contractor Yard, Large (see section 8.15.2)

7.~~34~~.11 USES NOT PERMITTED

(1) Medical Marijuana Registered Premises or ~~Provider~~Testing Facility.

and (or separate bullet)

(2) Sexually Oriented Business.

I would suggest making them separate, eg
(1) MMJ Registered Premises.
(2) Med. MJ Testing Facilities.
(3)...

Also, why call it out here, but not in all district sections? Be consistent

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7.45.1.4 LOT COVERAGE

None designated.

7.45.1.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.

7.45.1.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.45.1.7 LANDSCAPING~~andscaping~~ REQUIREMENTS

Landscaping requirements shall be in accordance with Section 8.18.

7.45.1.8 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.45.1.9 PERMITTED PRINCIPAL USES

(1) All principal uses permitted in a Commercial District.

(2) Industrial Uses (see Section 8.21).~~Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:~~

~~(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;~~

~~(b) emit no excessive obnoxious odors;~~

~~(c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;~~

~~(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;~~

~~(e) carry on no operation that would produce heat or glare~~

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~~perceptible from any property line on the lot on which the industrial operation is located;~~

~~(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;~~

~~(g) conduct no mining, extracting, filling or soil stripping operations; and~~

~~(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.~~

(3) Agricultural Commodity Storage Facility.

~~(3)~~(4) Value Added Agricultural Commodity Processing Facility.

~~(4)~~(5) Artisan Shop.

~~(5)~~(6) Bus Transit Terminal.

~~(6)~~(7) Composting Facility.

~~(8)~~ Contractor Yard, ~~s~~Small (see Section 8.15.1).

~~(7)~~(9) Contractor Yard, Large (see Section 8.15.2).

~~(8)~~(10) Freight Terminal.

~~(9)~~(11) Fuel Tank Farm.

~~(10)~~(12) Heli-Pad.

~~(11)~~(13) Large Equipment Rental / Sales / Repair.

~~(12)~~(14) Manufactured Housing Sales.

~~(13)~~(15) Park.

~~(14)~~(16) Parking Lot.

~~(15)~~(17) Parking Garage.

~~(16)~~(18) Parking Structure.

~~(17)~~(19) Railroad Yard.

~~(18)~~(20) Recycling Center.

~~(19)~~(21) Sexually Oriented Business.

It may not be located within one-thousand (1000) feet of an

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existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

~~(20)~~(22) Solid Waste Transfer Station.

(23) Truck Terminal.

~~(21)~~(24) Utility Installation, Minor and Major.

~~(22)~~(25) Warehouse.

~~(23)~~(26) Worship Facility.

~~(24)~~(27) 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.

~~(25)~~(28) "Power Plants, Commercial Wind Farms" subject to the requirements of Section 8.10 and 8.11 of these regulations.

~~(26)~~(29) Educational Facility.

~~(27)~~(30) Gravel Pit (open-cut mining operation).

~~(28)~~(31) Public Institution.

~~(29)~~(32) Power Plants, Solar subject to the requirements of Section 8.12 of these regulations.

7.~~4~~5.1.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family dwelling ~~unit~~ that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land.

(3) Animal Shelter.

(4) Agricultural Buildings.

~~(4)~~(5) Garage, Public.

~~(5)~~(6) Membership Club.

7.~~4~~5.1.11 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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7.45.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT

7.45.2.1 PERMITTED PRINCIPAL USES

All **NON-RESIDENTIAL** uses not otherwise prohibited by law. Any such use shall be required to comply with any supplemental regulations outlined in Section 8 of these regulations. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless modified or waived by the Zoning Administrator.

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

(1) One single family dwelling ~~unit~~ that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land; Agricultural Buildings.

7.45.2.3 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

7.5.2.4 MEDICAL MARIJUANA REGISTERED PREMISES OR TESTING FACILITY

subsections.

Medical marijuana registered premises and/or testing facilities shall only be permitted in the I-2 District (Heavy Industrial District).

Any registered premises or testing facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

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7.~~5~~6 MOBILE HOME (MH) DISTRICT

7.~~5~~6.1 MINIMUM LOT AREA

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.~~5~~6.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.~~5~~6.3 REQUIRED YARDS

(1) **Front yard**

The minimum front yard required shall be ten (10) feet.

(2) **Side yard**

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

(3) **Rear yard**

The minimum rear yard shall be at least ten (10) feet.

7.~~5~~6.4 LOT COVERAGE

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.~~5~~6.5 LOT WIDTH

The minimum lot width shall be thirty (30) feet.

7.~~5~~6.6 OFF-STREET PARKING REQUIREMENTS

All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 8.4.

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7.~~5~~6.7 LANDSCAPING

Requirements shall be in accordance with Section 8.18.

7.~~5~~6.8 SITE PLAN REVIEW AND APPROVAL

Prior to the construction of a mobile home court or subdivision, the following steps must be taken:

7.~~5~~6.8.1 ZONING

The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.~~5~~6.8.2 PLANNING BOARD

The Planning Board must approve the court site plan or subdivision plat.

7.~~5~~6.8.3 SUBMISSION

After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.~~5~~6.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES

7.~~5~~6.9.1 REQUIREMENTS

In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, mobile home courts, and mobile home subdivisions must also be complied with.

7.~~5~~6.9.2 SEASONAL STORAGE

Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary abode of the owner or any other person is permitted on privately owned tracts of ground.

7.~~5~~6.10 PERMITTED PRINCIPAL USES

7.~~5~~6.10.1 MOBILE HOME COURT

In a Mobile Home Court, only mobile homes are allowed.

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7.~~5~~6.10.2 MOBILE HOME SUBDIVISION

In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.~~5~~6.10.3 ON-SITE CONSTRUCTION OFFICE.

7.~~5~~6.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

7.~~5~~6.11.1 Private Garage.

7.5.11.2 Other customary accessory use and building.

7.5.12.3 Professional office in a residence.

7.5.12.4 Customary home occupation (see Section 8.16).

7.~~5~~6.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

7.5.12.1 Worship facility, where off-street parking is not provided are permitted when approved by the Zoning Board of Adjustment.

7.5.12.2 Recreation building or area operated by a membership club for the benefit of members and not for gain.

7.5.12.3 Educational facilities not heretofore defined, public library and publicly owned building.

7.5.12.4 Utility installation, minor.

7.5.12.5 On-site real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Zoning Board of Adjustment.

7.5.12.6 Convenience Sales

Allowed with the following exclusions:

(1) Liquor

(2) Gambling except for:
   (a) The Montana State Lottery, Powerball tickets, and the like.

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7.~~6~~7 OPEN SPACE (OS) DISTRICT

7.~~6~~7.1 REQUIRED LOT AREA

No minimum requirement.

7.~~6~~7.2 LOT COVERAGE

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.~~6~~7.3 PERMITTED PRINCIPAL USES

7.~~6~~7.3.1 Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

7.~~6~~7.3.2 Utility Installation, Minor.

7.~~6~~7.3.3 Agriculture and forestry.

7.~~6~~7.3.4 On-Site Construction Office.

7.~~6~~7.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING:

7.~~6~~7.4.1 Automobile parking area as required in Section 8.4.

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7.~~7~~8 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

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7.~~8~~9 ~~MU DISTRICT –~~ MIXED USE (MU) DISTRICT

7.~~8~~9.1 MINIMUM LOT AREA

No minimum required

7.~~8~~9.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.~~8~~9.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.9~~8~~.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.~~8~~9.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.~~8~~9.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

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Public Information Request
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7.~~8~~9.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.
In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, ~~or~~ approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.~~8~~9.8 PERMITTED PRINCIPAL USES

(1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts.

(2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/machinery).

(d) Auction Sales.

(e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.

(f) Building materials, hardware and farm equipment sales and service.

~~(f)~~(g) Butcher Shop.

~~(g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.~~

(h) Construction Material Sales.

(i) Contractor Yard, Small (see Section 8.15.1).

~~(i)~~(j) Convienence Sales.

~~(j)~~(k) Financial Services.

~~(k)~~(l) Funeral Home.

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~~(l)~~(m)General Repair.

~~(m)~~(n) General Sales.
~~(n)~~(o)General Services.

~~(o)~~(p)Health Care Center

~~(p)~~(q)Health Care Facility.

~~(q)~~(r) Hotel and Motel.

(s) Micro-brewery.

~~(r)~~(t) Alcohol Distillery

~~(s)~~(u)Off-Site Liquor Sales.

~~(t)~~(v) Outdoor ~~s~~Sports and ~~r~~Recreation/Outdoor ~~e~~Entertainment.

~~(u)~~(w) Professional Services.

~~(v)~~(x) Restaurant.

~~(w)~~(y) Recreational Vehicle Park.

~~(x)~~(z) Retail.

~~(y)~~(aa) Secondhand Sales.

~~(z)~~(bb) Shopping Center.

~~(aa)~~(cc) Small Equipment Rental / Sales / Repair.

~~(bb)~~(dd) Specialty Sales.

~~(cc)~~(ee) Tavern.

~~(dd)~~(ff) Veterinary Clinic – Small Animal.

~~(ee)~~(gg) Vehicle Fuel Sales.

~~(ff) Vehicle Repair.~~

~~(gg)~~(hh) Vehicle Sales and Rental.

~~(hh)~~(ii) Vehicle Services.

~~(ii)~~(jj) Wholesale trade.

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~~(jj)~~(kk) Instructional Facility.

~~(kk)~~(ll) Agricultural Commodity Storage Facility.

(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable~~,~~ vehicles including, but not limited to, ~~R~~recreational ~~V~~vehicles, ~~C~~cars, ~~T~~trucks, ~~V~~vans, ~~T~~trailers, ~~B~~boats, ~~M~~motorcycles, and ~~A~~all ~~T~~terrain ~~V~~vehicles, may be outside provided that proper screening, approved by the Planning Administrator~~Director~~, as to shield these units will occur.

(4) Mobile Home Park / Mobile Home Court.

(5) On-Site Construction Office.

(7) ~~(6)~~ Gravel Pit (open cut mining operation).

~~(6)~~(8) Wild Game Processing.

7.~~8~~9.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

Cascade County Planning Division
Public Information Request
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(4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.

(5) Home Occupations.

(6) Professional Office in a Residence.

7.~~8~~9.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Manufactured ~~h~~Housing ~~s~~Sales.

(2) Veterinary ~~c~~Clinic, ~~l~~Large ~~a~~Animal.

(3) Commercial ~~k~~Kennel.

(4) Large ~~e~~Equipment ~~r~~Rental / Sales / Repair.

(5) Warehouse.

(6) Animal ~~s~~Shelter.

(7) Administrative Government Center.

(8) Composting ~~f~~Facility.

(9) Recycling ~~c~~Center.

(10) Solid ~~w~~Waste ~~t~~Transfer ~~s~~Station.

(11) Telecommunications ~~f~~Facility.

(12) Bus ~~T~~transit ~~t~~Terminal.

(13) ~~Commercial p~~Parking ~~l~~Lot.

(14) Parking ~~s~~Structure.

(15) Taxi ~~c~~Cab ~~d~~Dispatch ~~t~~Terminal.

(16) Artisan ~~s~~Shop.

(17) ~~Light~~ ~~M~~manufacturing & ~~a~~Assembly.

(18) Garage, Public.

~~(18)~~(19) Garage, Private.

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Public Information Request
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~~(19)~~(20) Indoor Entertainment.

~~(20)~~(21) Indoor Sports and Recreation.

~~(21)~~(22) Membership Club.

~~(22)~~(23) Parking Garage.

~~(23)~~(24) Tourist Home.

(25) Utility Installation, Minor.

(26) Casino , provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.

(27) Federal Firearm Retailers, Dealers, Repairers.

(28) Multi-family Dwelling.

(29) Event Center.

(30) Contractor Yard, Large (see 8.15.2)

(31) Vehicle Repair.

~~(24) Worship Facility.~~

7.~~8~~9.11 USES SPECIFICALLY NOT PERMITTED

(1) Medical Marijuana Registered Premises or Testing Facility~~Provider~~.

(2) Sexually-Oriented Businesses.

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SECTION 8. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Sections 7 and 9 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

8.1 USES, SIGNS, LOTS

8.1.1 General Sign Regulations by District

General Sign Regulations by District						
District	**Type[9]**	**Lot Size (acre)**	**Maximum Quantity (freestanding sign)**	**Maximum Height[1,2] (feet)**	**Maximum area per sign (square feet)**	**Illuminated[3]**
UR[8]	Non-commercial Display	N/A	1	20	32	No
SR-1[8]	Non-commercial Display	N/A	1	20	32	No
SR-2[8]	Non-commercial Display	N/A	1	20	32	No
RR-5[8]	Non-commercial Display	N/A	1	20	32	No
MU[8]	Non-commercial or Commercial Display	N/A	1	20	100	Yes[7]
MU-20[4,5,8]	Commercial Display	≤ 1	2	30	300	Yes[7]
	Commercial Display	> 1	3	30	300	Yes[7]
MU-40[4,5]	Commercial Display	≤ 1	2	30	300	Yes[7]
	Commercial Display	> 1	3	30	300	Yes[7]
C[4,5]	Commercial Display	≤ 1	2	30	300	Yes
	Commercial Display	> 1	3	30	300	Yes
I-1[4,5]	Commercial	≤ 1	2	30	300	Yes

Cascade County Planning Division
Public Information Request
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	Display					
	Commercial Display	> 1	3	30	300	Yes
	Billboard[6]	≤ 1	2	30	672	Yes
	Billboard[6]	>1	3	30	672	Yes
I-2[4,5]	Commercial Display	≤ 1	2	30	300	Yes
	Commercial Display	> 1	3	30	300	Yes
	Billboard[6]	≤ 1	2	30	672	Yes
	Billboard[6]	>1	3	30	672	Yes

Notes:

1. Maximum height is measured from the average elevation of the lot.
2. Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.
3. Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) milliamperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) milliamperes on all exposed tubing.
4. No sign shall occupy any front, side or rear landscaping buffer area.
5. Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.
6. Billboard signs shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of a Residential (R) district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.
7. An illuminated sign shall be allowed for commercial use in the MU, MU-20 and MU-40 districts provided the sign uses shielded lights that illuminate the area of the sign only and are only illuminated during normal operating hours.
8. The sign shall be located not less than ten (10) feet from the established right-of-way line of any street or highway and shall not obstruct traffic visibility at street or highway intersections.
9. All signs must be located on the premises of the commercial use for which the display advertises. Off-premise signage is allowed for non-profit, non-commercial uses only.

~~**SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS**~~

~~**8.1.1.1** There shall be a limit of two (2) total freestanding signs per tract of land~~

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~~containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Division. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.~~

~~**8.1.1.2** Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.~~

~~**8.1.1.3** Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.~~

~~**8.1.1.4** Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.~~

~~**8.1.1.5** Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R-district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.~~

~~8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS~~

~~**8.1.2.1** On-premise and off-premise (for non-profit only) signs in residential and agricultural districts (RR-5, SR-1, SR-2, UR and A)~~

~~**8.1.2.2** Signs in residential and agriculture districts shall be limited to non-commercial uses, such as religious institutions, fraternal organizations, schools, etc. Bulletin boards for worship facilities, educational facilities, or other public, religious, or educational institution are allowed provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.~~

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.1.3 OTHER SIGNS (ALL DISTRICTS)

8.1.3.1 Temporary Signs

Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

8.1.3.2 Political Signs

Political Signs shall be regulated pursuant to Montana Code~~s~~ Annotated. Additionally, the following regulations shall apply:

~~8.1.3.2.1 Political Signs~~

(1) Signs promoting political candidates or issues shall:

(a) Not be erected or maintained within the highway right-of-way

(b) Not be erected or maintained prior to (90) days before the applicable election.

(c) Be removed within fourteen (14)~~30~~ days following the applicable election. The Public Works Department is authorized to remove illegal signs not removed within fourteen (14) days. The successful candidate in the primary election may leave their signs until after the general election.

8.1.3.3~~2.2~~ Directional Signs

(1) Including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they ~~not~~ do exceed eight (8) square feet maximum in size and ~~be~~ are no greater than eight (8) feet in height and may not contain any advertising. Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 1.2 shall apply.

8.1.4 NON-CONFORMING SIGNS

(1) Signs at the time of enactment of this Regulation which are not conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are

Cascade County Planning Division
Public Information Request
Scanned Documents
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structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

(2) Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

8.1.5 NATURAL PRODUCTION USE

A Special Use Permit may be reviewed by the Zoning Board of Adjustment in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-1~~2 Heavy~~ Light Industrial District and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral deposits for the quarrying of any kind of rock formation, subject to the following conditions:

8.1.5.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.

8.1.5.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Zoning Board of Adjustment.

8.1.5.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (82-4-4, MCA~~) Title 82, Chapter 4, Part 4~~, et. seq).

8.1.5.4 In the case where a natural production use abuts an R District, a C District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.

8.1.5.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

8.1.6 DWELLINGS ON SMALL LOTS

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a ~~one~~single-family dwelling on any lot in an MU-20, MU-40, ~~Agricultural District~~ or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for ~~one~~single (1)

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

8.1.7 REVERSE AND KEY LOTS

In the case of a reverse lot, the building setback line shall be the same as the key lot.

8.1.8 ABANDONED BUILDINGS / ITEMS

Abandoned buildings—/—items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND

Each parcel of land shall have only one zoning designation.

8.2 YARDS

8.2.1 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

8.2.2 PORCHES

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

8.2.3 PROJECTING ARCHITECTURAL FEATURES

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

8.2.4 FIRE ESCAPES

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

8.2.5 FENCES

A Location/Conformance ~~p~~Permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations and regulations contained

Cascade County Planning Division
Public Information Request
Scanned Documents
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herein below. Woven fencing shall not be erected anywhere in the county for range fencing, however, woven fencing may be used for small area enclosures such as corrals, pens, coops, and the like.

8.2.5.1 FENCE HEIGHT

No fence in any residential district (UR, SR-1, SR-2, RR-5, MU) may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement.

A variance may be allowed by the Zoning Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Zoning Board of Adjustment.

8.2.5.2 ELECTRIC FENCING

No fence of an electrically charged type shall be erected in the~~any~~ Urban R~~r~~esidential (UR) district, ~~m~~Mobile ~~h~~Home district (MH), or Mixed Use district (MU). Electrically charged fences utilized for agricultural use are allowed in any other district provided: (1) the energizer for the fence is designed for livestock; (2) the voltage of the energizer is appropriate for the particular livestock and/or animals intended for containment/determent under the agricultural use; (3) uses low impedance circuitry, millisecond-rate pulsating current, and low amperage; ~~and~~ (4) the electric fence is not used in conjunction with a barbed-wire fence for the same fenced perimeter. ~~unless intended for agricultural use~~.

8.2.5.3 RAZOR WIRE FENCING

Razor wire shall only be located in ~~only~~ an Industrial ~~Zoned~~ ~~D~~district (I-1) or (I-2), must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it.

8.2.5.~~3~~4 WILDLIFE-FRIENDLY FENCING

All fencing utilizing barbed-wire in the Mixed Use – 20 (MU-20), Mixed Use – 40 (MU-40), and Rural Residential – 5 (RR-5) districts shall meet the requirements of a legal fence defined in ~~MCA~~ 81-4-101 (1), MCA, with the exception that the bottom wire shall be not less than 16 inches from the ground. The following fencing structure is highly recommended: forty-two (42) inches from the ground to the top barbed-wire, twelve (12) inch spacing between the top barbed-wire and a second barbed-wire, seven (7) inch spacing between the second and a third barbed-wire, seven (7) inch spacing between the third barbed-wire and a bare bottom wire sixteen (16) inches from the ground. A graphic example is provided in the Montana Department of Transportation (MDT) brochure titled "Wildlife Friendly Fencing"

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

available in the Cascade County Planning Office or from MDT.

~~A Llocation/ Cconformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.~~

8.2.6 FRONT YARD DEPTH

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

8.3 TRANSITION REGULATIONS

8.3.1 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

8.3.2 SIDE AND REAR YARD TRANSITION

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

8.3.3 FRONT YARD TRANSITION

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

8.3.4 CORNER YARD TRANSITION

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

8.4 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected; or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.4.1 DWELLINGS

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

8.4.3 MOTELS AND HOTELS

At least one (1) parking space for each one (1) guest unit.

8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME

8.4.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

8.4.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

8.4.6 STORES

8.4.6.1 C District (Commercial District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

8.4.7 OFFICE BUILDINGS

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS

At least two (2) parking spaces for each three (3) working people on a maximum shift.

8.4.9 GENERAL

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

building.

8.5 SITE PLAN REVIEW CRITERIA

In each case where a ~~commercial~~ building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with this section and shall approve, or approve with conditions, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter into the Office of the Zoning Administrator's record the reason for such action.

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

(1) Name and address of applicant.

(2) Legal description and boundary lines of property being considered for review.

(a) Existing and proposed land use upon the site.

(b) Names of owners and existing land use on adjacent property.

(c) Location, size, dimensions and uses of existing and proposed buildings and improvements.

(d) Location and description of existing and proposed utilities.

(e) Location and dimensions of curb cuts and access points.

(f) Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

(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.

~~(i)~~(j) Compliance with Circular DEQ 8 ~~(~~issued by the Montana Department of Environmental Quality~~)~~ to mitigate and detain stormwater discharge.

8.6 FLOODPLAIN REGULATIONS

The Board of County Commissioners adopted the "Cascade County Floodplain

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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 Division 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. (See Letter of Map Change definition).

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) Pet Wholesalers.

(2) Pet Breeders.

(3) At a minimum, kennels shall provide:

(4) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from residential districts.

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) Exotic and Wild Animal Dealers.

8.8 TOWERS AND FACILITIES

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations providing they meet the following conditions:

(1) Setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries).

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.9 POWER PLANTS

The following regulations are for all proposed commercial power plants. Additional requirements for specific types of power plants are delineated in the following sections.

(1) Must meet all state, federal, and local regulations regarding

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT)

(1) Facility may not exceed one (1) megawatt of total generating capacity.

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:

(1) Must meet all state, federal, and local regulations regarding the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(6) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(7) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(8) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(9) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(10) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(11) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.12 POWER PLANT, SOLAR

Based on the typical solar power plant design, uses tend to be low in intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use may be compatible in both urbanized and non-urbanized areas throughout the County. Standards for power plant generation by solar energy shall be subject to the administrative requirements of Section 18 and the following site development standards:

(1) Lot coverage: All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of a lot unless adjusted by the Zoning Board of Adjustment.

(2) Setbacks: solar power plant structures shall be set back from all property lines at least thirty (30) feet from the front and six (6) feet from the side yards, and ten (10) feet from a rear yard.

(3) Landscaping Buffer: as determined by the Zoning Board of Adjustment through the Unclassified Use Permit process with considerations of location, size of parcel and topography of parcel. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.

(4) No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style.

(5) Siting requirements of any structure within the Height Military Overlay District (MOD) must be met. Any variance requested for over-height must be presented to Malmstrom's reviewing staff and approved.

(6) Safety/Access: An appropriate security fence (height and material to be determined through the Unclassified use permit process) shall be placed around the perimeter of the solar power plant.

(7) Signage: appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.

(8) Noise: No operating solar power plant shall produce noise that exceeds any of the following limitations:

(a) Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
(b) Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
(c) Sixty dBA, as measured at the property lines of any other project boundary.

(9) Agreements/Easements: If the land on which the project is to be leased rather than owned by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project and a copy provided with an Unclassified use permit application.

(10) Removal: Structures that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS

A Special Use Permit is required by the Zoning Board of Adjustment in the Agricultural District. In addition to the submittal requirements of Section 10, Standards for Special Use Permits, the following items will be required.

(1) Cover letter describing project and submittal materials.

(2) Copy of associated mineral leases.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(3) Copy of order from the Montana Board of Oil and Gas Conservation, and associated stipulations/conditions.

(4) Name and location of all water wells on adjacent properties.

(5) Operations statement detailing the proposed hours of operation, duration of project, operation of project including staffing schedules and estimated trips per day, traffic study with proposed mitigation and fire plan with proposed mitigation.

(6) Noxious Weed Management Plan.

(7) Plan for reclamation of all disturbances associated with the project.

(8) Workforce Housing plan, if applicable.

(9) Any additional information deemed necessary by the Planning Division.

8.14 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated (M.C.A). Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in this Section.

8.14.1 REQUIRED PERMITS

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 9.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana.

Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31st and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

Cascade County Planning Division
Public Information Request
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8.14.2 APPLICABLE TIME PERIOD

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise **prior to June 1** of the year for the **June 24th through July 5th** selling period and must be removed by **July 31st** of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise **prior to December 6th** of the year for the **December 29th through December 31st** selling period and must be removed by **January 15th** of the next year.

8.14.3 REQUIRED DISTANCES AND SETBACKS

A temporary fireworks stand shall be located:

(1) At least 300 feet from a worship facility, a hospital, or educational facility.

(2) At least 150 feet from any flammable liquid dispensing device or installation.

(3) At least 150 feet from any residential dwelling unit.

(4) At least 30 feet from any public roadway.

(5) At least 50 feet from any non-residential structure.

(6) At least 25 feet from any attendant vehicle or structure associated with the fireworks stand.

(7) Setbacks

Front Yard- The minimum front setback shall be thirty (30) feet.

Rear Yard- The minimum rear setback shall be thirty (30) feet.

Side Yard- The minimum side setback shall be ten (10) feet.

(8) Off-street Parking

Size- The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

Number- The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

The required front yard may be used for off-street parking.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.14.4 APPLICABILITY OF OTHER REGULATIONS

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

8.14.5 PENALTY

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 14, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

8.15 CONTRACTOR YARDS

8.15.1 CONTRACTOR YARD, SMALL

~~Generally these standards do not apply to contractor yards in Industrial zoning districts.~~

(1) Lot size requirements

The minimum lot size shall be one (1) acre.

(2) Limitations on equipment

No more than two (2) pieces of heavy equipment exceeding three tons may be stored on the premises.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is prohibited.

(4) Buildings.

A building(s) not exceeding a cumulative total of three thousand (3,000) square feet shall be constructed on the premises to accommodate the contractor's operations.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.15.2 CONTRACTOR YARD, LARGE

~~Generally these standards do not apply to contractor yards in Industrial zoning districts.~~

(1) Lot size requirements

There are no minimum lot size requirements.

(2) Limitations on equipment

There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is permitted.

(4) Buildings

The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.

8.16 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in a~~n urban~~ residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home Occupations also must:

(1) Be carried on only within the principal or accessory buildings;

(2) Be incidental and secondary to the use of the dwelling unit for residential purposes;

(3) Be carried on by a member of the family residing in the dwelling unit; and

(4) Conform to the following additional conditions:

(a) There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.

(b) There shall be no exterior storage of materials or variation

Cascade County Planning Division
Public Information Request
Scanned Documents
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from the residential character of the principal building;

(c) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and

(d) Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

(1) Art studio;

(2) Dress and drapery making;

(3) Teaching with musical instruments limited to a single pupil at a time; and/or

(4) Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

(1) Restaurants;

(2) Commercial stables and commercial kennels; and / or

(3) Auto repairing.

In instances where the appropriateness of the proposed home occupation in unclear, the Zoning Administrator may request an Operational Statement from the applicant that provides a complete description of the operation, such as days and hours of operation, number of customers or visitors, type and frequency of deliveries, etc.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

8.17 ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Administrator~~Director~~ or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Administrator~~Director~~ may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Administrator ~~Director~~ or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief.

(2) The intent of the section and the specific regulation in question is preserved.

(3) The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.

(4) All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Administrator~~Director~~ or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Administrator~~Director~~'s decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all C, I-1, I-2, MU, and MH and as otherwise required in these regulations.

The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

8.18.1 LANDSCAPING PLAN REQUIREMENTS

A landscaping plan must be approved by the Planning Administrator~~Director~~ or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

Cascade County Planning Division
Public Information Request
Scanned Documents
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(1) Appropriate to the site conditions ~~in which they are planted~~;

(2) Inhibit the spread of noxious or invasive plant species~~Have non-invasive growth habits~~;

(3) Encourage low maintenance, high quality design; and

(4) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the ~~Planning Division or the~~ Montana State University Extension Service.

The landscaping plan should contain the following elements:

(1) Scale: ¼"=1'0" to 1"=40'

(2) Property lines, easements and public rights-of-way, including clear vision triangles

(3) Buildings or structures - both new and existing.

(4) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.

(5) Landscaping materials:

(a) Location and spacing of proposed plant materials

(b) Location of existing trees or landscaping to be preserved or eliminated

(c) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule

(d) Size of materials, in caliper, diameter and height at installation and maturity

(e) Quantity of each planting materials to be used

(f) Types and location of inorganic landscaping material

(6) Location of walls, fences and refuse storage area

(7) Methods of protecting the landscaped areas

(8) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a healthly, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have

Cascade County Planning Division
Public Information Request
Scanned Documents
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been irreparably damaged shall be removed and replaced with living plant materials consistent with the approved landscape plan or as required by these regulations.

8.18.2 MINIMUM REQUIREMENTS

8.18.2.1 STREET FRONTAGE LANDSCAPING

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: Fifteen (15)' foot minimum buffer yard width with one (1) tree per eighty (80) linear feet of frontage.

Option 2: Ten (10') foot minimum buffer yard width with two (2) trees per eighty (80) linear feet of frontage.

Option 3: Landscaped berm with two (2)' foot minimum average height, One (1) foot' rise: 4' run maximum slope, and
No minimum or maximum berm width.
One (1) tree per eighty (80) linear feet of frontage in addition to berm.

Option 4: Five (5)' foot minimum buffer yard with one (1) tree per forty (40) linear feet of frontage and a thirty (30) inch" high decorative or non-decorative wall located appurtenant to the parking area.
A non-decorative wall shall be covered with vines on the street side of the wall.
A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

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Public Information Request
Scanned Documents
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8.18.2.2. PERIMETER LANDSCAPING

(1) The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Administrator shall determine which category best matches the use.

8.18.2.3 BUFFER YARD CLASSIFICATION REQUIREMENTS:

Buffer yard A: No Landscaping Required.

Buffer yard B: Five (5) foot minimum buffer yard with one (1) tree per forty (40) linear feet.

Buffer yard C: Ten (10) foot minimum buffer yard with two (2) trees per forty (40) linear feet and either a Six (6) foot sight obscuring fence or wall located on the property line.*

Buffer yard D: Fifteen (15) foot minimum buffer yard with four (4) trees per forty (40) linear feet and either a Six (6) foot sight obscuring fence or wall located on the property line.*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.4 BUFFER YARD STANDARDS FOR ALL DEVELOPMENT

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

8.18.2.5 OTHER REQUIREMENTS

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, or~~and~~ any combination thereof.

Any paved parking lot ~~which requires more than ten (10) parking spaces~~ must ~~be paved and~~ provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm Water Runoff Regulations. Unpaved ~~P~~parking lots ~~which require less than ten parking spaces~~ must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Administrator~~Director~~.

8.18.3 ADMINISTRATIVE RELIEF

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Administrator~~Director~~ or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Administrator~~Director~~ or his/her designee must make all of the following findings in order to grant Administrative Relief:

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary

Cascade County Planning Division
Public Information Request
Scanned Documents
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or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(2) The intent of the landscaping section and the specific regulation in question is preserved; and

(3) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Administrator~~Director~~ or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Administrator~~Director~~'s decision may be made to the Zoning Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18.4 POLICIES

(1) The Planning Division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Division may grant Administrative Relief in the event of these situations and proposals.

(2) The Planning Division recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

(3) The Planning Division shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

(4) The Planning Division also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

Cascade County Planning Division
Public Information Request
Scanned Documents
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The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the Planning Division generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered.

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees.

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

~~8.19 MEDICAL MARIJUANA PROVIDER~~

~~Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.~~**8.2019 SEXUALLY ORIENTED BUSINESS**

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

8.20 LIGHT INDUSTIRIAL (I-1) ZONING DISTRICT STANDARDS

All operations shall:

(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;

(b) emit no excessive obnoxious odors;

(c) exhaust no excessive waste into the air or create excessive

Cascade County Planning Division
Public Information Request
Scanned Documents
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dust by the industrial operation;

(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate authority;

(e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;

(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

(g) conduct no mining, extracting, filling or soil stripping operations unless permitted as a gravel pit; and

(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(i) operations conducted between 7 AM and 7 PM.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 9. PERMIT REQUIREMENTS

9.1 GENERAL

These regulations shall be enforced by the Zoning Administrator. ~~who shall be appointed by the Board of County Commissioners of Cascade County.~~ No Location-/-Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been met.

9.2 LOCATION-/CONFORMANCE PERMIT

No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; 2) a site plan meeting the requirements of Section 8.5 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator, and a separate Location/Conformance Permit has been issued for each tract of land.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned ~~A~~ Agricultural (A), and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the ~~A~~ Agricultural (A) requirements listed in these regulations. All other uses including commercial, special use permits, etc. require obtaining a location/conformance permit and complying with the Cascade County Zoning Regulations.

Location/Conformance Permit approval by the Zoning Administrator~~s~~ shall be valid for only one particular use and shall expire one (1) year after the date of the approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only twelve (12)-month extension to the expiration the Location/Conformance Permit approval.

9.3 FEES

The fee to be paid upon application for a Location-/-Conformance Permit shall be that listed in the Cascade County Planning Division's Fee Schedule.~~Fifty Dollars ($50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars ($200.00).~~ The fee to be paid upon application for a Special Use Permit or an Unclassified Use Permit shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~Four Hundred Fifty~~

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

~~Dollars ($450.00).~~ The fee to be paid for an Appeal Application or for a Variance Application shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~Two Hundred Fifty Dollars ($250.00).~~ All fees are non-refundable.

9.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined by the Zoning Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of 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 Division along with the application / appeal fee ~~($250)~~ as ~~may be~~ established by the County Commission.

(2) **Determination of completeness**. Within 10 working days of submittal, the Planning Administrator~~Director~~ shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The Administrator~~director~~ shall take no further steps to process the application until the deficiencies are remedied.

(3) **Notice**. Consistent with Section 12 of these regulations, the director 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 Zoning Board of Adjustment 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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(4) **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, 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 Zoning Board of Adjustment shall hold a public hearing to review the application.

(7) **Decision.** Within 30 days of the determination of completeness, the Zoning Board of Adjustment 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 director 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

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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

(1) The proposed use will be adequately 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 3 members shall be necessary to approve a variance. (~~MCA)~~76-2-224, MCA).

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.

(4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the Zoning Board of Adjustment 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. (~~MCA)~~ 67-4-314, MCA).

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

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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. (~~MCA)~~ 76-2-227 (1), MCA).

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 as Provided in Section 10" 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 Division's Fee Schedule~~$450.00~~.

10.2 REQUIRED PLAN

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 Operational Statement Checklist.

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 Office of the County Clerk and Recorder or Planning Division).

Cascade County Planning Division
Public Information Request
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(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.

(h) Compliance with Circular DEQ 8 (issued by the Montana Department of Environmental Quality) to mitigate and detain stormwater discharge.

10.3 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications heard by the Cascade County Zoning Board of Adjustment. Notice shall be provided for as set by ~~MCA~~ SECTION 7-1-2121, MCA. 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 Zoning Board of Adjustment will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the special use permit.

10.4 EXPIRATION

A Special Use Permit application, once deemed sufficient and prior to the hearing by the Zoning Board of Adjustment, 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 Division 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 applicaton 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.

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The Zoning Board ~~O~~of Adjustment 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 Zoning Board Of Adjustment 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 Zoning Board of Adjustment 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

Zoning

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

(1) Conditions may be required that the Zoning Board of Adjustment 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:

(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 stormwater 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:

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(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:

(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:

(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 ~~the~~ Special Use ~~p~~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 Cascade County Zoning Board of Adjustment.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

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In reviewing Special Use Permit Applications, the Zoning Board of Adjustment 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 makes 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 Zoning Board of Adjustment 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 Zoning Board of Adjustment, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment 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.

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SECTION 11. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

11.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

11.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his or her ability the date of a discontinuance of a non-conforming use based on substantiating evidence from the applicant and any other historical records or documents.

11.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

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11.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

11.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

11.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

11.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

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SECTION 12. ZONING BOARD OF ADJUSTMENT

12.1 CREATION OF ZONING BOARD OF ADJUSTMENT

MCA 76-2-221

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Zoning Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term.

All members of the Board shall serve without compensation. The Zoning Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person or persons, jointly or severely aggrieved by a decision of the administrative officer or by an officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the Board, in a timely manner all papers constituting the record upon which the action appealed was taken.

12.3.1 APPEAL FEE

Upon the filing of an appeal to the Zoning Board of Adjustment, the applicant shall pay to such Board, an appeal fee as listed in the Cascade County Planning Division's Fee Schedule.~~of Two Hundred Fifty Dollars ($250.00)~~; provided,

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Public Information Request
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however, that if any officer, department, board or bureau of the Countymunicipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 APPEAL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate of stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken, and on due cause shown.

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest and decide the appeal within a reasonable time. The notice shall be published at least fifteen (15) days prior to, but no more than thirty (30) days prior to, the public hearing. At the hearing, a party may appear in person or by the party's attorney.

12.3.3 BOARD APPEAL POWERS

The Zoning Board of Adjustment shall have the following powers:

12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

12.3.3.2 To hear and decide Special Use Permits (see Special Use Permit definition) to the terms of the zoning regulations as provided for in Section 10 of these regulations. The language herein is not intended to restrict or limit the power of the Zoning Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.

12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION

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76-2-223

12.3.4.1 In exercising the above-mentioned powers, the Zoning Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

76-2-224

12.3.4.2 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD

76-2-227

12.3.5.1 Any person or persons, jointly or severally, aggrieved by a decision of the Zoning Board of Adjustment, may present to the Board of County Commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Board of County Commissioners within thirty (30) days after the filing of the decision of the board of adjustment, and a final decision must be made within sixty (60) days of the receipt of the petition.

The office of the Zoning Board of Adjustment in which the decision shall be filed shall be the Cascade County Public Works Department Planning Division. A vote of the zoning board of adjustment shall constitute a final decision of the matter and shall be deemed filed at the adjournment of the meeting.

The Board of County Commissioners may:

a) remand the special exception to the board of adjustment;
b) reverse or affirm, wholly or partly, the decision of the board of adjustment; or
c) modify the decision of the board of adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners or the Zoning Board of Adjustment, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the appropriate board.

12.3.5.2 Upon presentation of a petition, the court may allow a writ of certiorari directed to the Board of County Commissioners or the Zoning Board of Adjustment to review the decision of the Board and shall prescribe in the writ the time within which a return must be made and served upon

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SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 rezoning petition process.

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

(1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.

(2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.

(3) A legal description of the boundaries of the proposed district.

(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 Office of the County Clerk and Recorder or Planning Division).

(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.

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Public Information Request
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(f) On a site plan, indicate the location of existing curb cuts or access points.

(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.

(5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

(6) Prepare a statement which addresses the following considerations:

(a) Made in accordance with the growth policy and

(b) Designed to:

(i) Secure safety from fire, and other dangers; and

(ii) Promote public health, public safety, and general welfare; and

(iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(c) Reasonable provision of adequate light and air:

(d) The effect on motorized and non-motorized transportation systems;

(e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(f) The character of the district and its peculiar suitability for particular uses; and

(g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

7. Application Fee: All applications for rezoning must include an application fee as listed in the Cascade County Planning Division's Fee Schedule.~~of seven hundred fifty dollars ($750.00).~~

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14.2 HEARING BEFORE THE PLANNING BOARD

is this what you really mean?

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district.

14.3.1.2 The general character of the proposed zoning regulations.

14.3.1.3 The time and place of the public hearing.

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

Cascade County Planning Division
Public Information Request
Scanned Documents
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addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202, (MCA) ~~Title 15 Chapter 7 Part 202~~ or whose property is taxed as forest land under 15-44-1, (MCA) ~~Title 15, Chapter 44, Part 1~~ have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

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SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport.

(2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

(3) That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

15.1.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zone which are hereby referenced in these regulations and made a part hereof (Section 4). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

Cascade County Planning Division
Public Information Request
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15.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

15.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Cascade County Planning Division
Public Information Request
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15.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

15.1.2 HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

15.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

15.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

15.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.3 TRANSITIONAL ZONES

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and

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extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

15.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

15.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

15.1.5 NON-CONFORMING USES:

15.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

15.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of

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aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

15.1.6 AIRPORT AREA PERMITS

15.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations.

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15.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

15.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

15.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on Exhibit B-1, B-2, and B-3 which are attached to these regulations and made a part hereof. (Reference Section 4.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) seventy-five (75) Ldn.

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(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

15.1.7.2 Exceptions

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 15 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

15.1.8 APPEALS

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 15~~16~~ of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.

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EXHIBIT B-1

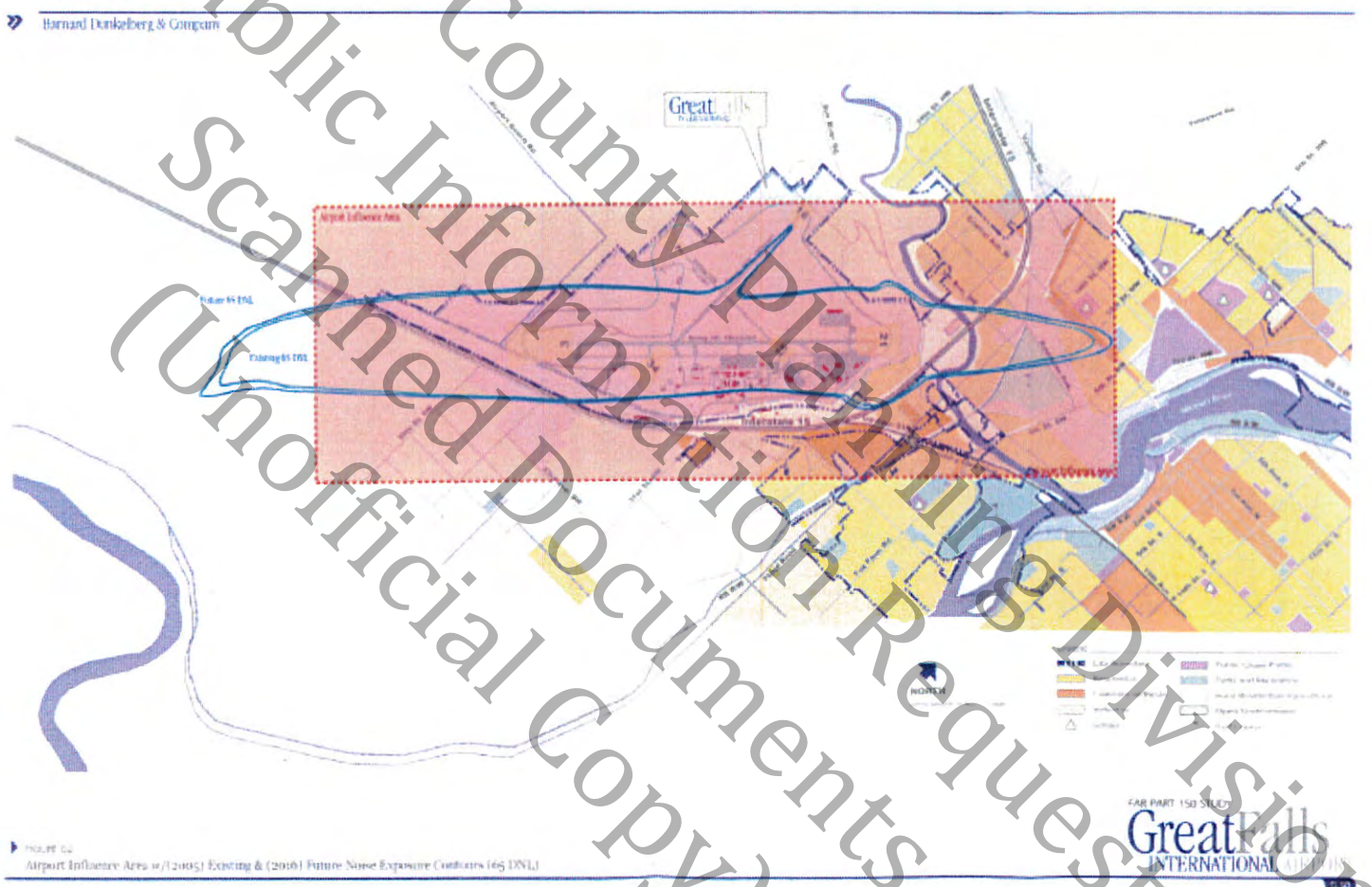

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Exhibit B-2

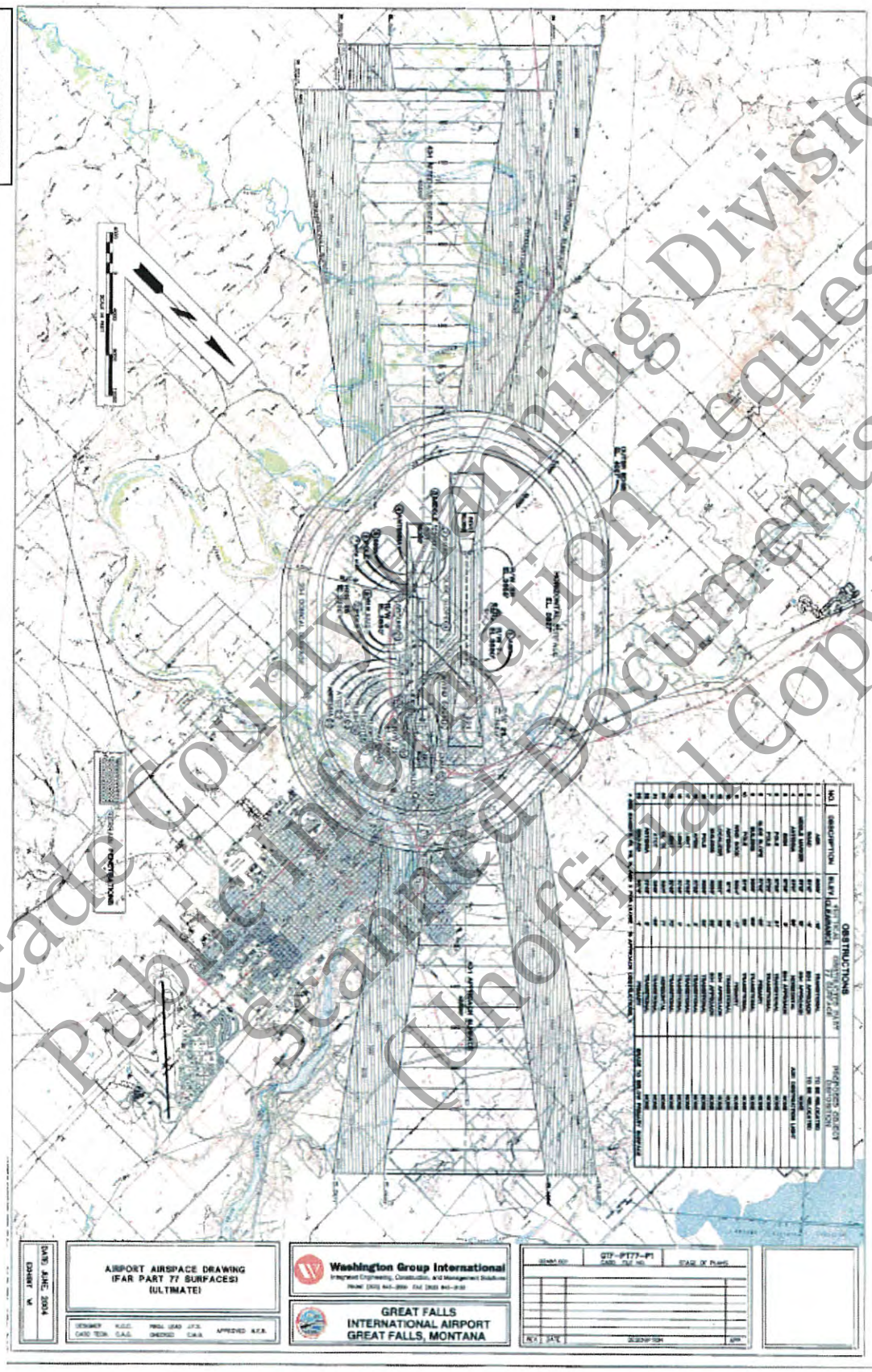

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EXHIBIT B-3

FIGURE 6.5
Recommended Noise Remedy Boundary

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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 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

16.1 MAFB RUNWAY AREA

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

MOD-A (Clear Zone Surface)

No structures greater than 50 feet in height.

MOD-B (Transitional Surface)

No structures greater than 50 feet in height.

MOD-C (Inner Horizontal Surface)

No structures greater than 150 feet in height.

MOD-D (Conical Surface)

No structures greater than 150 feet in height.

MOD-E (Approach/Departure Clearance Surface)

No structures greater than 50 feet in height.

MOD-F (Outer Horizontal Surface)

No structures greater than 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 Zoning Board of Adjustment 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.

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16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS)

No structures shall be allowed within the 1,200 foot buffer around each MAF and LF.

Any proposed structures over 50 feet in height between 1,200 feet and 2,400 feet of a MAF or LF 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 Zoning Board of Adjustment 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.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

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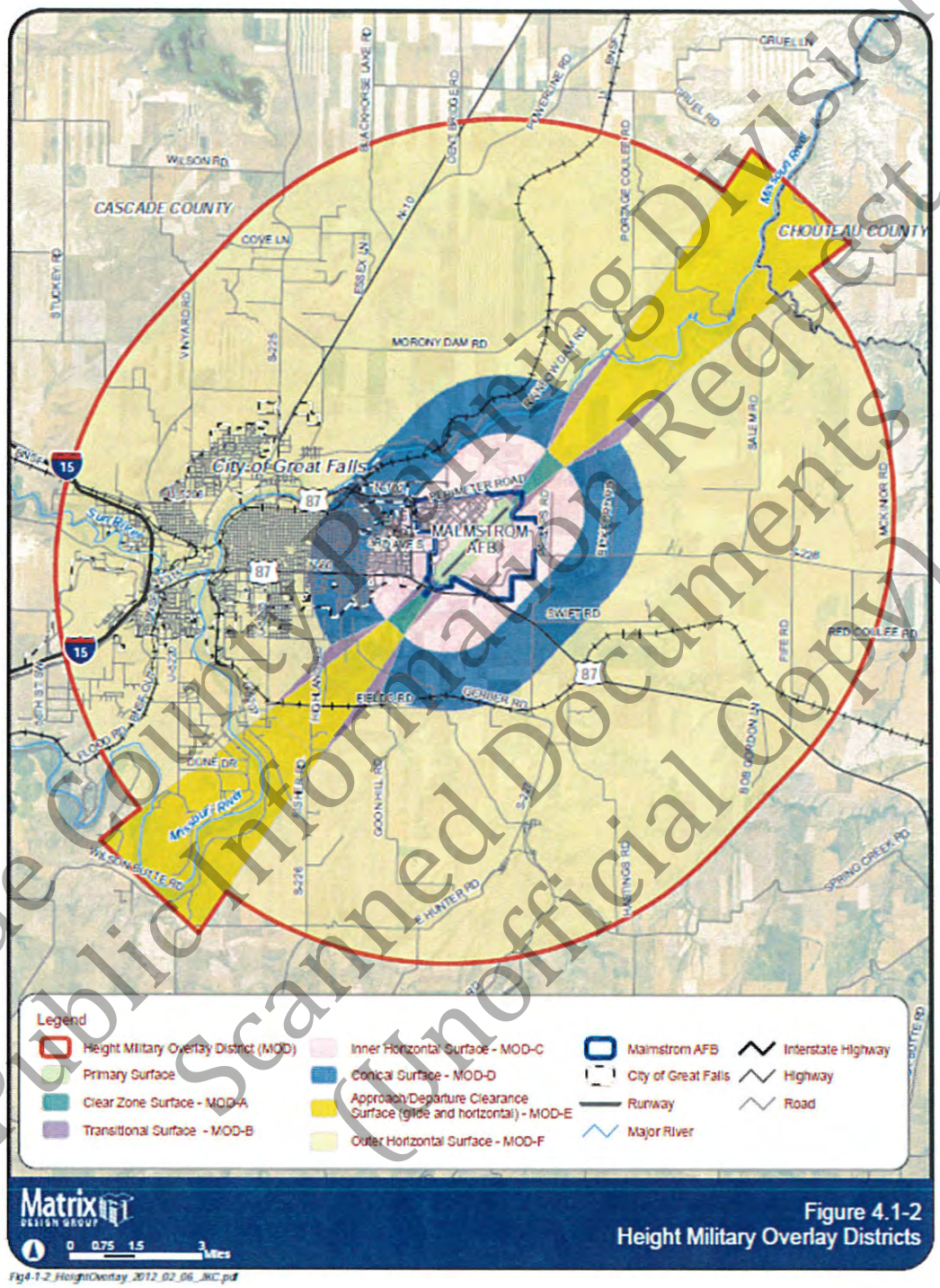

Figure 4.1-2
Height Military Overlay Districts

Fig4-1-2_HeightOverlay_2012_02_06_JKC.pdf

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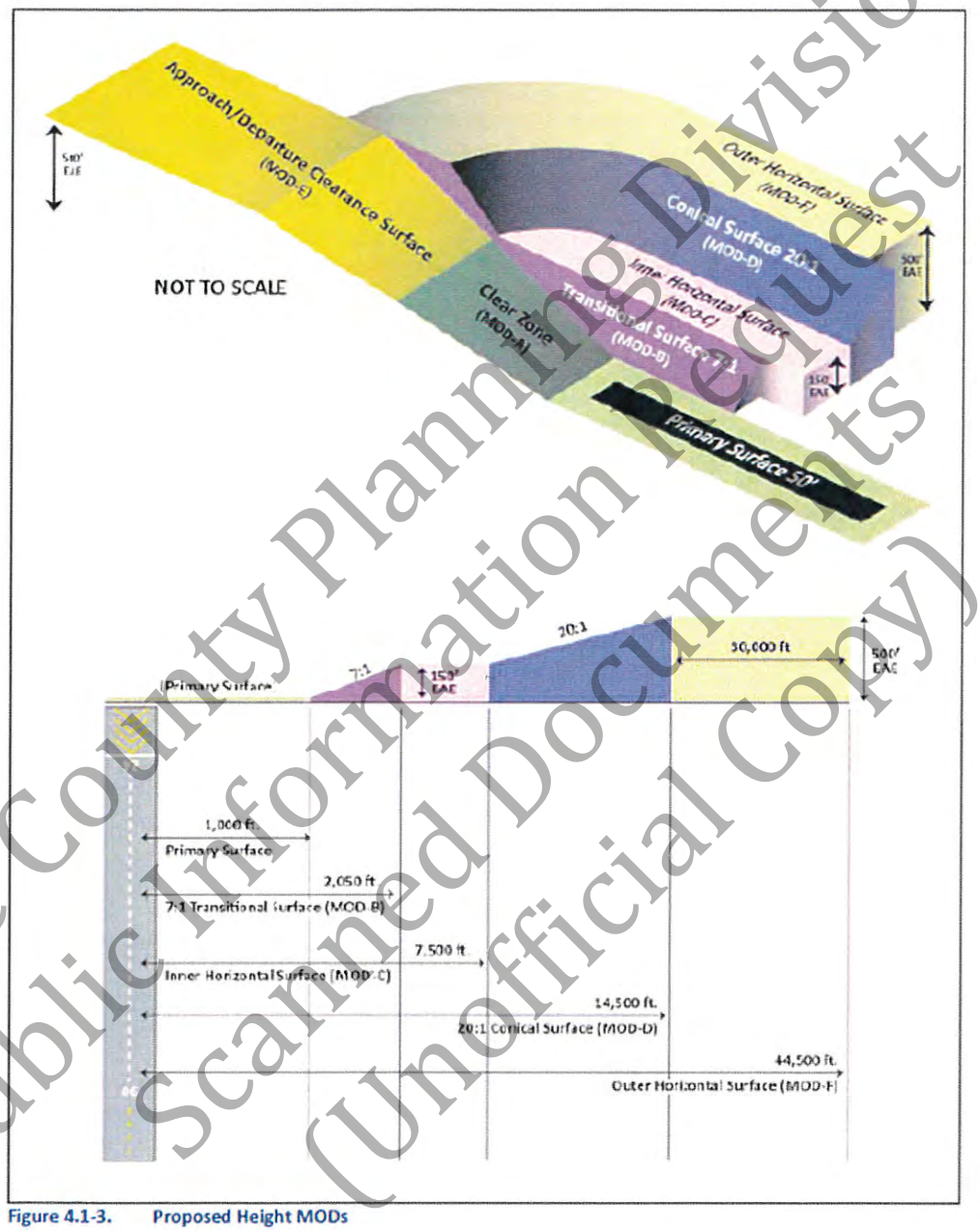

Figure 4.1-3. Proposed Height MODs

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SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

On January 25, 2000, a citizen initiated zoning district, the Flood Road Zoning District, was proposed by residents in the Woodland Estates area and subsequently adopted by the Board of Cascade County Commissioners. In 2005, Cascade County adopted countywide zoning exclusive of the incorporated communities of Belt, Cascade, Great Falls and Neihart and of the Flood Road Zoning District. Thus, the Flood Road Zoning District regulations are not included in the Cascade County Zoning Regulations and have not been amended or updated since adoption in 2000. Overtime, this has created inconsistencies between how administration of the Flood Road Zoning District is processed as compared to the rest of the County.

Of the eleven (11) zone districts adopted as part of the countywide zoning, the zone district that is most comparable is terms of lot size and permitted uses is the Suburban Residential Two (SR-2) zone district. This zone district now abuts the Flood Road Zoning District on two sides.

In the spring of 2012 as part of the update of the Cascade County Zoning Regulations, County staff sent letters to all property owners in the Flood Road Zoning District asking for comments to three options; 1) maintain the Flood Road Zoning District as is; 2) incorporate the Flood Road Zoning District as an overlay with an underlying zoning of SR-2, which would keep the existing standards intact; or 3) rezone to SR-2, eliminating the Flood Road Zoning District entirely. The residents overwhelming wished to retain the permitted and prohibited uses but with easier administration of the regulations, therefore, this overlay district, with SR-2 zoning.

17.1 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.

17.2 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.

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(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.

(9) Home Occupations, provided the following conditions are met:

(a) 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.

(b) 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.

(c) 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.

(d) There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.

(e) The primary unit shall remain a residential structure.

(f) 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.

17.3 USES ALLOWED WITH A SPECIAL USE PERMIT

See Suburban Residential 2 (SR-2).

17.4 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.

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~~(4)~~(5) Junk and scrap yards.

~~(5)~~(6) Commercial feedlots, large commercial hog or poultry operations, commercial mink or fur farm, slaughterhouse or rendering plant.

~~(6)~~(7) Any industrial operations, with the exception of sand and gravel removal.

~~(7)~~(8) Commercial marinas.

~~(8)~~(9) Storage of more than 1,000 gallons of flammable liquids, other than propane storage tanks.

~~(9)~~(10) Commercial strip malls or outlet malls

~~(10)~~(11) New or used car lots.

~~(11)~~(12) Commercial dog kennels.

~~(12)~~(13) Temporary structures beyond a one-year period during the construction of a permanent dwelling.

~~(13)~~(14) More than two head of livestock per acre of land on a permanent or temporary basis.

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SECTION 18 UNCLASSIFIED USE PERMITS

Unclassified uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions outlined within this section. In addition, the following uses may be permitted by Unclassified Use Permits except for any use, including a power generating plant, which utilizes coal, coke, or other coal-based fuel as an industrial fuel source.

Unclassified uses are hereby said to possess characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district.

An Unclassified 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 an Unclassified Use Permit" as provided in this section. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Unclassified Use Permit. A separate Unclassified Use Permit shall be required per each tract of land. The Unclassified Use Permit fee shall be that listed in the Cascade County Planning Division's Fee Schedule. ~~$450.00.~~

18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT

(1) Airport.

(2) Cemeteries.

(3) Civic Use Facility.

(4) Commercial propagation, boarding, grazing or butchering of small livestock and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(5) Community Residential Facilities.

(6) Hospitals.

(7) Indoor Sports and Recreation.

(8) Outdoor Sports and Recreation.

(9) Power Plant.

(10) Public Entity.

(11) Public Institution.

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(12) Public Safety Facility.

(13) Public Uses.

18.2 PUBLIC NOTIFICATION

A public hearing shall be required for all Unclassified Use permit applications heard by the Cascade County Zoning Board of Adjustment. Notice shall be provided for as set by ~~MCA~~ 7-1-2121, MCA. 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, their agent, and all adjacent land owners for which an Unclassified Use permit is sought shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and opponents of the Unclassified Use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the Unclassified Use permit.

18.3 EXPIRATION

The Zoning Board Of Adjustment approval of the Unclassified 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 Zoning Board Of Adjustment approval.

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

18.4 EXISTING VIOLATIONS

No permit shall be issued for an unclassified 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.

18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES

Before the Board of Adjustment can approve any Unclassified Use Permit, it must first reach each of the following conclusions: (Conditions may be required that the Zoning Board of Adjustment determines, if implemented will mitigate potential conflicts in order to reach these conclusions.)

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(1) The proposed development will not materially endanger the public health or safety.

Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

c. Soil erosion, sedimentation, and stormwater run-off

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

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.

(3) The proposed development will be in harmony with the area in which it is located.

Considerations:

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.

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(4) The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

a. Consistency with the Growth Policy objectives for the various planning areas.
b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

18.6 OPERATIONS

Operations in connection with the Unclassified 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.

18.7 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 Cascade County Zoning Board of Adjustment.

18.8 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Unclassified Use Permit Applications, the Zoning Board of Adjustment 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 Unclassified Use Permit or table the review process until the next Zoning Board of Adjustment 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 Unclassified Use

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Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Staff will issue the Unclassified Use Permit.

18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment decision shall follow the process as outlined in Section 12 of these regulations.

18.10 REVOCABILITY

A violation of an Unclassified Use permit will be treated as any other violation under Section 13 of these regulations.

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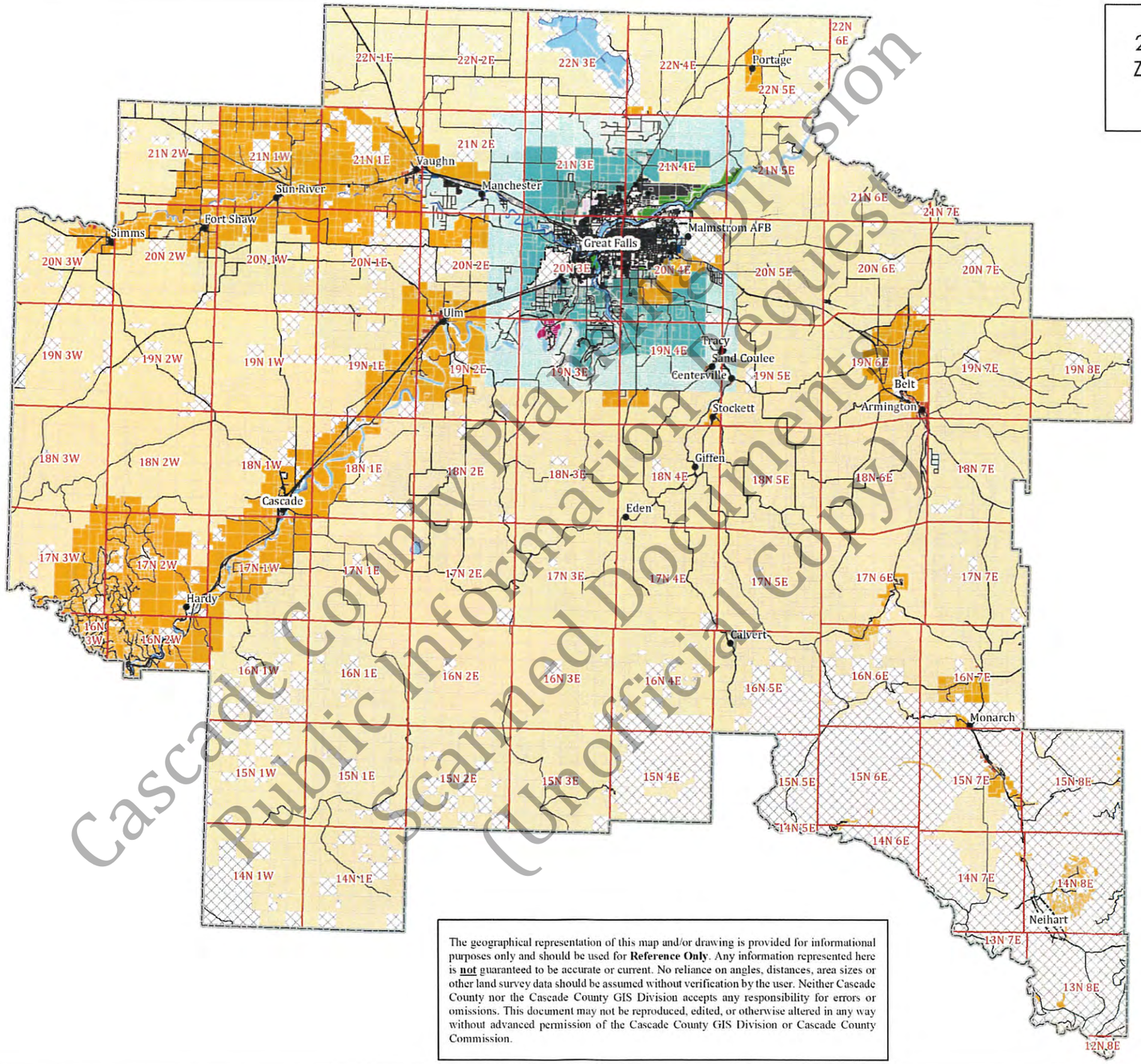
2018 CASCADE COUNTY ZONING MAP EXHIBIT A-1 PROPOSED DRAFT



Legend

Zoning Areas and Districts

- Roadway
- Water
- Out of Jurisdiction
- Open Space (OS)
- Commercial (C)
- Industrial - 1 (I-1)
- Industrial - 2 (I-2)
- Mixed Use (MU)
- Mixed Use - 20 (MU-20)
- Mixed Use - 40 (MU-40)
- Mobile Home (MH)
- Flood Road (FR)
- Rural Residential - 5 (RR-5)
- Suburban Residential - 2 (SR-2)
- Suburban Residential - 1 (SR-1)
- Urban Residential (UR)

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5 Miles

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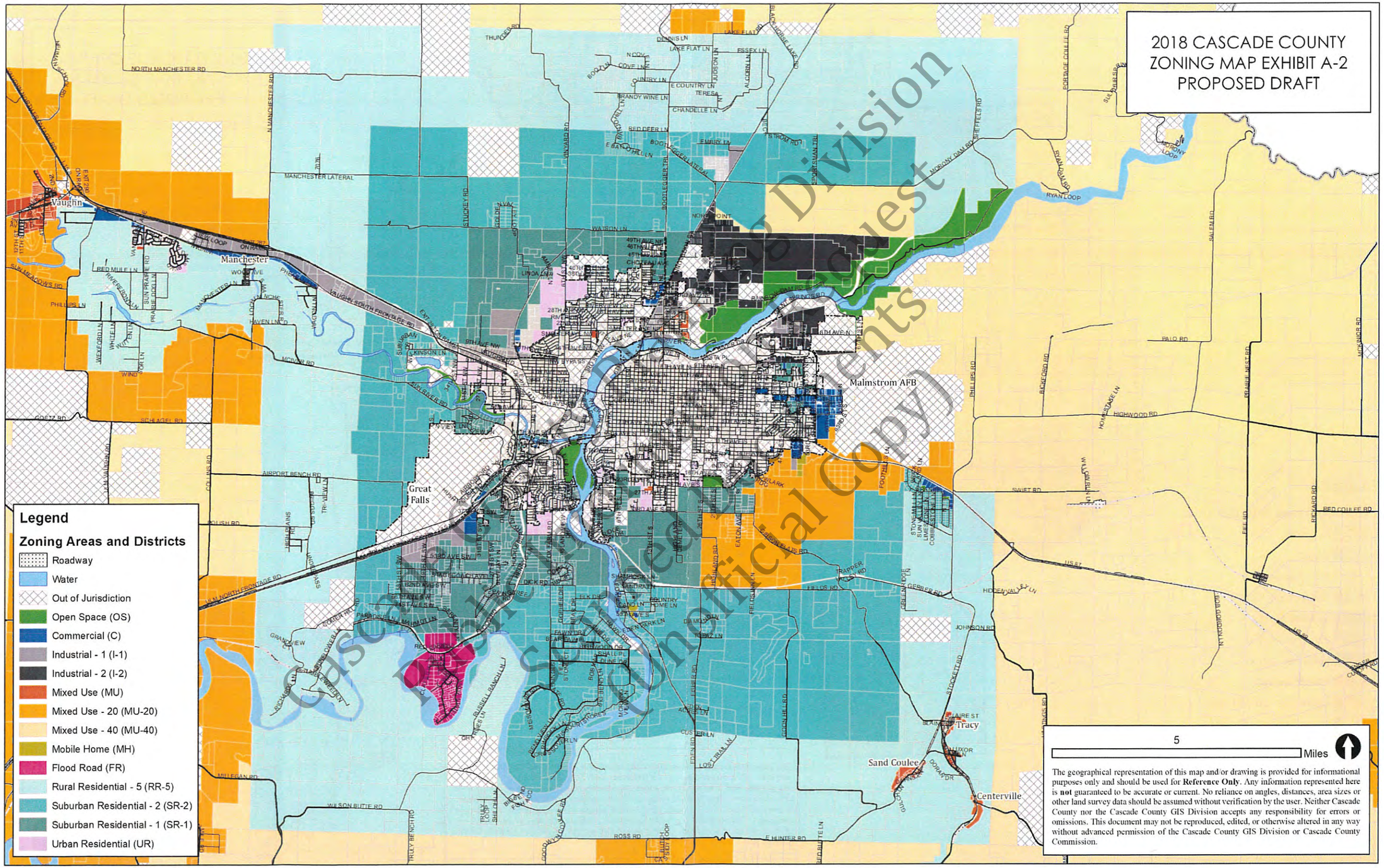
2018 CASCADE COUNTY
ZONING MAP EXHIBIT A-2
PROPOSED DRAFT
Legend
Zoning Areas and Districts
Roadway
Water
Out of Jurisdiction
Open Space (OS)
Commercial (C)
Industrial - 1 (I-1)
Industrial - 2 (I-2)
Mixed Use (MU)
Mixed Use - 20 (MU-20)
Mixed Use - 40 (MU-40)
Mobile Home (MH)
Flood Road (FR)
Rural Residential - 5 (RR-5)
Suburban Residential - 2 (SR-2)
Suburban Residential - 1 (SR-1)
Urban Residential (UR)
5
Miles
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Vaughn
Manchester
Great Falls
Malmstrom AFB
Tracy
Sand Coulee
Centerville
NORTH MANCHESTER RD
MANCHESTER LATERAL
VAUGHN SOUTH FRONTAGE RD
MORONY DAM RD
RYAN LOOP
PALO RD
HIGHWOOD RD
SWIFT RD
RED COULEE RD
JOHNSON RD
ROSS RD
E HUNTER RD
WILSON BUTTE RD
MILLEGAN RD
AIRPORT BENCH RD
POLISH RD
SCHLAGEL RD
GOETZ RD
MCIVER RD
WATSON LN
STUCKEY RD
VINYARD RD
BOOTLEGGER TRL
SALEM RD
PRAIRIE NEST RD
MCKINOR RD
RICKARD RD
FIFE RD
US 87
US 89
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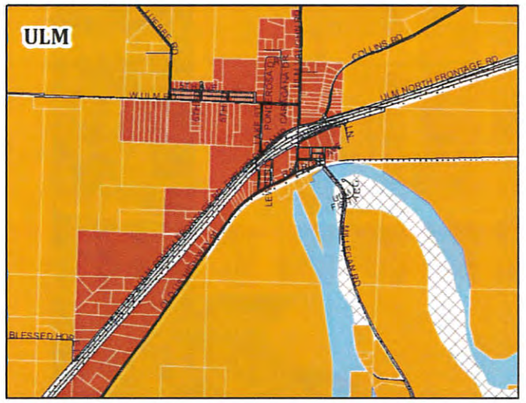
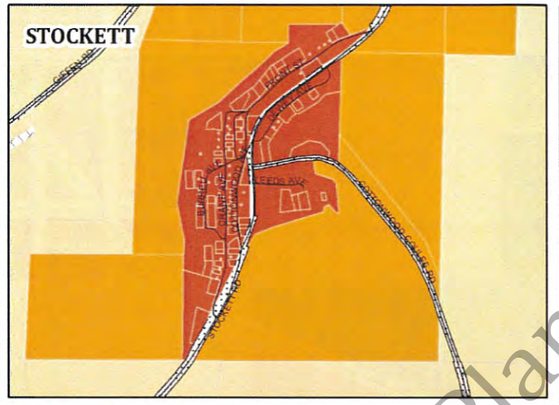
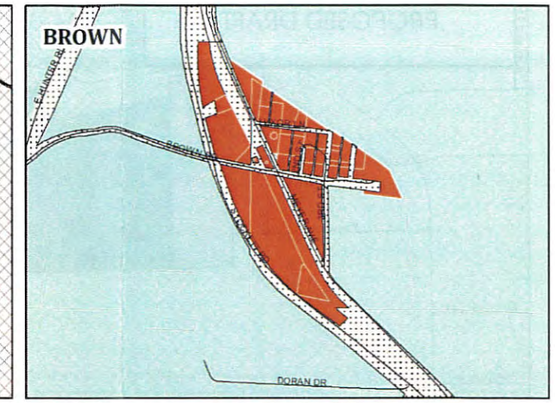
Legend

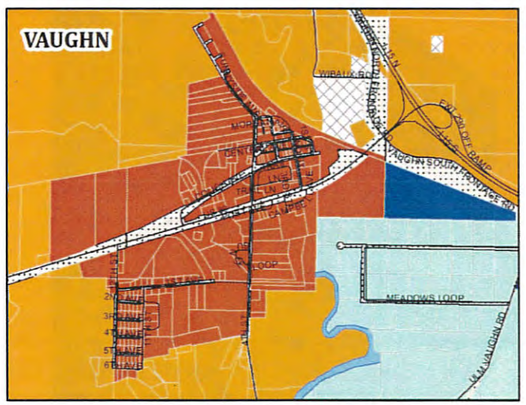
- Roadway
- Water
- Out of Jurisdiction
- Open Space (OS)
- Commercial (C)
- Industrial - 1 (I-1)
- Industrial - 2 (I-2)
- Mixed Use (MU)
- Mixed Use - 20 (MU-20)
- Mixed Use - 40 (MU-40)
- Mobile Home (MH)
- Flood Road (FR)
- Rural Residential - 5 (RR-5)
- Suburban Residential - 2 (SR-2)
- Suburban Residential - 1 (SR-1)
- Urban Residential (UR)

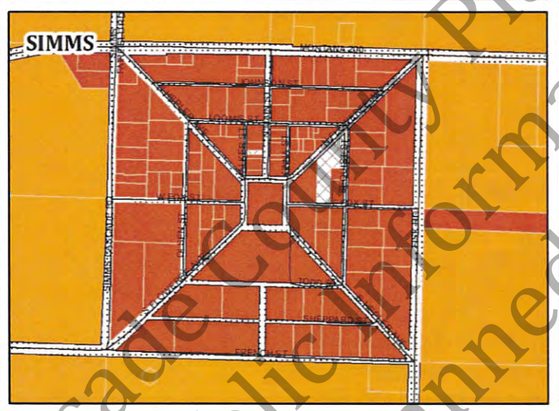
2018 CASCADE COUNTY ZONING MAP EXHIBIT A-3 PROPOSED DRAFT

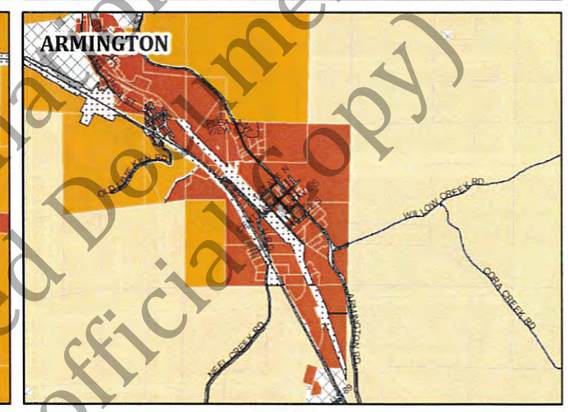


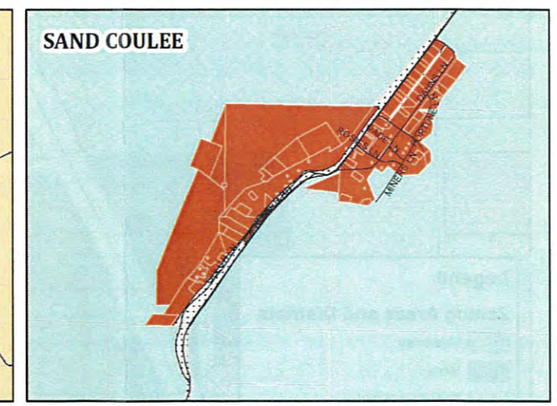


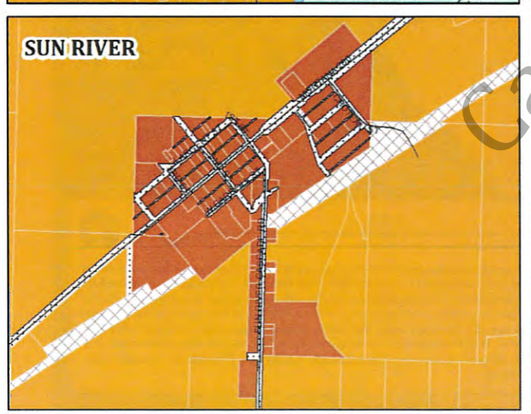


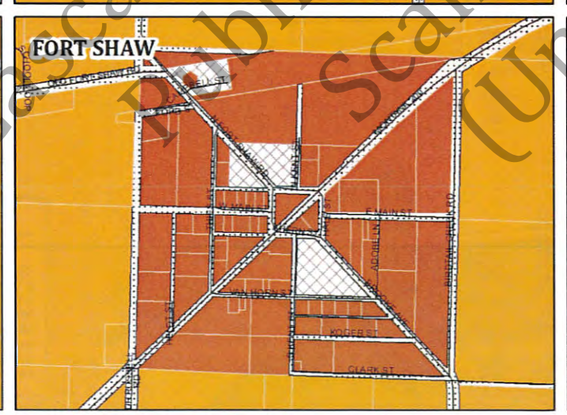


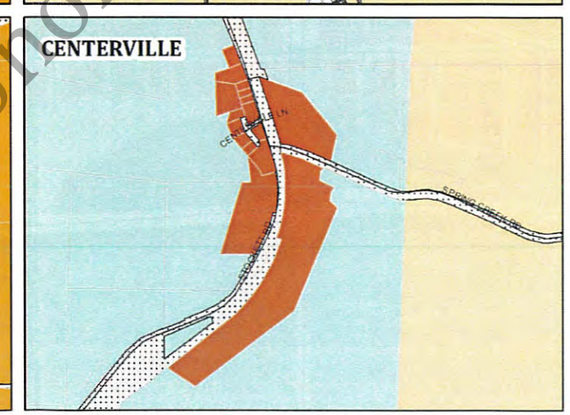


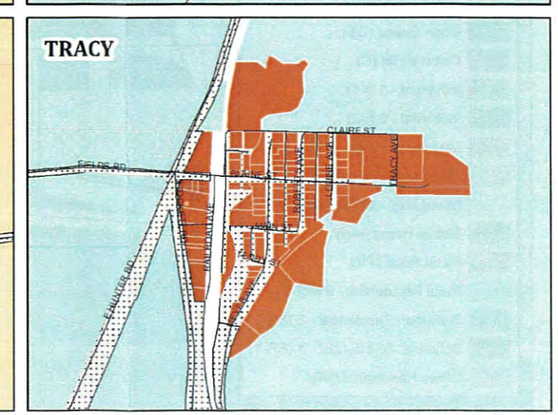












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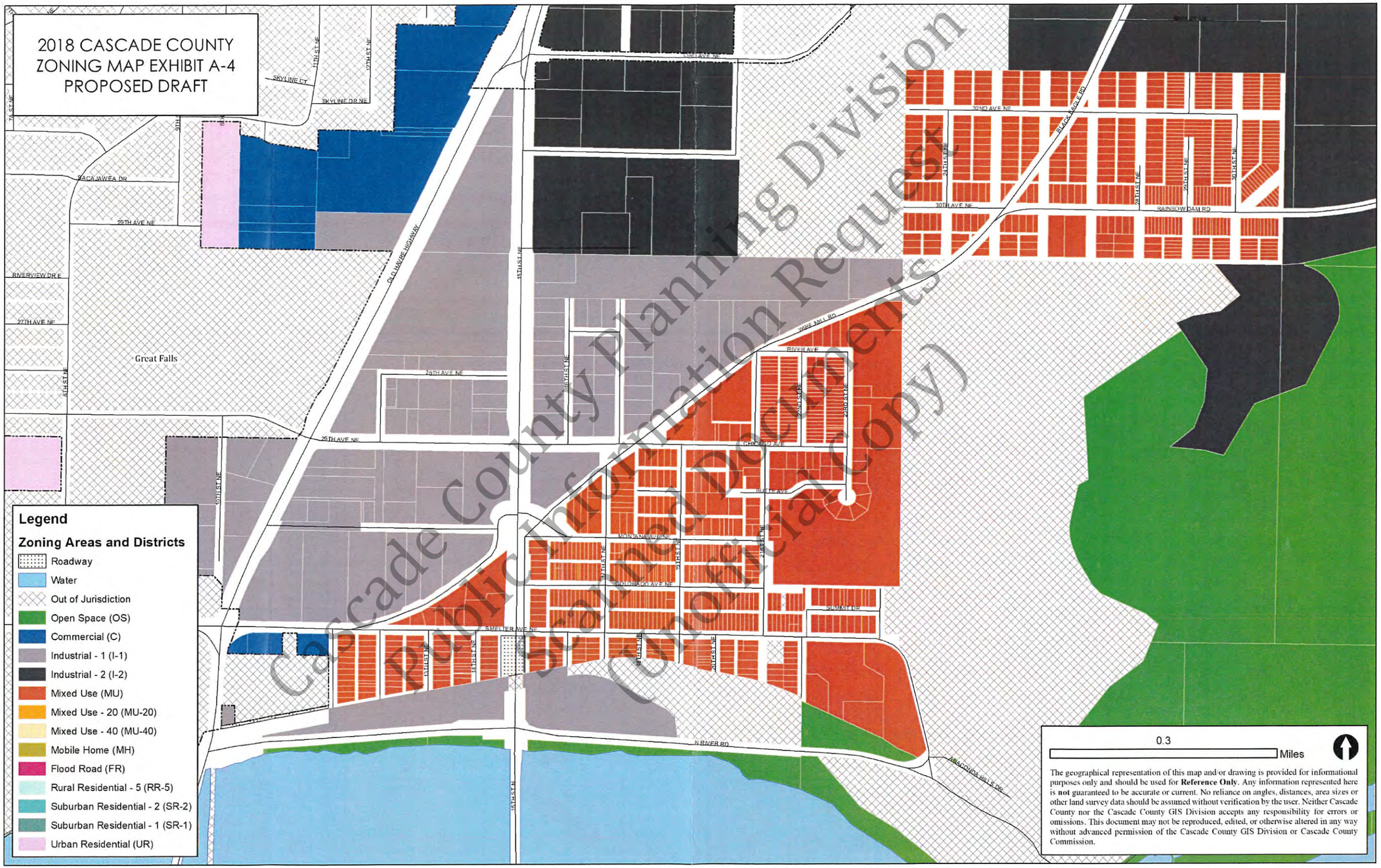

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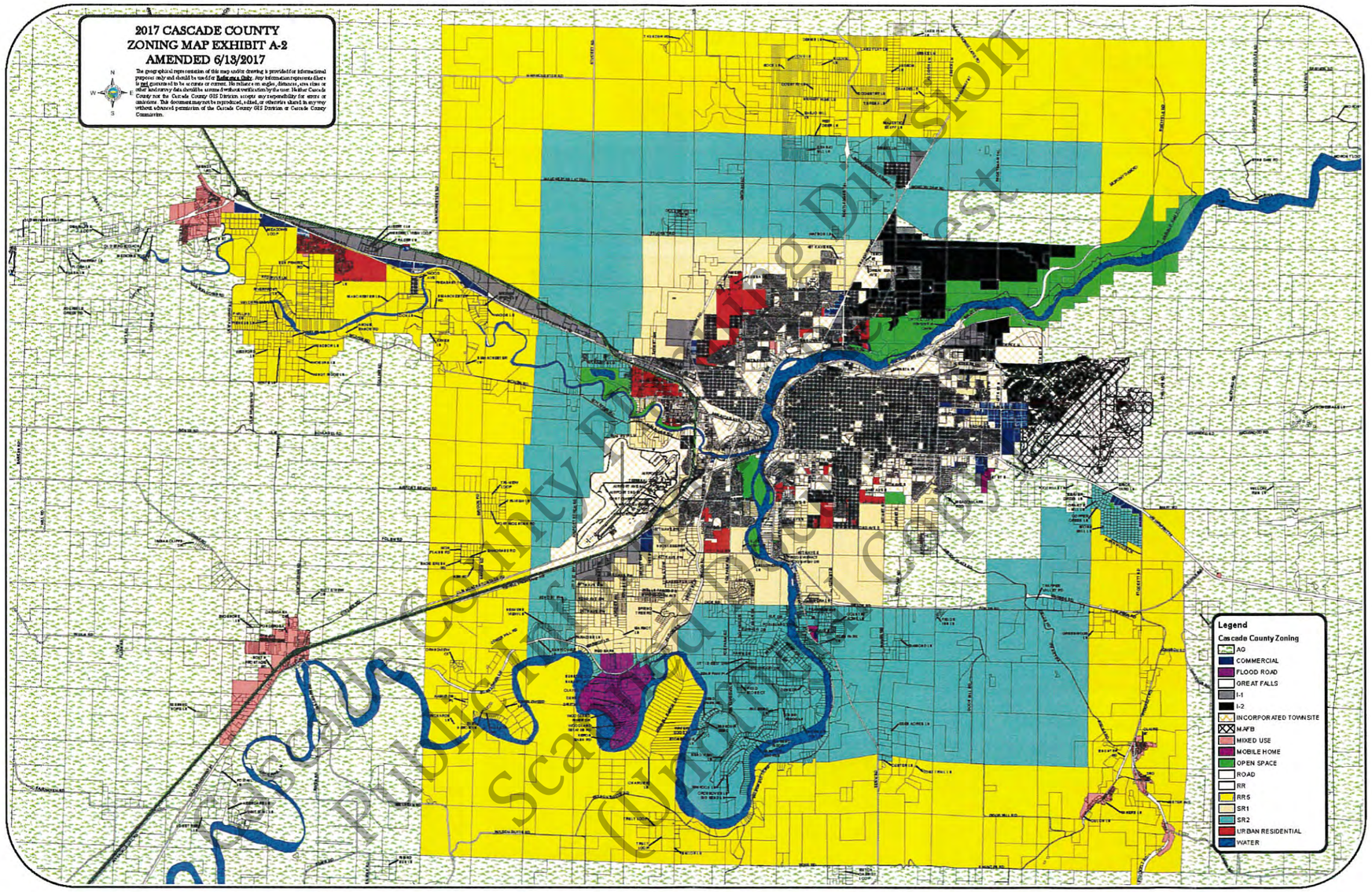
2017 CASCADE COUNTY



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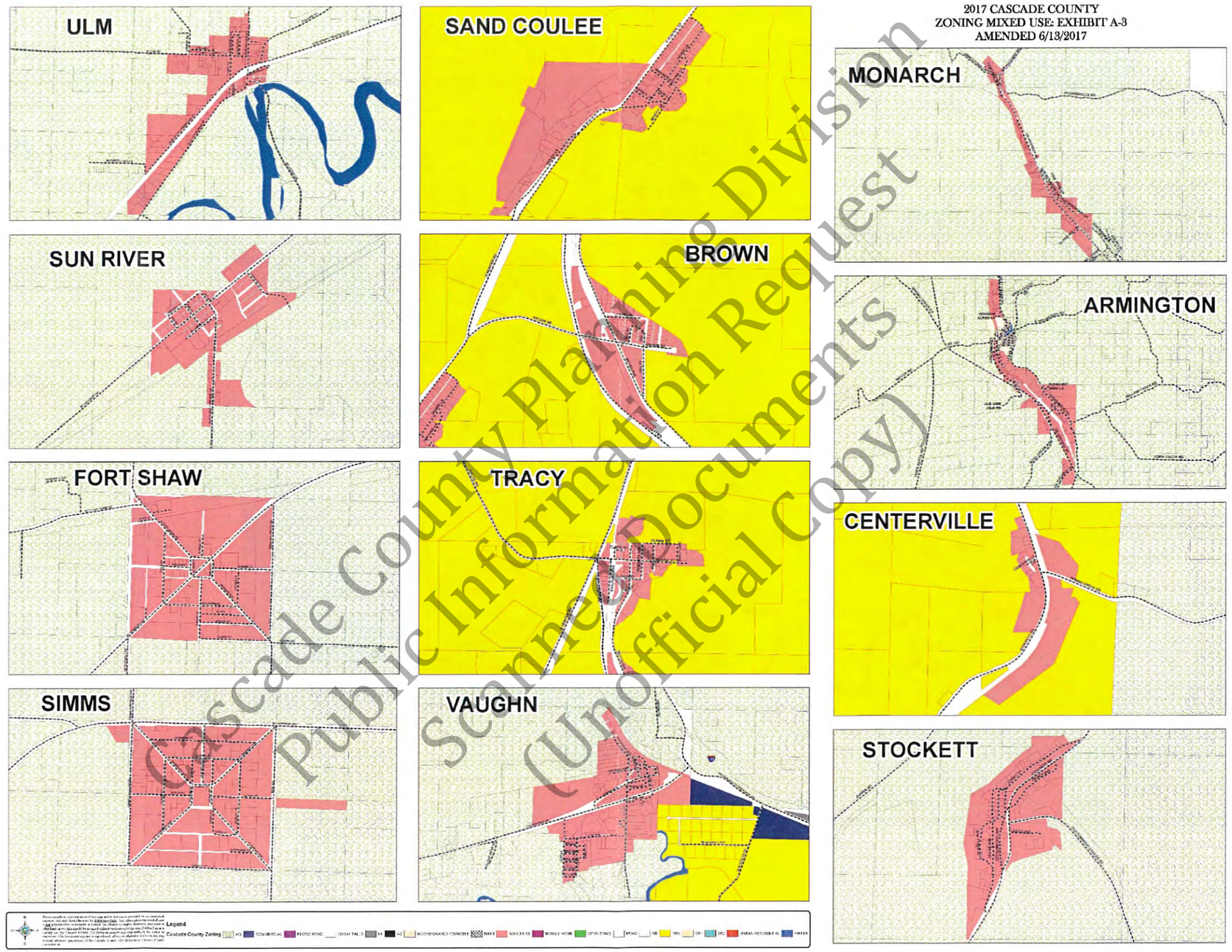
2017 CASCADE COUNTY
ZONING MIXED USE: EXHIBIT A-3
AMENDED 6/13/2017



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Cascade County Public Works

"WORKING TOGETHER TO PROVIDE EFFICIENT AND EFFECTIVE PUBLIC SERVICE"

CASCADE COUNTY ZONING REGULATIONS

Adopted June 26, 2018
Resolution #18-54

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Brian K. Clifton, Director

DIVISIONS

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CASCADE COUNTY ZONING REGULATIONS

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007 Resolution #07-71
Revised Version Adopted August 25, 2009 Resolution #09-82
Revised Version Adopted December 18, 2012 Resolution #12-71
Revised Version Adopted June 14, 2016 Resolution #16-39
Revised Version Adopted December 13, 2016 Resolution #16-120
Revised Version Adopted June 13, 2017 Resolution #17-58

These regulations are to be hereby known as the Cascade County Zoning Regulations. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. This Zoning Jurisdictional Area is hereby amended by the Cascade County Commission on June 26, 2018 by Resolution 18-54.

TABLE OF CONTENTS

SECTION 1. PURPOSE 1

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives: 1

1.2 Interpretation, Conflict with Other Laws 2

SECTION 2. DEFINITIONS 4

SECTION 3. ESTABLISHMENT OF DISTRICTS 50

RR 5 Rural Residential District Page 60 50
SR 1 Suburban Residential District 1 Page 63 50
SR 2 Suburban Residential District 2 Page 63 50
UR Urban Residential District Page 65 50
A Agricultural District Page 66 50
C Commercial District Page 74 50
I-1 Light Industrial District Page 80 50
I-2 Heavy Industrial District Page 84 50
MH Mobile Home District Page 85 50
OS Open Space District Page 88 50
PUD Planned Unit Development District Page 89 50
MU Mixed–Use District Page 90 50
MOD Military Overlay District Page 153 50
FOD Flood Road Overlay District Page 157 50

SECTION 4. ZONING MAP 51

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES 55

SECTION 6. APPLICATION OF REGULATIONS 56

6.1 CONFORMITY TO REGULATIONS 56
6.2 ERECTION OR ALTERATION OF BUILDINGS 56
6.3 YARDS 56

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED.....56
SECTION 7. DISTRICT REGULATIONS 57
7.1 RESIDENTIAL (R) DISTRICTS 57
7.1.0 RESIDENTIAL DISTRICTS 57
7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES) 60
7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2).....63
7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.) 65
7.2 AGRICULTURAL (A) DISTRICTS 67
7.2.1 MINIMUM LOT AREA.....67
7.2.2 PERMITTED PRINCIPAL USES 68
7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 69
7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 70
7.3 COMMERCIAL (C) DISTRICT.....74
7.3.1 MINIMUM LOT AREA.....74
7.3.2 BUILDING HEIGHT 74
7.3.3 YARDS REQUIRED 74
7.3.4 SIGNS 75
7.3.5 OFF-STREET PARKING.....75
7.3.6 LANDSCAPING.....75
7.3.7 SITE PLAN 75
7.3.8 PERMITTED PRINCIPAL USES 75
7.3.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 78
7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 78
7.3.11 USES NOT PERMITTED 79
7.4 INDUSTRIAL (I) DISTRICTS 80
7.4.1 AREA REQUIREMENTS.....80
7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT 84
7.5 MOBILE HOME (MH) DISTRICT.....85
7.5.1 MINIMUM LOT AREA.....85
7.5.2 BUILDING HEIGHT 85
7.5.3 REQUIRED YARDS 85
7.5.4 LOT COVERAGE 85
7.5.5 LOT WIDTH.....85
7.5.6 OFF-STREET PARKING REQUIREMENTS 85
7.5.7 LANDSCAPING.....86
7.5.8 SITE PLAN REVIEW AND APPROVAL 86
7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES 86
7.5.10 PERMITTED PRINCIPAL USES 86
7.5.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 87
7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 87
7.6 OPEN SPACE (OS) DISTRICT 88
7.6.1 REQUIRED LOT AREA.....88
7.6.2 LOT COVERAGE 88

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

7.6.3 PERMITTED PRINCIPAL USES 88
7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING: 88
7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT: 89
7.8 MU DISTRICT – MIXED USE DISTRICT 90
7.8.1 MINIMUM LOT AREA 90
7.8.2 BUILDING HEIGHT 90
7.8.3 YARDS REQUIRED 90
7.8.4 SIGNS 90
7.8.5 OFF-STREET PARKING 90
7.8.6 LANDSCAPING 90
7.8.7 SITE PLAN 91
7.8.8 PERMITTED PRINCIPAL USES 91
7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 93
7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 94
7.8.11 USES SPECIFICALLY NOT PERMITTED 95
SECTION 8. SUPPLEMENTARY REGULATIONS 96
8.1 USES, SIGNS, LOTS 96
8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS 96
8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS 96
8.1.3 OTHER SIGNS (ALL DISTRICTS) 97
8.1.4 NON-CONFORMING SIGNS 97
8.1.5 NATURAL PRODUCTION USE 98
8.1.6 DWELLINGS ON SMALL LOTS 99
8.1.7 REVERSE AND KEY LOTS 99
8.1.8 ABANDONED BUILDINGS / ITEMS 99
8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND 99
8.2 YARDS 99
8.2.1 VISIBILITY AT INTERSECTIONS 99
8.2.2 PORCHES 99
8.2.3 PROJECTING ARCHITECTURAL FEATURES 99
8.2.4 FIRE ESCAPES 100
8.2.5 FENCES 100
8.2.6 FRONT YARD DEPTH 100
8.3 TRANSITION REGULATIONS 100
8.3.1 LOTS IN TWO DISTRICTS 100
8.3.2 SIDE AND REAR YARD TRANSITION 100
8.3.3 FRONT YARD TRANSITION 101
8.3.4 CORNER YARD TRANSITION 101
8.4 OFF-STREET PARKING 101
8.4.1 DWELLINGS 101
8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY 101
8.4.3 MOTELS AND HOTELS 101
8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES 101
8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME 101
8.4.6 STORES 102

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.7 OFFICE BUILDINGS 102
8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS 102
8.4.9 GENERAL 102
8.5 SITE PLAN REVIEW CRITERIA 102
8.6 FLOODPLAIN REGULATIONS 103
8.7 KENNEL BUSINESSES AND FACILITIES 104
8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.8 TOWERS AND FACILITIES 104
8.9 POWER PLANTS 105
8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT) 106
8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS: 107
8.12 POWER PLANT, SOLAR 108
8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS 109
8.14 TEMPORARY FIREWORKS STAND REGULATIONS 110
8.14.1 REQUIRED PERMITS 110
8.14.2 APPLICABLE TIME PERIOD 111
8.14.3 REQUIRED DISTANCES AND SETBACKS 111
8.14.4 APPLICABILITY OF OTHER REGULATIONS 112
8.14.5 PENALTY 112
8.15 CONTRACTOR YARDS 112
8.15.1 CONTRACTOR YARD, SMALL 112
8.15.2 CONTRACTOR YARD, LARGE 113
8.16 HOME OCCUPATIONS 113
8.17 ADMINISTRATIVE WAIVER 114
8.18 LANDSCAPING REQUIREMENTS 115
8.18.1 LANDSCAPING PLAN REQUIREMENTS 115
8.18.2 MINIMUM REQUIREMENTS 117
8.18.3 ADMINISTRATIVE RELIEF 119
8.18.4 POLICIES 120
8.19 MEDICAL MARIJUANA PROVIDER 121
8.20 SEXUALLY ORIENTED BUSINESS 121
SECTION 9. PERMIT REQUIREMENTS 122
9.1 GENERAL 122
9.2 LOCATION /CONFORMANCE PERMIT 122
9.3 FEES 122
9.4 MINOR VARIANCES 123
9.5 VARIANCES 123
9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS 123
9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE 124
9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE 124
9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION 125
9.5.5 LIMITATIONS ON ISSUING A VARIANCE 125
9.5.6 IMPOSITION OF CONDITIONS 125

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

9.5.7 AIRPORT HEIGHT VARIANCES 125
9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES....125
9.5.9 STAFF REPORT CONTENT 126
9.5.10 EFFECT OF APPROVAL 126
9.5.11 EXPIRATION OF APPROVAL 126
9.5.12 APPEAL 126
SECTION 10. STANDARDS FOR SPECIAL USE PERMITS 127
10.1 GENERAL PROVISIONS 127
10.2 REQUIRED PLAN 127
10.3 PUBLIC NOTIFICATION 128
10.4 EXPIRATION....128
10.5 EXISTING VIOLATIONS 129
10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES 129
10.7 OPERATIONS....130
10.8 STAFF REVIEW....130
10.9 ZONING BOARD OF ADJUSTMENT REVIEW....130
10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 131
10.11 REVOCABILITY 131
SECTION 11. NON-CONFORMING USES AND STRUCTURES 132
11.1 ALTERATIONS AND ADDITIONS....132
11.2 NATURAL DISASTER....132
11.3 DISCONTINUANCE 132
11.4 CHANGES....132
11.5 DISPLACEMENT 133
11.6 DISTRICT CHANGES 133
11.7 NATURAL RESOURCES PROTECTED....133
11.8 EXISTING PLATTED SUBDIVISION 133
SECTION 12. ZONING BOARD OF ADJUSTMENT....134
12.1 CREATION OF ZONING BOARD OF ADJUSTMENT 134
12.2 MEETINGS, RULES....134
12.3 APPEALS TO BOARD OF ADJUSTMENT 134
12.3.1 APPEAL FEE 134
12.3.2 APPEAL PROCEEDINGS 135
12.3.3 BOARD APPEAL POWERS....135
12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION 135
12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD.....136
SECTION 13. VIOLATIONS AND PENALTIES 138
13.1 VIOLATIONS....138
13.2 PROCEDURE/PENALTIES....138
13.2.1 VIOLATION 138
13.2.2 COMPLIANCE....138
13.2.3 PROSECUTE 138
SECTION 14. PROCEDURES FOR AMENDMENT 139
14.1 APPLICATION....139
14.1.1 APPLICATION REQUIREMENTS....139
14.2 HEARING BEFORE THE PLANNING BOARD 141
14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS.....141
14.3.1 NOTICE OF A PUBLIC HEARING 141
14.3.2 Board of County Commissioners....141

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

14.4 ACTION AFTER HEARING 141
14.4.1 After the public hearing 141
14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION 142
14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE 142
SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT 143
15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT 143
15.1.1 ESTABLISHMENT OF ZONES 143
15.1.2 HEIGHT LIMITATIONS 145
15.1.3 TRANSITIONAL ZONES 145
15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE 146
15.1.5 NON-CONFORMING USES: 146
15.1.6 AIRPORT AREA PERMITS 147
15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE 148
15.1.8 APPEALS 149
SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD) 153
16.1 MAFB RUNWAY AREA 153
16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS) 154
16.3 EXCEPTIONS 154
SECTION 17 FLOOD ROAD OVERLAY DISTRICT (FOD) 157
17.1 INTENT 157
17.2 PERMITTED USES 157
17.3 USES ALLOWED WITH A SPECIAL USE PERMIT 158
17.4 PROHIBITED USES 158
SECTION 18 UNCLASSIFIED USE PERMITS 160
18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT 160
18.2 PUBLIC NOTIFICATION 161
18.3 EXPIRATION 161
18.4 EXISTING VIOLATIONS 161
18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES 161
18.6 OPERATIONS 163
18.7 STAFF REVIEW 163
18.8 ZONING BOARD OF ADJUSTMENT REVIEW 163
18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 164
18.10 REVOCABILITY 164

NOTE: MONTANA CODE ANNOTATED HAS BEEN SHORTENED TO "MCA**" THROUGHOUT THESE REGULATIONS.

ADMINISTRATIVE RULES OF MONTANA HAS BEEN SHORTENED TO "**ARM**" THROUGHOUT THESE REGULATIONS.

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SECTION 1. PURPOSE

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

1.1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

1.1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;

1.1.3 To establish adequate standards for the provision of light, air, and open spaces;

1.1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

1.1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

1.1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

1.1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;

1.1.8 To fix reasonable zoning standards to which buildings and structures shall conform;

1.1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;

1.1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

1.1.11 To isolate or control the location of unavoidable nuisance producing uses;

1.1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and

1.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

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The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

1.2 Interpretation, Conflict with Other Laws

1.2.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare.

1.2.2 Whenever the requirements of these regulations are at variance with itself or the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.2.3 If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will only affect only the part held invalid.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

Montana Code Annotated § 76-2-203 (2015). Criteria and guidelines for zoning regulations.

(1) Zoning regulations must be:

(a) made in accordance with the growth policy and

(b) designed to:

(i) secure safety from fire, and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the Board of County Commissioners shall consider:

(a) reasonable provision of adequate light and air:

(b) the effect on motorized and non-motorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

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(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

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SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows. Unless specifically defined in this section, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Words used in the present tense include the future and the plural includes the singular. The word lot includes the words plat, tract or parcel. The word building includes the word structure. The words shall and must are intended to be mandatory. Occupied or used shall be considered as though followed by the words "or intended", "arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

Cascade County Planning Division
Public Information Request
Scanned Documents
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ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal.

ADULT-ORIENTED BUSINESS (SEE SEXUALLY-ORIENTED BUSINESS)

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

AGRICULTURAL USE

The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.

AIRPORT

An area or building, or portion thereof, that is used, intended, or designed for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of the same.

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Public Information Request
Scanned Documents
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AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure:

A Change or Rearrangement of the structural parts in the existing facilities; or

An Enlargement or Addition on a building or structure; or

Moving a building or structure from one location or position to another.

ALTERATION, STRUCTURAL

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn

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Public Information Request
Scanned Documents
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animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and raccoon.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANIMAL THERAPEUTIC FACILITY

Therapy that involves individuals interacting with animals, most frequently horses using specially-trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including children with autism. Examples are therapeutic horseback riding or hippotherapy.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APIARY

A place where bee colonies are kept.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include

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Public Information Request
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paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST

"Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

(a) breakfast is served and is included in the charge for a guest room; and
(b) the number of daily guests served does not exceed (MCA) 18. 50-51-102.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BREEZEWAY

A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUFFER YARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

Cascade County Planning Division
Public Information Request
Scanned Documents
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BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

CAMPGROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1 .(except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law.

"Casino" means any and all establishments that offer legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1, et. seq., and where any one of the following characteristics applies:

(1) the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
(2) five or more gambling machines are on the premises; and/or
(3) a card table is on the premises.

CEASE AND DESIST NOTICE

A notice issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

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Public Information Request
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CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CO-LOCATION

Placing more than one exterior transmitting or receiving device on one Telecommunications facility/structure at one location.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the

Cascade County Planning Division
Public Information Request
Scanned Documents
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public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis. (MCA) 76-2-412.

Definition of community residential facility. "Community residential facility" means:
(1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;
(2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in (MCA)52-2-602;
(3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;
(4) a licensed adult foster family care home; or
(5) an assisted living facility licensed under (MCA)50-5-227. (MCA)76-2-411.

Community group home

"Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202(1), MCA)

Youth foster home

"Youth foster home" means a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards.(52-2-602(12),MCA)

Youth group home

"Youth group home" means a youth care facility in which substitute care is provided to 7 to 12 children or youth. (MCA)52-2-602(13).

Cascade County Planning Division
Public Information Request
Scanned Documents
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Halfway house

"Halfway house" means a community residential facility for treatment of substance use disorders. (ARM 37.106.1413(17))

Adult foster family care home

"Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager.(50-5-101(5) (a),MCA)

Assisted living facility

A congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. (MCA)50-5-101(7).

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Concentrated animal feeding operation means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. (MCA)75-5-801(2).

CONDOMINIUM

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

DAY CARE CENTER

"Day-care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis.(MCA) 52-2-703(3) (a).

Cascade County Planning Division
Public Information Request
Scanned Documents
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DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DISTILLERY

Establishment engaged in manufacturing, assembly, fabrication, packing or industrial processing of products from raw materials including the chemical transformation of materials or substances into new products, and blending of materials including liquors.

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

Dwelling, Single family

Detached dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

Dwelling, Multi-family

A dwelling unit that is part of a structure containing two or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

Duplex

A building designed as a single structure, containing two separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Cascade County Planning Division
Public Information Request
Scanned Documents
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Triplex

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Fourplex

A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Apartment

A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Dwelling, Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.

EDUCATIONAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school or secondary education; such as colleges, universities, community colleges, and vocational schools.

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAY CARE HOME

"Family day-care home" means a private residence in which day care is provided to three to six children on a regular basis. (MCA)52-2-703(6).

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security from which height is measured from natural grade.

Cascade County Planning Division
Public Information Request
Scanned Documents
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FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

FIREARMS RANGE, INDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

FIREARMS RANGE, OUTDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is not located within a building or structure.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe.

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FOWL, DOMESTIC

Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, turkeys and swans.

FOWL, WILD

A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

Cascade County Planning Division
Public Information Request
Scanned Documents
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GARAGE, PRIVATE

Building that is intended to house vehicles and household items belonging to the owner of the principal residence.

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

Luminance in excessive of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRAVEL PIT

See Open-cut Mining Operation

GROUP DAY CARE HOME

"Group day-care home" means a private residence or other structure in which day care is provided to 7 to 12 children on a regular basis.(MCA)52-2-703(7).

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

GUEST RANCH

A ranch operated wholly or in part as a resort offering horse-riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

"Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. (MCA)50-5-101(25) (a).

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

Cascade County Planning Division
Public Information Request
Scanned Documents
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HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, archery ranges and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing; the term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD /SALVAGE YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs, cats or other domesticated animals over six months of age for the purpose of boarding, breeding, training, sale; or wholesale the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, pet shops, or animal shelters.

LANDING AREA

The area of the Airport used for the landing, taking off or taxiing of aircraft.

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LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Administrator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, which is used or is intended for renting, selling, and/or repairing of large equipment that is normally stored out of doors; typical items would include trucks (greater than 26,000 GVW), vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

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(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 p.m. to 7:00 a.m.).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, and llamas, buffalo, excluding bees.

LIVESTOCK, LARGE

Animals such as, but not limited to, horses, cows, emus, llamas, alpacas, ostriches, and the like.

LIVESTOCK, SMALL

Animals such as, but not limited to, goats, pigs, sheep, and the like.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

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Public Information Request
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LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, TOWNHOUSE / TOWNHOME

A lot defined as a properly recorded and deeded lot upon which a townhouse unit is located.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface has a lot coverage of 0.25 or 25 percent (0.5 / 2 = 0.25).

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOT LINE, ZERO

A lot where the building is placed on or near one of the side lot lines.

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LOT, WIDTH OF

The average width measured at right angles to the depth.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The North American Vertical Datum of 1988 to which the base flood elevations are referenced.

MEAT PACKING PLANT

A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limited to chickens, cattle, pigs, sheep and other livestock or fowl.

MEDICAL MARIJUANA DISPENSARY

A facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations.

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MEDICAL MARIJUANA PROVIDER

A Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) The term does not include the cardholder's treating physician or referral physician. (MCA)50-46-302 (10).

MEMBERSHIP CLUB

An organization catering exclusively to members and their guests in premises and buildings for recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

MICRO-BREWERY

A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY – See Storage Facility, Self-Service

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

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Public Information Request
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MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Manufactured Home.

MOTEL

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, tourist court and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

"Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal. (75-10-501(5), MCA)

MOTOR VEHICLE WRECKING FACILITY

"Motor vehicle wrecking facility" means:

(i) a facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(ii) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.(MCA)75-10-501(6) (a).

MOTORIZED SPORTS ENTERTAINMENT

A place and / or structure or portion thereof that is used for outdoor spectator type uses or events for motorized vehicles. This term includes the racing of snowmobiles, cars, trucks, motorcycles, buses, and tractors and the like. This definition includes, but is not limited to motocross, mud bog events and demolition derbies.

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Public Information Request
Scanned Documents
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MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-INSTRUMENT RUNWAY

A runway other than instrument runway.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Cascade County Planning Division
Public Information Request
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NON-RESIDENTIAL USE

Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, or industrial purposes rather than private dwellings.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity or product not sold, conducted or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

OIL AND GAS EXPLORATION, DRILLING AND PRODUCTION

Oil and gas exploration, drilling, and production within new or established oil and gas fields outside of urban areas.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits

Cascade County Planning Division
Public Information Request
Scanned Documents
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or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes non-motorized race tracks, and amphitheaters.

OUTDOOR SPORTS AND RECREATION

A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, paintball fields, firearms ranges, archery ranges, and the like.

OUTFITTER/GUIDE FACILITY

A facility that:

(a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;

(b) furnishes sleeping accommodations to guests;

(c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in 37-47-101; and

(d) is a small establishment or a seasonal establishment (MCA) 50-51-102(7).

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

Cascade County Planning Division
Public Information Request
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PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMIT

A document issued by the Zoning Administrator or their designee of the Cascade County Planning Division which records all land use decisions, which are made by Cascade County on a land use application. These include but are not limited to Location/Conformance Permits, Special Use Permits, Unclassified Use Permits, and Home Occupation Permits.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

Cascade County Planning Division
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PERMISSIVE CODE

Any use not specifically permitted or otherwise provided for, is not permitted.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10),MCA)

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

POLE SIGN

See Sign, Freestanding Sign.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORCH

A part of a building with a roof of its own that covers an entrance.

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b)

Cascade County Planning Division
Public Information Request
Scanned Documents
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operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition. For solar energy see Power Plant, Solar.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

POWER PLANT, SOLAR

"Solar Power Plant," means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE

To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PRINCIPAL LAND USE

The dominant land use of a parcel of land.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer, engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the State of Montana, including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the State of Montana, the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC INSTITUTION

A facility that provides a public service and is operated by a federal, state, or local government, public utility, public or private school or college, church, or public agency.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary dweling unit for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home and the like.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to

Cascade County Planning Division
Public Information Request
Scanned Documents
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manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RENDERING PLANT

A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-build homes, manufactured homes and stick-build homes, but excludes mobile homes.

Cascade County Planning Division
Public Information Request
Scanned Documents
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RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO-FAMILY

A single building that is situated on one lot and contains two dwelling units.

RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide an independent dwelling unit, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RESIDENTIAL USE

Any regular use by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. Activities within land areas used predominately for housing.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., SR-1, SR-2, RR-5, UR, MU).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RETAIL

An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering of services incidental to the sale of such goods.

Cascade County Planning Division
Public Information Request
Scanned Documents
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RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIDING AND ROPING ARENA

A private arena used for personal use or for small equestrian or rodeo events with twenty-five (25) or fewer participants.

RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RUNWAY

The paved, graveled, or dirt surface of an airport landing area.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, and the like.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

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Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book Store/Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult Motel

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment which, for any form of consideration, regularly shows films,

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motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

An advertising sign is a sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

Freestanding Sign

A sign without props. An example is a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

Wall Sign

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the

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exterior walls of buildings.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage.

SLAUGHTERHOUSE

A building, structure, or facility where livestock and/or fowl is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.

SMALL EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, that is used or is intended for renting, selling, and/or repairing small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SOLID WASTE DISPOSAL SITE

"Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. (75-10-103(7) (a), MCA)

SOLID WASTE TRANSFER STATION

"Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility. (ARM 17.50.403(51))

SPECIALTY SALES

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A place and/or building, or portion thereof, that is used or is intended for wholesale or retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special use permits may be permitted in a zoning classification district if a specific provision for such special use is explicitly listed in the Zoning District Regulations as a special use and a special use permit is issued by the Cascade County Planning Division upon approval of a Special Use Permit by the Cascade County Zoning Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STICK-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

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STORAGE FACILITY, SELF-SERVICE

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing.

STORM WATER

Water from a rainfall event or melting snow that flows over the ground surface.

STORM WATER DETENTION STRUCTURE

A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a

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stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (~~Source:~~ 75-7-103, MCA).
A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title a condominium. The term also means area, regardless of its size, that provides or will provide multiple space for rent or lease on which recreational camping vehicles or mobile homes will be placed. (76-3-103(15), MCA)

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

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SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (MCA) 50-51-102.

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (MCA) 76-3-103(16)(a).

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TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UNCLASSIFIED USE PERMIT

The Unclassified Use Permit is a permit issued to an applicant by the Cascade County Planning Division after approval from the Zoning Board of Adjustment allowing a particular use, structure or activity not allowed as a matter of right regardless of the underlying zoning district.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes public and private: pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public and private: water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

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VALUE-ADDED-(AGRICULTURAL COMMODITIES)

The process of taking a raw agricultural commodity and changings its form to produce a higher quality end product.

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL

A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and

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kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

VETERINARY CLINIC, LARGE ANIMAL

A clinic that specializes in the care and treatment of large animals and livestock.

VETERINARY CLINIC, SMALL ANIMAL

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WHOLESALE

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

WHOLESALE FEEDLOT (FEEDLOT)

A lot, structure, building or confined area used intensively for raising or keeping of livestock

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belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devises as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NON-COMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORKFORCE HOUSING, PERMANENT (LABOR CAMP)

A place, area, or piece of land where housing is provided for two (2) or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees; (b) supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees; (c) disburses wage payments to such employees.

WORKFORCE HOUSING, TEMPORARY (LABOR CAMP)

A facility as described under Permanent Workforce Housing except that it provides temporary or seasonal housing for two (2) more employees.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

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YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year.

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5	**Rural Residential District**	**Page 60**
SR 1	**Suburban Residential District 1**	**Page 63**
SR 2	**Suburban Residential District 2**	**Page 63**
UR	**Urban Residential District**	**Page 65**
A	**Agricultural District**	**Page 67**
C	**Commercial District**	**Page 74**
I-1	**Light Industrial District**	**Page 80**
I-2	**Heavy Industrial District**	**Page 84**
MH	**Mobile Home District**	**Page 85**
OS	**Open Space District**	**Page 88**
PUD	**Planned Unit Development District**	**Page 89**
MU	**Mixed–Use District**	**Page 90**
MOD	**Military Overlay District**	**Page 153**
FOD	**Flood Road Overlay District**	**Page 157**

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SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.

5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.

5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.

5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

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SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families,

6.2.3 To occupy a greater percentage of lot area; or

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location or conformance permit may not also be used as the basis for meeting the requirements for a subsequent location or conformance permit.

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SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in one district. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County Clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

4.1 "EXHIBIT A" ZONING MAP series or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County ". The map series consists of:

EXHIBIT A-1 "Cascade County Zoning Map" Full Extent

EXHIBIT A-2 "Cascade County Zoning Map" Enhanced Focus

EXHIBIT A-3 "Cascade County Zoning Map" Unincorporated Communities

4.2 "EXHIBIT B" (Reference Section 15)

EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

EXHIBIT B-3 "Noise Zones"

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Division.

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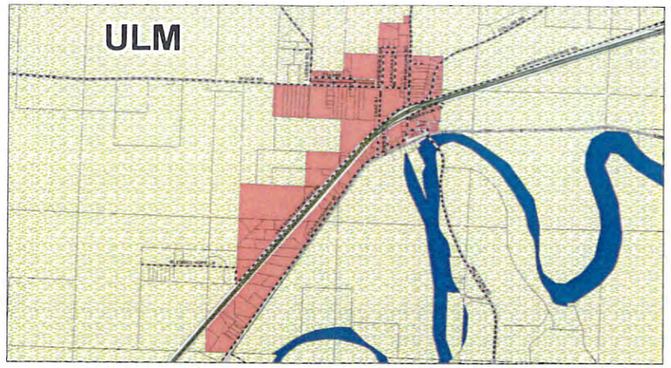
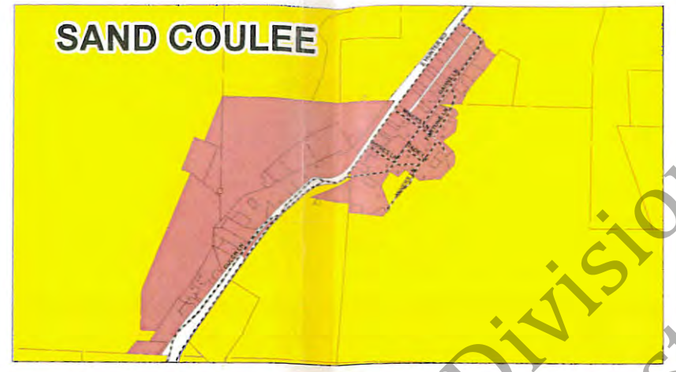
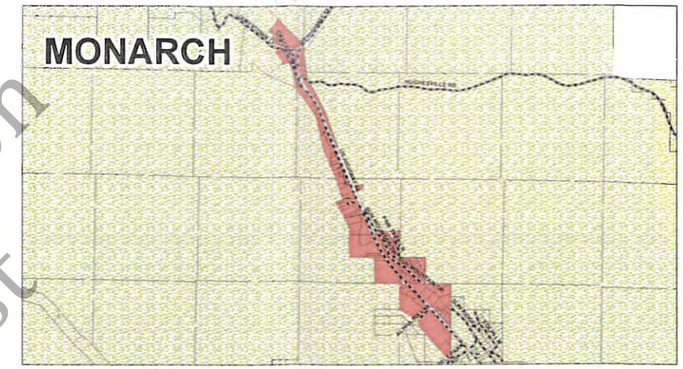
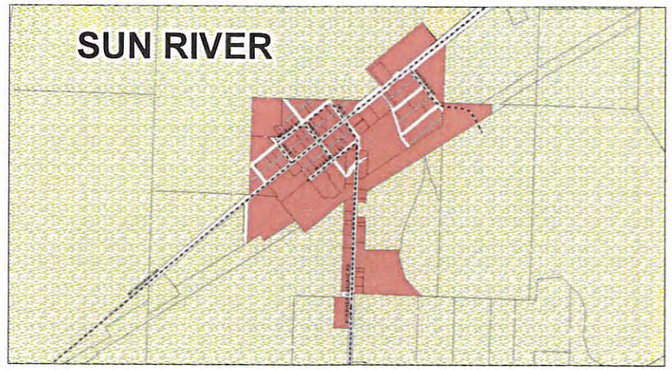
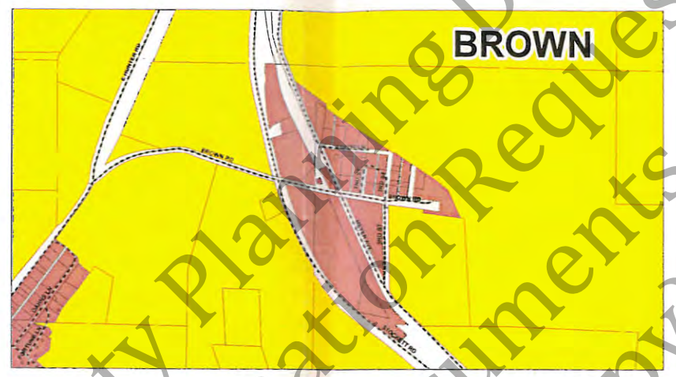
2018 CASCADE COUNTY
ZONING MIXED USE: EXHIBIT A-3
AMENDED 6/26/2018

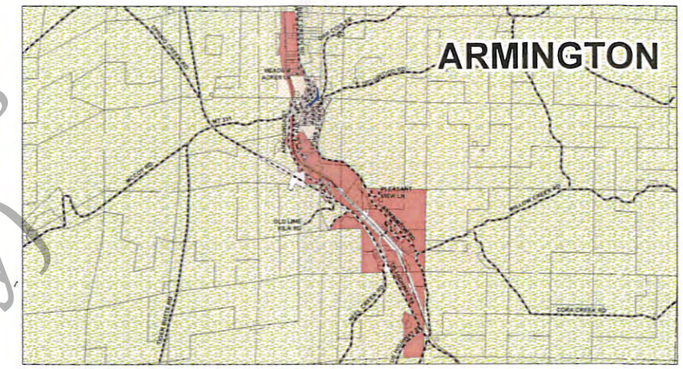


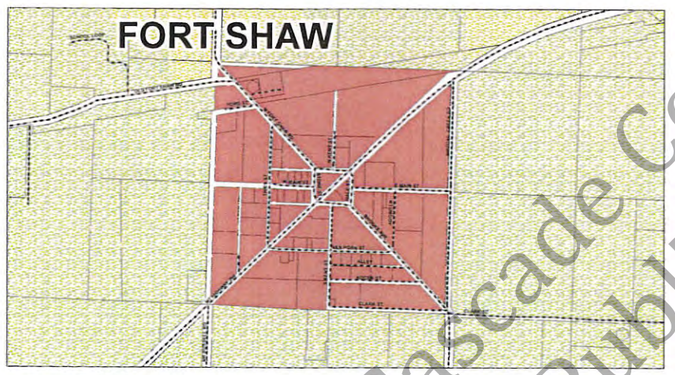


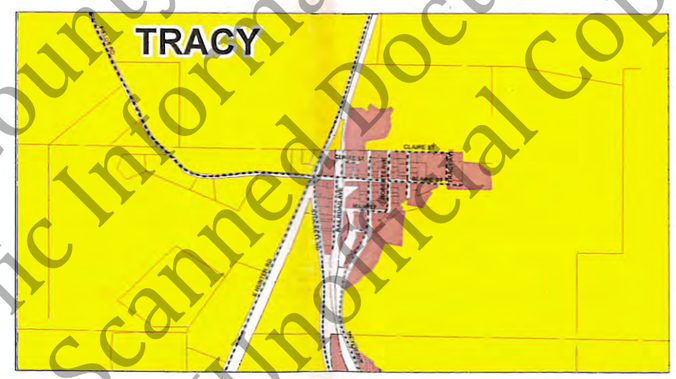


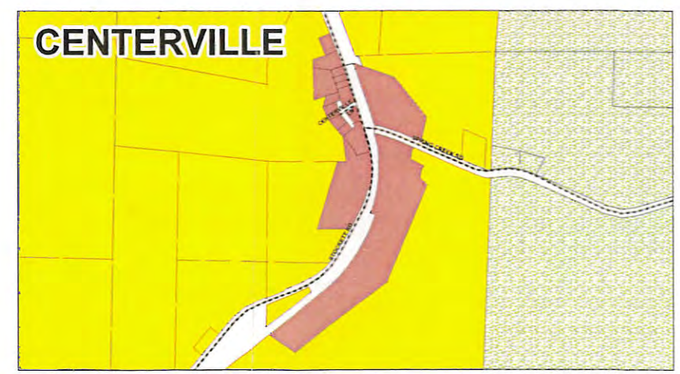


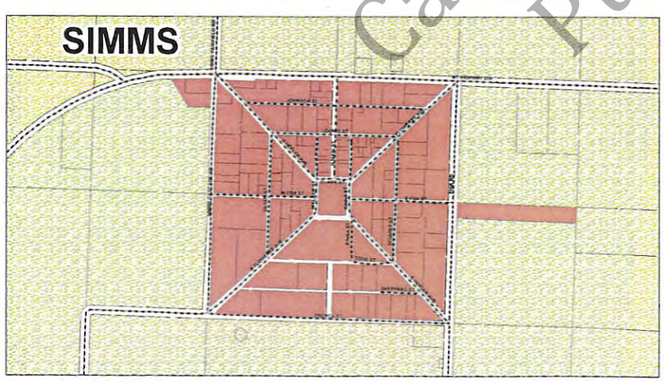


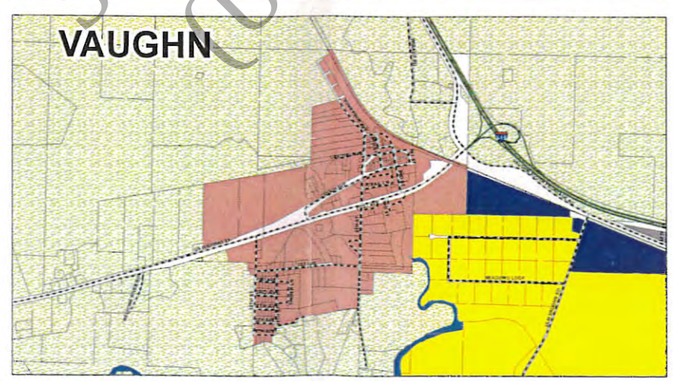


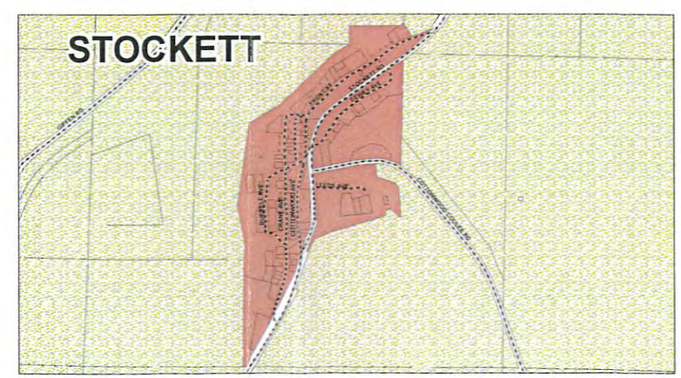


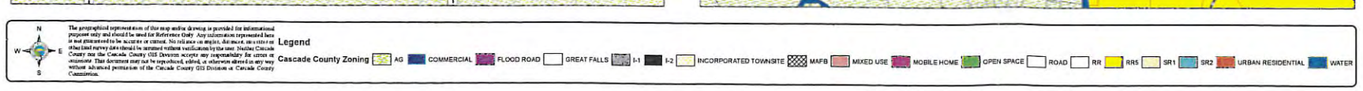












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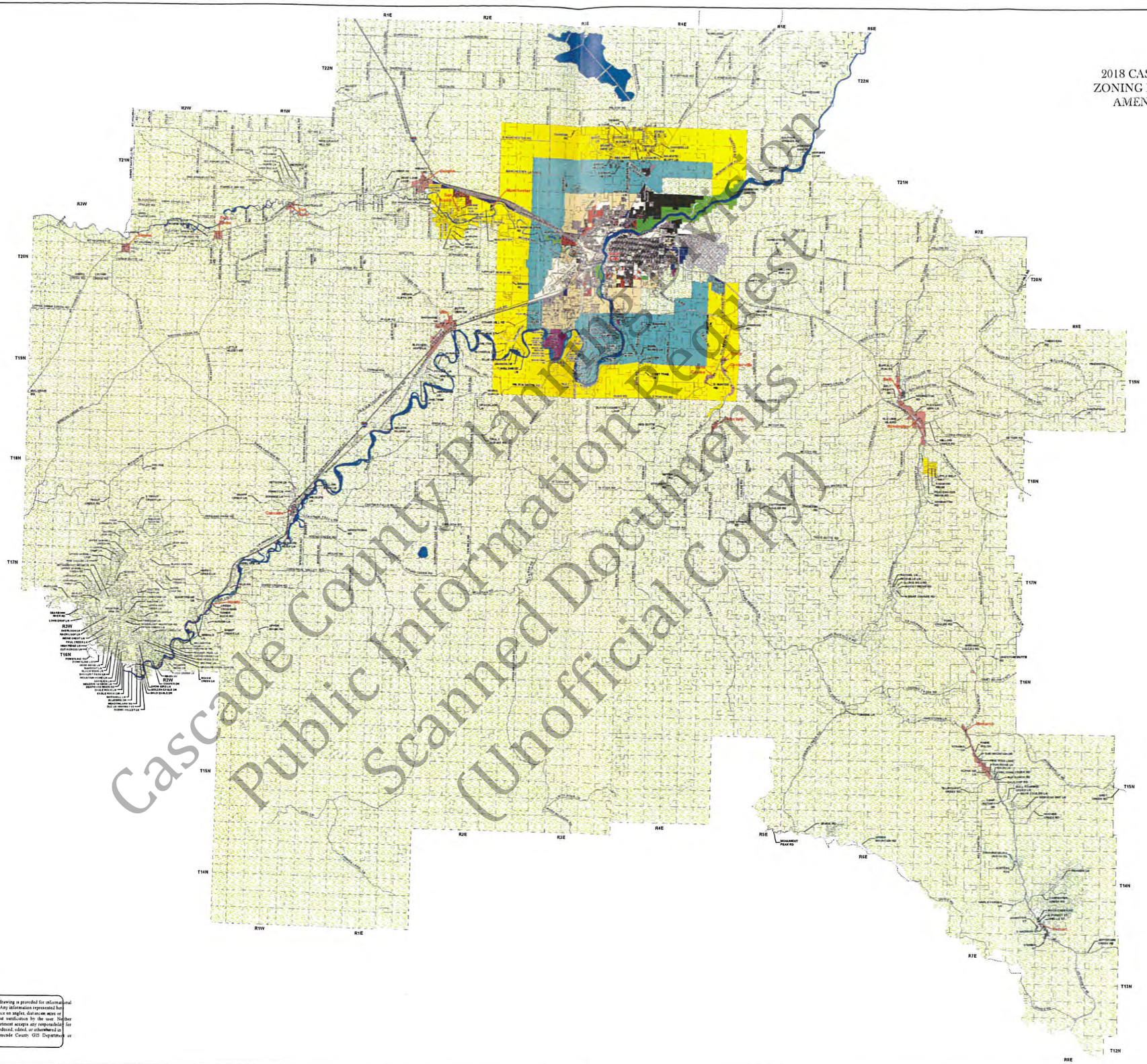
2018 CASCADE COUNTY
ZONING MAP EXHIBIT A-1
AMENDED 6/26/2018



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2018 CASCADE COUNTY ZONING MAP EXHIBIT A-2
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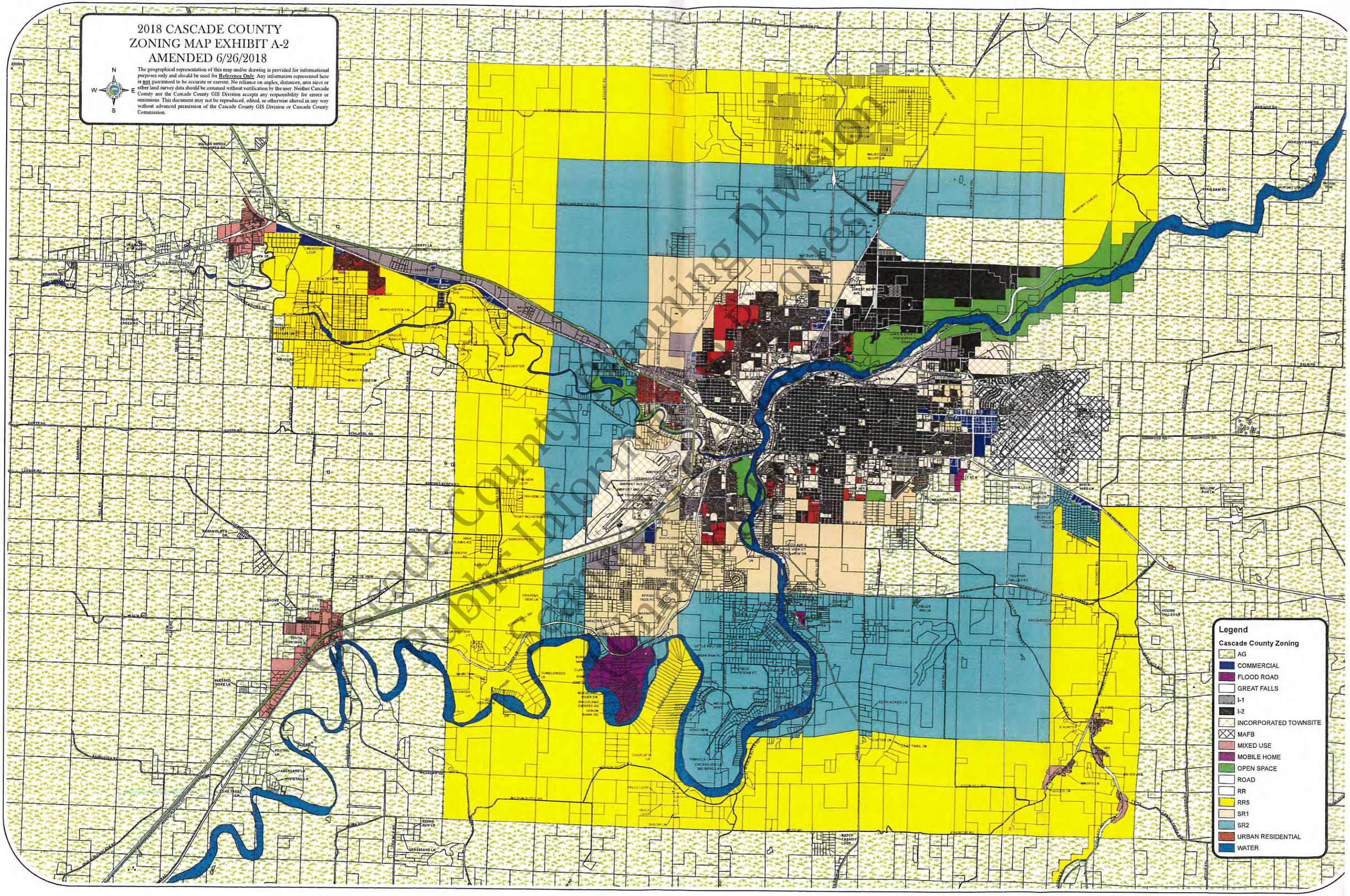

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SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 RESIDENTIAL DISTRICTS

Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements

7.1.0.1 AREA REQUIREMENTS

(1) Table of District Area Requirements

District	Minimum Lot Area
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	No minimum

(2) Previously Described Lots

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 8.1.6; 11.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet.

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(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements.

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7.1.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.1.0.3 YARDS

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

The front yard shall not have a depth of less than thirty (30) feet.

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

(4) Side Street and Corner Yard Transitions

See Section 8.3.4

(5) Streamside Setback

The streamside setback shall be no less than fifty (50) feet.

7.1.0.4 LOT COVERAGE

The percentage of lot area covered by main building and accessory building ground floor area shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 REQUIRED COURT DIMENSIONS

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any opposing wall forming said court.

7.1.0.6 OFF STREET PARKING AS REQUIRED IN SECTION 8.4

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7.1.0.7 REQUIRED STREAMSIDE SETBACK

Any portion of any structure must be setback a minimum of fifty (50) foot setback from any perennial-flowing stream or river. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facility

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Agricultural uses of land and usual agricultural buildings and structures.

(5) Public safety facility.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Limited Agricultural uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(8) Family Day Care Home, Group Day Care Home, Day Care Center

(9) Community Residential Facility-Provided eight occupants or less.

(10) Retirement Home, Nursing Home.

(11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).

(12) Bed and Breakfast.

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(13) Community Garden.

(14) On-Site Construction Office.

(15) Public Building.

(16) Public Institution.

7.1.1.2 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) Professional office in a residence.

(3) Customary home occupation (see Definition of Home Occupation and Section 8.16).

(4) 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.

(5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) A 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).

(2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.

(3) Utility Installation, minor.

(4) 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).

(5) The excavation of sand and gravel.

(6) Tourist Home.

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7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS PER SECTION 7.1.0

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7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2)

7.1.2.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facilities

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center

(8) Community Residential Facility-Provided eight occupants or less

(9) Retirement Home, Nursing Home

(10) Agricultural uses of land and usual agricultural buildings and structures.

(11) Limited Agricultural Uses

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(12) Community Garden

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(13) On-Site Construction Office.

(14) Public Institution.

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

(1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 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.

7.1.2.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS PER SECTION 7.1.0.

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7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.)

7.1.3.1 PERMITTED PRINCIPAL USES

(1) A one-family dwelling.

(2) Educational Facility.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center.

(8) Community Residential Facility-Provided eight occupants or less.

(9) Multi-Family Dwellings.

(10) Retirement Home, Nursing Home.

(11) Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.

(12) Mobile home park.

(13) Limited Agricultural Uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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

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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 other than that of owner.

(14) Accessory Dwelling Unit.

(15) Community Garden.

(16) On-Site Construction Office.

(17) Public Institution.

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

(1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met)

7.1.3.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

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

(2) Bed and Breakfast.

(3) Community Residential Facility.

7.1.3.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS AS PER SECTION 7.1.0.

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7.2 AGRICULTURAL (A) DISTRICTS

7.2.1 MINIMUM LOT AREA

The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(1) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(2) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(3) creates cemetery lots;

(4) is created for rights-of-way or utility sites;

(5) for gift or sale to a member of the immediate family; and

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.2.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in an A District shall be two-hundred (200) feet.

7.2.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

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7.2.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.0.4 LOT COVERAGE

All buildings and accessory buildings shall not cover more than forty percent (40%) of the lot or tract.

7.2.0.5 SIGNS

Agricultural District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.0.6 OFF-STREET PARKING

In an Agricultural District off-street parking shall be provided in accordance with Section 8.4.

7.2.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Public Building.

(3) Public Safety Facility.

(4) Park.

(5) Community Center.

(6) Public and private forest and wildlife preserve and similar conservation areas.

(7) Commercial dairy if on a parcel 20 acres or greater.

(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(9) A one or two family dwelling(s) on a parcel of 20 acres or greater.
(example: 1 single family home or 1 duplex for two families or

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two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.

(10) Golf driving range if located on a tract of five (5) acres or greater.

(11) Campground, Recreational Vehicle Park.

(12) Bed and Breakfast.

(13) Tourist Home.

(14) 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.

(15) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.

(16) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(17) Community Garden.

(18) On-Site Construction Office.

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

Accessory buildings and uses customarily incidental to any of the above A District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

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7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(5) Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.

(6) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(7) Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.

(8) Mobile Home Park/Mobile Home Court.

(9) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

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(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(10) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

(11) General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.

(12) Small and Large Equipment Rental / Sales / Repair and General Repair.

(13) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

(14) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.

(15) Utilities both minor and major.

(16) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(17) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

(18) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(19) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(20) Outfitter/Guide Facility.

(21) Federal Firearm Retailers, Dealers, Repairers.

(22) Guest Ranch, provided parcel size is 20 acres or greater.

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(23) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.

(24) Manufactured housing sales.

(25) Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

(26) Distillery

(27) Value Added Agricultural Commodity Processing Facility. This may include processing, manufacturing, storage, and the like

(28) Warehouse.

(29) Parking structure/garage.

(30) Artisan shop.

(31) Light manufacturing & assembly.

(32) Power Plant.

(33) Tourist cabins.

(34) Worship facility.

(35) Educational facility.

(36) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(37) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(38) Nursing Home, Retirement Home.

(39) Second dwelling unit on parcel less than 20 acres.

(40) Contractor Yard, small (8.15.1).

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(41) Workforce Housing (Permanent Labor Camp).

(42) Temporary Workforce Housing (Temporary Labor Camp).

(43) Agricultural Commodity Storage Facility.

(44) Membership Club.

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7.3 COMMERCIAL (C) DISTRICT

7.3.1 MINIMUM LOT AREA

No minimum required.

7.3.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.3.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet required for principal, accessory and special permit uses and buildings excluding customer parking except where the Commercial district abuts or joins a Residential District in which case there shall be a front yard as specified in Section 8.3.

(2) **Side yard**

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the Commercial district abuts upon a lot in a Residential District in which case the standards shall be followed as shown in Section 8.3.

(3) **Rear yard**

Ten (10) feet except that required to provide parking as specified in Section 8.3. When a lot in a Commercial District abuts upon a lot in a Residential district, the standards shall be followed as set forth in Section 8.3.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.9(3).

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.3.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.3.5 OFF-STREET PARKING

Off-Street Parking shall be provided in accordance with Section 8.4

7.3.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18

7.3.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.3.8 PERMITTED PRINCIPAL USES

(1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store, hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

(2) Any retail or wholesale trade, excluding large equipment trade (see large equipment rental / sales / repair definition) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/ machinery).

(c) Artisan Shop.

(d) Auction Sales.

(e) Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(f) Commercial Kennel, provided it complies with the regulations set forth in Section 8.7.

(g) Contractor Yard, small (8.15.1).

(h) Construction Material Sales.

(i) Restaurant.

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

(n) General Services.

(o) Health Care Center.

(p) Health Care Facility.

(q) Indoor Sports and Recreation / Entertainment.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Secondhand Sales.

(w) Shopping Center.

(x) Small Equipment Rental / Sales / Repair.

(y) Specialty Sales.

(z) Tavern.

(aa) Veterinary Clinic – Small Animal.

(bb) Veterinary Clinic – Large Animal.

(cc) Vehicle Fuel Sales.

(dd) Vehicle Repair.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(ee) Vehicle Sales and Rental.

(ff) Vehicle Services.

(gg) Wholesale trade.

(hh) Instructional Facility.

(ii) Convenience Sales.

(2) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(3) On-Site Construction Office.

(4) Public Building.

(5) Public Safety Facility.

(6) Community Cultural Facility.

(7) Community Center.

(8) Educational Facility.

(9) Administrative Government Center.

(10) Educational Facility.

(11) Public Institution.

(12) Bus Terminal.

(13) Park.

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Public Information Request
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(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) The permitted accessory uses set forth under Section 8.8 Amateur Radio Station and/or Antenna (conditions 6,7 and 8 do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW may be used in the Commercial District subject to the requirements of Section 7.3 and 8.8 of these regulations.

7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family Dwelling Unit required by and incidental to the business enterprise.

(2) Large equipment rental / sales / repair.

(3) Garage, Public.

(4) Gravel Pit (open-cut mining operation).

(5) Manufacturing, Light.

(6) Agricultural, Building.

(7) Agricultural, Facility.

(8) Animal Shelter.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(9) Manufactured Housing Sales.

(10) Membership Club.

(11) Recycling Center.

(12) Solid Waste Transfer Station.

(13) Utility Installation, Minor.

(14) Warehouse.

(15) Worship Facility.

7.3.11 USES NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually Oriented Business.

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Public Information Request
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7.4 INDUSTRIAL (I) DISTRICTS

7.4.1 AREA REQUIREMENTS

7.4.1.1 MINIMUM LOT AREA

No minimum requirement.

7.4.1.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.4.1.3 REQUIRED YARDS

(1) **Front yard** - Fifteen (15) feet depth minimum.

(2) **Side yard**

(a) Adjacent to industrial district shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a Residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) **Rear yard**

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such Residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

Cascade County Planning Division
Public Information Request
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7.4.1.4 LOT COVERAGE

None designated.

7.4.1.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.

7.4.1.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.4.1.7 Landscaping REQUIREMENTS

Landscaping requirements shall be in accordance with Section 8.18.

7.4.1.8 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.4.1.9 PERMITTED PRINCIPAL USES

(1) All principal uses permitted in a Commercial District.

(2) Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:

(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;

(b) emit no excessive obnoxious odors;

(c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;

(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;

(e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;

Cascade County Planning Division
Public Information Request
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(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

(g) conduct no mining, extracting, filling or soil stripping operations; and

(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(3) Agricultural Commodity Storage Facility.

(4) Artisan Shop.

(5) Bus Transit Terminal.

(6) Composting Facility.

(7) Contractor Yard, small (8.15.1).

(8) Freight Terminal.

(9) Fuel Tank Farm.

(10) Heli-Pad.

(11) Large Equipment Rental / Sales / Repair.

(12) Manufactured Housing Sales.

(13) Park.

(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

(17) Railroad Yard.

(18) Recycling Center.

(19) Sexually Oriented Business.
It may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

(20) Solid Waste Transfer Station.

(21) Truck Terminal.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(22) Utility Installation, Minor and Major.

(23) Warehouse.

(24) Worship Facility.

(25) 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.

(26) "Power Plants, Commercial Wind Farms" subject to the requirements of Section 8.10 and 8.11 of these regulations.

(27) Educational Facility.

(28) Gravel Pit (open-cut mining operation).

(29) Public Institution.

(30) Power Plants, Solar subject to the requirements of Section 8.12 of these regulations.

7.4.1.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land.

(3) Animal Shelter.

(4) Agricultural Buildings.

(5) Garage, Public.

(6) Membership Club.

7.4.1.11 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT

7.4.2.1 PERMITTED PRINCIPAL USES

All **NON-RESIDENTIAL** uses not otherwise prohibited by law. Any such use shall be required to comply with any supplemental regulations outlined in Section 8 of these regulations. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless modified or waived by the Zoning Administrator.

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

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land; Agricultural Buildings.

7.4.2.3 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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Public Information Request
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7.5 MOBILE HOME (MH) DISTRICT

7.5.1 MINIMUM LOT AREA

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.5.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.5.3 REQUIRED YARDS

(1) **Front yard**

The minimum front yard required shall be ten (10) feet.

(2) **Side yard**

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

(3) **Rear yard**

The minimum rear yard shall be at least ten (10) feet.

7.5.4 LOT COVERAGE

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.5.5 LOT WIDTH

The minimum lot width shall be thirty (30) feet.

7.5.6 OFF-STREET PARKING REQUIREMENTS

All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 8.4.

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Public Information Request
Scanned Documents
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7.5.7 LANDSCAPING

Requirements shall be in accordance with Section 8.18.

7.5.8 SITE PLAN REVIEW AND APPROVAL

Prior to the construction of a mobile home court or subdivision, the following steps must be taken:

7.5.8.1 ZONING

The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.5.8.2 PLANNING BOARD

The Planning Board must approve the court site plan or subdivision plat.

7.5.8.3 SUBMISSION

After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES

7.5.9.1 REQUIREMENTS

In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, mobile home courts, and mobile home subdivisions must also be complied with.

7.5.9.2 SEASONAL STORAGE

Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary abode of the owner or any other person is permitted on privately owned tracts of ground.

7.5.10 PERMITTED PRINCIPAL USES

7.5.10.1 MOBILE HOME COURT

In a Mobile Home Court, only mobile homes are allowed.

Cascade County Planning Division
Public Information Request
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7.5.10.2 MOBILE HOME SUBDIVISION

In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.5.10.3 ON-SITE CONSTRUCTION OFFICE.

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

7.5.11.1 Private Garage.

7.5.11.2 Other customary accessory use and building.

7.5.12.3 Professional office in a residence.

7.5.12.4 Customary home occupation (see Section 8.16).

7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

7.5.12.1 Worship facility, where off-street parking is not provided are permitted when approved by the Zoning Board of Adjustment.

7.5.12.2 Recreation building or area operated by membership club for the benefit of members and not for gain.

7.5.12.3 Educational facilities not heretofore defined, public library and publicly owned building.

7.5.12.4 Utility installation, minor.

7.5.12.5 On-site real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Zoning Board of Adjustment.

7.5.12.6 Convenience Sales

Allowed with the following exclusions:

(1) Liquor

(2) Gambling except for:
(a) The Montana State Lottery, Powerball tickets, and the like.

Cascade County Planning Division
Public Information Request
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7.6 OPEN SPACE (OS) DISTRICT

7.6.1 REQUIRED LOT AREA

No minimum requirement.

7.6.2 LOT COVERAGE

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.6.3 PERMITTED PRINCIPAL USES

7.6.3.1 Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

7.6.3.2 Utility Installation, Minor.

7.6.3.3 Agriculture and forestry.

7.6.3.4 On-Site Construction Office.

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING:

7.6.4.1 Automobile parking area as required in Section 8.4.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

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Public Information Request
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7.8 MU DISTRICT – MIXED USE DISTRICT

7.8.1 MINIMUM LOT AREA

No minimum required

7.8.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.8.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.8.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.8.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.8.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

7.8.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.
In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.8.8 PERMITTED PRINCIPAL USES

(1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts

(2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/machinery).

(d) Auction Sales.

(e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.

(f) Building materials, hardware and farm equipment sales and service.

(g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.

(h) Construction Material Sales.

(i) Contractor Yard, Small (8.15.1).

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(n) General Services.

(o) Health Care Center

(p) Health Care Facility.

(q) Hotel and Motel.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Restaurant.

(w) Recreational Vehicle Park.

(x) Retail.

(y) Secondhand Sales.

(z) Shopping Center.

(aa) Small Equipment Rental / Sales / Repair.

(bb) Specialty Sales.

(cc) Tavern.

(dd) Veterinary Clinic – Small Animal.

(ee) Vehicle Fuel Sales.

(ff) Vehicle Repair.

(gg) Vehicle Sales and Rental.

(hh) Vehicle Services.

(ii) Wholesale trade.

(jj) Instructional Facility.

(kk) Agricultural Commodity Storage Facility.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(4) Mobile Home Park / Mobile Home Court.

(5) On-Site Construction Office.

(6) Gravel Pit (open cut mining operation).

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.

(5) Home Occupations.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(6) Professional Office in a Residence.

7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Manufactured housing sales.

(2) Veterinary clinic, large animal.

(3) Commercial kennel.

(4) Large equipment rental / Sales / Repair.

(5) Warehouse.

(6) Animal shelter.

(7) Administrative Government Center.

(8) Composting facility.

(9) Recycling center.

(10) Solid waste transfer station.

(11) Telecommunication facility.

(12) Bus transit terminal.

(13) Commercial parking lot.

(14) Parking structure.

(15) Taxi dispatch terminal.

(16) Artisan shop.

(17) Light manufacturing & assembly.

(18) Garage, Public.

(19) Indoor Entertainment.

(20) Indoor Sports and Recreation.

(21) Membership Club.

(22) Parking Garage.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(23) Tourist Home.

(24) Utility Installation, Minor.

(25) Worship Facility.

(26) A 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).

7.8.11 USES SPECIFICALLY NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually-Oriented Businesses.

Cascade County Planning Division
Public Information Request
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SECTION 8. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Sections 7 and 9 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

8.1 USES, SIGNS, LOTS

8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS

8.1.1.1 There shall be a limit of two (2) total freestanding signs per tract of land containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Division. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.

8.1.1.2 Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.

8.1.1.3 Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.

8.1.1.4 Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.

8.1.1.5 Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.

8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.1.2.1 On-premise and off-premise (for non-profit only) signs in residential and agricultural districts (RR-5, SR-1, SR-2, UR and A)

8.1.2.2 Signs in residential and agriculture districts shall be limited to non-commercial uses, such as religious institutions, fraternal organizations, schools, etc. Bulletin boards for worship facilities, educational facilities, or other public, religious, or educational institution are allowed provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.

8.1.3 OTHER SIGNS (ALL DISTRICTS)

8.1.3.1 Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

8.1.3.2 Political Signs shall be regulated pursuant to Montana Codes Annotated. Additionally, the following regulations shall apply:

8.1.3.2.1 Political Signs

(1) Signs promoting political candidates or issues shall:

(a) Not be erected or maintained within the highway right-of way

(b) Not be erected or maintained prior to 90 days before the applicable election.

(c) Be removed within 30 days following the applicable election. The successful candidate in the primary election may leave their signs until after the general election.

8.1.3.2.2 Directional Signs

(1) Including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they not exceed eight (8) square feet maximum in size and be no greater than eight (8) feet in height and may not contain any advertising.Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 1.2 shall apply.

8.1.4 NON-CONFORMING SIGNS

(1) Signs at the time of enactment of this Regulation which are not

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

(2) Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

8.1.5 NATURAL PRODUCTION USE

A Special Use Permit may be reviewed by the Zoning Board of Adjustment in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-2 Heavy Industrial District and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral deposits for the quarrying of any kind of rock formation, subject to the following conditions:

8.1.5.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.

8.1.5.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Zoning Board of Adjustment.

8.1.5.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (MCA) Title 82, Chapter 4, Part 4, et. seq.

8.1.5.4 In the case where a natural production use abuts an R District, a C District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.

8.1.5.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.1.6 DWELLINGS ON SMALL LOTS

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a one-family dwelling on any lot in an Agricultural District or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for one (1) family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

8.1.7 REVERSE AND KEY LOTS

In the case of a reverse lot, the building setback line shall be the same as the key lot.

8.1.8 ABANDONED BUILDINGS / ITEMS

Abandoned buildings / items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND

Each parcel of land shall have only one zoning designation.

8.2 YARDS

8.2.1 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

8.2.2 PORCHES

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

8.2.3 PROJECTING ARCHITECTURAL FEATURES

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.2.4 FIRE ESCAPES

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

8.2.5 FENCES

No fence in any residential district may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement.

A variance may be allowed by the Zoning Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Zoning Board of Adjustment.

No fence of an electrically charged type shall be erected in any residential district. Razor wire shall be located in only an Industrial Zoned District, must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it.

A location conformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.

8.2.6 FRONT YARD DEPTH

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

8.3 TRANSITION REGULATIONS

8.3.1 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

8.3.2 SIDE AND REAR YARD TRANSITION

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.3.3 FRONT YARD TRANSITION

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

8.3.4 CORNER YARD TRANSITION

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

8.4 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected; or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

8.4.1 DWELLINGS

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

8.4.3 MOTELS AND HOTELS

At least one (1) parking space for each one (1) guest unit.

8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME

8.4.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

8.4.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.6 STORES

8.4.6.1 C District (Commercial District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

8.4.7 OFFICE BUILDINGS

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS

At least two (2) parking spaces for each three (3) working people on a maximum shift.

8.4.9 GENERAL

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the building.

8.5 SITE PLAN REVIEW CRITERIA

In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with this section and shall approve, or approve with conditions, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter into the Office of the Zoning Administrator's record the reason for such action.

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

(1) Name and address of applicant.

(2) Legal description and boundary lines of property being considered for review.

(a) Existing and proposed land use upon the site.

(b) Names of owners and existing land use on adjacent property.

(c) Location, size, dimensions and uses of existing and proposed buildings and improvements.

(d) Location and description of existing and proposed utilities.

(e) Location and dimensions of curb cuts and access points.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(f) Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

(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 Division 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. (See Letter of Map Change definition).

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) Pet Wholesalers.

(2) Pet Breeders.

(3) At a minimum, kennels shall provide:

(4) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from residential districts.

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) Exotic and Wild Animal Dealers.

8.8 TOWERS AND FACILITIES

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations providing they meet the following conditions:

(1) Setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries).

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.9 POWER PLANTS

The following regulations are for all proposed commercial power plants. Additional requirements for specific types of power plants are delineated in the following sections.

(1) Must meet all state, federal, and local regulations regarding

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT)

(1) Facility may not exceed one (1) megawatt of total generating capacity.

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:

(1) Must meet all state, federal, and local regulations regarding the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(6) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(7) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(8) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

not be finished in bright or vivid colors intended to draw attention to the structure or property.

(9) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(10) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(11) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.12 POWER PLANT, SOLAR

Based on the typical solar power plant design, uses tend to be low in intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use may be compatible in both urbanized and non-urbanized areas throughout the County. Standards for power plant generation by solar energy shall be subject to the administrative requirements of Section 18 and the following site development standards:

(1) Lot coverage: All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of a lot unless adjusted by the Zoning Board of Adjustment.

(2) Setbacks: solar power plant structures shall be set back from all property lines at least thirty (30) feet from the front and six (6) feet from the side yards, and ten (10) feet from a rear yard.

(3) Landscaping Buffer: as determined by the Zoning Board of Adjustment through the Unclassified Use Permit process with considerations of location, size of parcel and topography of parcel. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.

(4) No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style.

(5) Siting requirements of any structure within the Height Military Overlay District (MOD) must be met. Any variance requested for over-height must be presented to Malmstrom's reviewing staff and approved.

(6) Safety/Access: An appropriate security fence (height and material to be determined through the Unclassified use permit process) shall be placed around the perimeter of the solar power plant.

(7) Signage: appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.

(8) Noise: No operating solar power plant shall produce noise that exceeds any of the following limitations:

(a) Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
(b) Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
(c) Sixty dBA, as measured at the property lines of any other project boundary.

(9) Agreements/Easements: If the land on which the project is to be leased rather than owned by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project and a copy provided with an Unclassified use permit application.

(10) Removal: Structures that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS

A Special Use Permit is required by the Zoning Board of Adjustment in the Agricultural District. In addition to the submittal requirements of Section 10, Standards for Special Use Permits, the following items will be required.

(1) Cover letter describing project and submittal materials.

(2) Copy of associated mineral leases.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(3) Copy of order from the Montana Board of Oil and Gas Conservation, and associated stipulations/conditions.

(4) Name and location of all water wells on adjacent properties.

(5) Operations statement detailing the proposed hours of operation, duration of project, operation of project including staffing schedules and estimated trips per day, traffic study with proposed mitigation and fire plan with proposed mitigation.

(6) Noxious Weed Management Plan.

(7) Plan for reclamation of all disturbances associated with the project.

(8) Workforce Housing plan, if applicable.

(9) Any additional information deemed necessary by the Planning Division.

8.14 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated (M.C.A). Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in this Section.

8.14.1 REQUIRED PERMITS

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 9.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana.

Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31st and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

Cascade County Planning Division
Public Information Request
Scanned Document
(Unofficial Copy)

8.14.2 APPLICABLE TIME PERIOD

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise **prior to June 1** of the year for the **June 24th through July 5th** selling period and must be removed by **July 31st** of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise **prior to December 6th** of the year for the **December 29th through December 31st** selling period and must be removed by **January 15th** of the next year.

8.14.3 REQUIRED DISTANCES AND SETBACKS

A temporary fireworks stand shall be located:

(1) At least 300 feet from a worship facility, a hospital, or educational facility.

(2) At least 150 feet from any flammable liquid dispensing device or installation.

(3) At least 150 feet from any residential dwelling unit.

(4) At least 30 feet from any public roadway.

(5) At least 50 feet from any non-residential structure.

(6) At least 25 feet from any attendant vehicle or structure associated with the fireworks stand.

(7) Setbacks

Front Yard- The minimum front setback shall be thirty (30) feet.

Rear Yard- The minimum rear setback shall be thirty (30) feet.

Side Yard- The minimum side setback shall be ten (10) feet.

(8) Off-street Parking

Size- The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

Number- The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

The required front yard may be used for off-street parking.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.14.4 APPLICABILITY OF OTHER REGULATIONS

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

8.14.5 PENALTY

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 14, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

8.15 CONTRACTOR YARDS

8.15.1 CONTRACTOR YARD, SMALL

Generally these standards do not apply to contractor yards in Industrial zoning districts.

(1) Lot size requirements

The minimum lot size shall be one (1) acre.

(2) Limitations on equipment

No more than two (2) pieces of heavy equipment exceeding three tons may be stored on the premises.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is prohibited.

(4) Buildings.

A building(s) not exceeding a cumulative total of three thousand (3,000) square feet shall be constructed on the premises to accommodate the contractor's operations.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.15.2 CONTRACTOR YARD, LARGE

Generally these standards do not apply to contractor yards in Industrial zoning districts.

(1) Lot size requirements

There are no minimum lot size requirements.

(2) Limitations on equipment

There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is permitted.

(4) Buildings

The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.

8.16 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home Occupations also must:

(1) Be carried on only within the principal or accessory buildings;

(2) Be incidental and secondary to the use of the dwelling unit for residential purposes;

(3) Be carried on by a member of the family residing in the dwelling unit; and

(4) Conform to the following additional conditions:

(a) There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.

(b) There shall be no exterior storage of materials or variation

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

from the residential character of the principal building;

(c) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and

(d) Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

(1) Art studio;

(2) Dress and drapery making;

(3) Teaching with musical instruments limited to a single pupil at a time; and/or

(4) Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

(1) Restaurants;

(2) Commercial stables and commercial kennels; and / or

(3) Auto repairing.

In instances where the appropriateness of the proposed home occupation in unclear, the Zoning Administrator may request an Operational Statement from the applicant that provides a complete description of the operation, such as days and hours of operation, number of customers or visitors, type and frequency of deliveries, etc.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

8.17 ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Director or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Director or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

Cascade County Planning Division
Public Information Request
Scanned Documents
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(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief.

(2) The intent of the section and the specific regulation in question is preserved.

(3) The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.

(4) All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Director or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all C, I-1, I-2, MU, and MH and as otherwise required in these regulations.

The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

8.18.1 LANDSCAPING PLAN REQUIREMENTS

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

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Public Information Request
Scanned Documents
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(1) Appropriate to the conditions in which they are planted;

(2) Have non-invasive growth habits;

(3) Encourage low maintenance, high quality design; and

(4) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Division or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

(1) Scale: ¼"=1'0" to 1"=40'

(2) Property lines, easements and public rights-of-way, including clear vision triangles

(3) Buildings or structures - both new and existing.

(4) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.

(5) Landscaping materials:

(a) Location and spacing of proposed plant materials

(b) Location of existing trees or landscaping to be preserved or eliminated

(c) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule

(d) Size of materials, in caliper, diameter and height at installation and maturity

(e) Quantity of each planting materials to be used

(f) Types and location of inorganic landscaping material

(6) Location of walls, fences and refuse storage area

(7) Methods of protecting the landscaped areas

(8) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a health, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have been irreparably damaged shall be removed and replaced with living plant

Cascade County Planning Division
Public Information Request
Scanned Documents
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materials consistent with the approved landscape plan or as required by these regulations.

8.18.2 MINIMUM REQUIREMENTS

8.18.2.1 STREET FRONTAGE LANDSCAPING

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: 15' minimum buffer yard width 1 tree per 80 linear feet of frontage

Option 2: 10' minimum buffer yard width 2 trees per 80 linear feet of frontage

Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 80 linear feet of frontage

Option 4: 5' minimum buffer yard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area.
A non-decorative wall shall be covered with vines on the street side of the wall.
A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

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Public Information Request
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8.18.2.2. PERIMETER LANDSCAPING

(1) The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Administrator shall determine which category best matches the use.

8.18.2.3 BUFFER YARD CLASSIFICATION REQUIREMENTS:

Buffer yard A: No Landscaping Required

Buffer yard B: 5' minimum buffer yard1 tree per 40 linear feet

Buffer yard C: 10' minimum buffer yard 2 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

Buffer yard D: 15' minimum buffer yard 4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.4 BUFFER YARD STANDARDS FOR ALL DEVELOPMENT

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

8.18.2.5 OTHER REQUIREMENTS

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, and any combination thereof.

Any parking lot which requires more than ten (10) parking spaces must be paved and provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm Water Runoff Regulations. Parking lots which require less than ten parking spaces must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Director.

8.18.3 ADMINISTRATIVE RELIEF

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in

Cascade County Planning Division
Public Information Request
Scanned Documents
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nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(2) The intent of the landscaping section and the specific regulation in question is preserved; and

(3) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Zoning Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18.4 POLICIES

(1) The Planning Division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Division may grant Administrative Relief in the event of these situations and proposals.

(2) The Planning Division recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

(3) The Planning Division shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

(4) The Planning Division also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the

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Public Information Request
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Planning Division generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered.

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees.

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

8.19 MEDICAL MARIJUANA PROVIDER

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

8.20 SEXUALLY ORIENTED BUSINESS

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

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Public Information Request
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SECTION 9. PERMIT REQUIREMENTS

9.1 GENERAL

These regulations shall be enforced by the Zoning Administrator who shall be appointed by the Board of County Commissioners of Cascade County. No Location / Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been met.

9.2 LOCATION /CONFORMANCE PERMIT

No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; 2) a site plan meeting the requirements of Section 8.5 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator, and a separate Location/Conformance Permit has been issued for each tract of land.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned A– Agricultural, and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the A Agricultural requirements listed in these regulations. All other uses including commercial, special use permits, etc. require obtaining a location/conformance permit and complying with the Cascade County Zoning Regulations.

Location/Conformance Permit approval by the Zoning Administrators 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 12-month extension to the expiration the Location/Conformance Permit approval.

9.3 FEES

The fee to be paid upon application for a Location / Conformance Permit shall be Fifty Dollars ($50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars ($200.00). The fee to be paid upon application for a Special Use Permit or an Unclassified Use Permit shall be Four Hundred Fifty Dollars ($450.00). The fee to be paid for an Appeal Application or for a Variance Application shall be Two Hundred Fifty Dollars ($250.00). All fees are non-refundable.

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Public Information Request
Scanned Documents
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9.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined by the Zoning Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of 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 Division along with the application / appeal fee (**$250**) as may be established by the County Commission.

(2) **Determination of completeness**. Within 10 working days of submittal, the Planning Director shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied

(3) **Notice**. Consistent with Section 12 of these regulations, the director 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 Zoning Board of Adjustment 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 director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, the applicant, and the applicant's agent, if

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Zoning Board of Adjustment shall hold a public hearing to review the application.

(7) **Decision.** Within 30 days of the determination of completeness, the Zoning Board of Adjustment 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 director 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:

Cascade County Planning Division
Public Information Request
Scanned Documents
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(1) The proposed use will be adequately 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 3 members shall be necessary to approve a variance. (MCA)76-2-224.

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.

(4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the Zoning Board of Adjustment 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. (MCA) 67-4-314.

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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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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. (MCA) 76-2-227 (1).

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 as Provided in Section 10" 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 $450.00.

10.2 REQUIRED PLAN

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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.

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 Office of the County Clerk and Recorder or Planning Division).

(c) Describe the existing land use of the parcel and neighboring

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Cascade County Zoning Board of Adjustment. 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 Zoning Board of Adjustment will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the special use permit.

10.4 EXPIRATION

The Zoning Board Of Adjustment 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 Zoning Board Of Adjustment 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 Zoning Board of Adjustment prior to the date of expiration.

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Board of Adjustment can approve any Special Use Permit, it must first reach each of the following conclusions:

(1) Conditions may be required that the Zoning Board of Adjustment 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:

(a) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

(b) Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

(c) Soil erosion, sedimentation, and stormwater 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:

(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

Cascade County Planning Division
Public Information Request
Scanned Documents
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(4) The proposed development will be in harmony with the area in which it is located.

Considerations:

(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:

(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 the 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 Cascade County Zoning Board of Adjustment.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the Zoning Board of Adjustment 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 makes 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

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Zoning Board of Adjustment 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 Zoning Board of Adjustment, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment 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.

Cascade County Planning Division
Public Information Request
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SECTION 11. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

11.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

11.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his or her ability the date of a discontinuance of a non-conforming use based on substantiating evidence from the applicant and any other historical records or documents.

11.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

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Public Information Request
Scanned Documents
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11.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

11.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

11.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

11.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

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Public Information Request
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SECTION 12. ZONING BOARD OF ADJUSTMENT

12.1 CREATION OF ZONING BOARD OF ADJUSTMENT

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Zoning Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term.

All members of the Board shall serve without compensation. The Zoning Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person or persons, jointly or severely aggrieved by a decision of the administrative officer or by an officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the Board, in a timely manner all papers constituting the record upon which the action appealed was taken.

12.3.1 APPEAL FEE

Upon the filing of an appeal to the Zoning Board of Adjustment, the applicant shall pay to such Board, an appeal fee of Two Hundred Fifty Dollars ($250.00); provided, however, that if any officer, department, board or bureau of the

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Public Information Request
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municipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 APPEAL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate of stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken, and on due cause shown.

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest and decide the appeal within a reasonable time. The notice shall be published at least 15 days prior to, but no more than 30 days prior to, the public hearing. At the hearing, a party may appear in person or by the party's attorney.

12.3.3 BOARD APPEAL POWERS

The Zoning Board of Adjustment shall have the following powers:

12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

12.3.3.2 To hear and decide Special Use Permits (see Special Use Permit definition) to the terms of the zoning regulations as provided for in Section 10 of these regulations. The language herein is not intended to restrict or limit the power of the Zoning Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.

12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION

12.3.4.1 In exercising the above-mentioned powers, the Zoning Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make

Cascade County Planning Division
Public Information Request
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such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

12.3.4.2 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD

12.3.5.1 Any person or persons, jointly or severally, aggrieved by a decision of the Zoning Board of Adjustment, may present to the Board of County Commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Board of County Commissioners within thirty (30) days after the filing of the decision of the board of adjustment, and a final decision must be made within sixty (60) days of the receipt of the petition.

The office of the Zoning Board of Adjustment in which the decision shall be filed shall be the Cascade County Public Works Department Planning Division. A vote of the zoning board of adjustment shall constitute a final decision of the matter and shall be deemed filed at the adjournment of the meeting.

The Board of County Commissioners may:

a) remand the special exception to the board of adjustment;
b) reverse or affirm, wholly or partly, the decision of the board of adjustment; or
c) modify the decision of the board of adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners or the Zoning Board of Adjustment, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the appropriate board.

12.3.5.2 Upon presentation of a petition, the court may allow a writ of certiorari directed to the Board of County Commissioners or the Zoning Board of Adjustment to review the decision of the Board and shall prescribe in the writ the time within which a return must be made and served upon the realtor's attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ may not stay proceedings upon the decision appealed from, but the court may, upon

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

application, on notice to the board of county commissioners or the board of adjustment, and on due cause shown, grant a restraining order.

12.3.5.3 The Board of County Commissioners or the Zoning Board of Adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

12.3.5.4 If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Cascade County Planning Division
Public Information Request
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SECTION 13. VIOLATIONS AND PENALTIES

13.1 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, placed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, placement, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

13.2 PROCEDURE/PENALTIES

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 VIOLATION

After first knowledge of the violation, a notice to comply or cease and desist notice to comply within thirty (30) days shall be issued.

13.2.2 COMPLIANCE

If compliance as enumerated in 13.2.1 above is not obtained within an additional thirty (30) days (for a total of sixty (60) days since the date of the first notice to comply), the violation shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

13.2.3 PROSECUTE

The County reserves the right to prosecute a continuing violation which has not been corrected after the above steps have been taken.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 rezoning petition process.

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

(1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.

(2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.

(3) A legal description of the boundaries of the proposed district.

(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 Office of the County Clerk and Recorder or Planning Division).

(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.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(f) On a site plan, indicate the location of existing curb cuts or access points.

(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.

(5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

(6) Prepare a statement which addresses the following considerations:

(a) Made in accordance with the growth policy and

(b) Designed to:

(i) Secure safety from fire, and other dangers; and

(ii) Promote public health, public safety, and general welfare; and

(iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(c) Reasonable provision of adequate light and air:

(d) The effect on motorized and non-motorized transportation systems;

(e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(f) The character of the district and its peculiar suitability for particular uses; and

(g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars ($750.00).

Cascade County Planning Division
Public Information Request
Scanned Documents
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14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district.

14.3.1.2 The general character of the proposed zoning regulations.

14.3.1.3 The time and place of the public hearing.

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under (MCA) Title 15 Chapter 7 Part 202 or whose property is taxed as forest land under (MCA) Title 15, Chapter 44, Part 1 have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the land, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport.

(2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

(3) That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

15.1.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zone which are hereby referenced in these regulations and made a part hereof (Section 4). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

Cascade County Planning Division
Public Information Request
Scanned Documents
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15.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

15.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Cascade County Planning Division
Public Information Request
Scanned Documents
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15.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

15.1.2 HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

15.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

15.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

15.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.3 TRANSITIONAL ZONES

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and

Cascade County Planning Division
Public Information Request
Scanned Documents
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extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

15.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

15.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

15.1.5 NON-CONFORMING USES:

15.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

15.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of

Cascade County Planning Division
Public Information Request
Scanned Documents
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aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

15.1.6 AIRPORT AREA PERMITS

15.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations.

Cascade County Planning Division
Public Information Request
Scanned Documents
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15.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

15.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

15.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on Exhibit B-1, B-2, and B-3 which are attached to these regulations and made a part hereof. (Reference Section 4.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) seventy-five (75) Ldn.

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(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

15.1.7.2 Exceptions

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 15 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

15.1.8 APPEALS

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 16 of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.

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EXHIBIT B-1

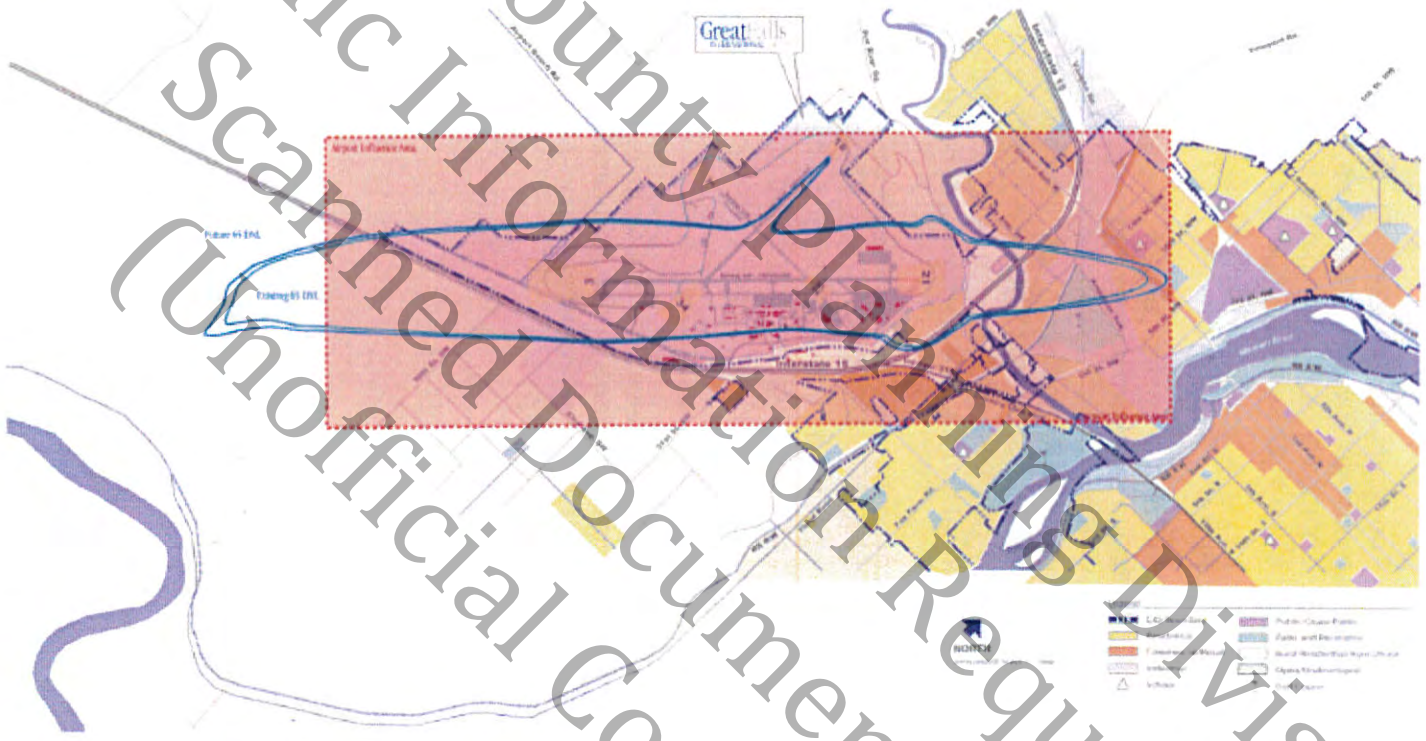

FIGURE 6J
Airport Influence Area w/(2005) Existing & (2016) Future Noise Exposure Contours (65 DNL)

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Exhibit B-2

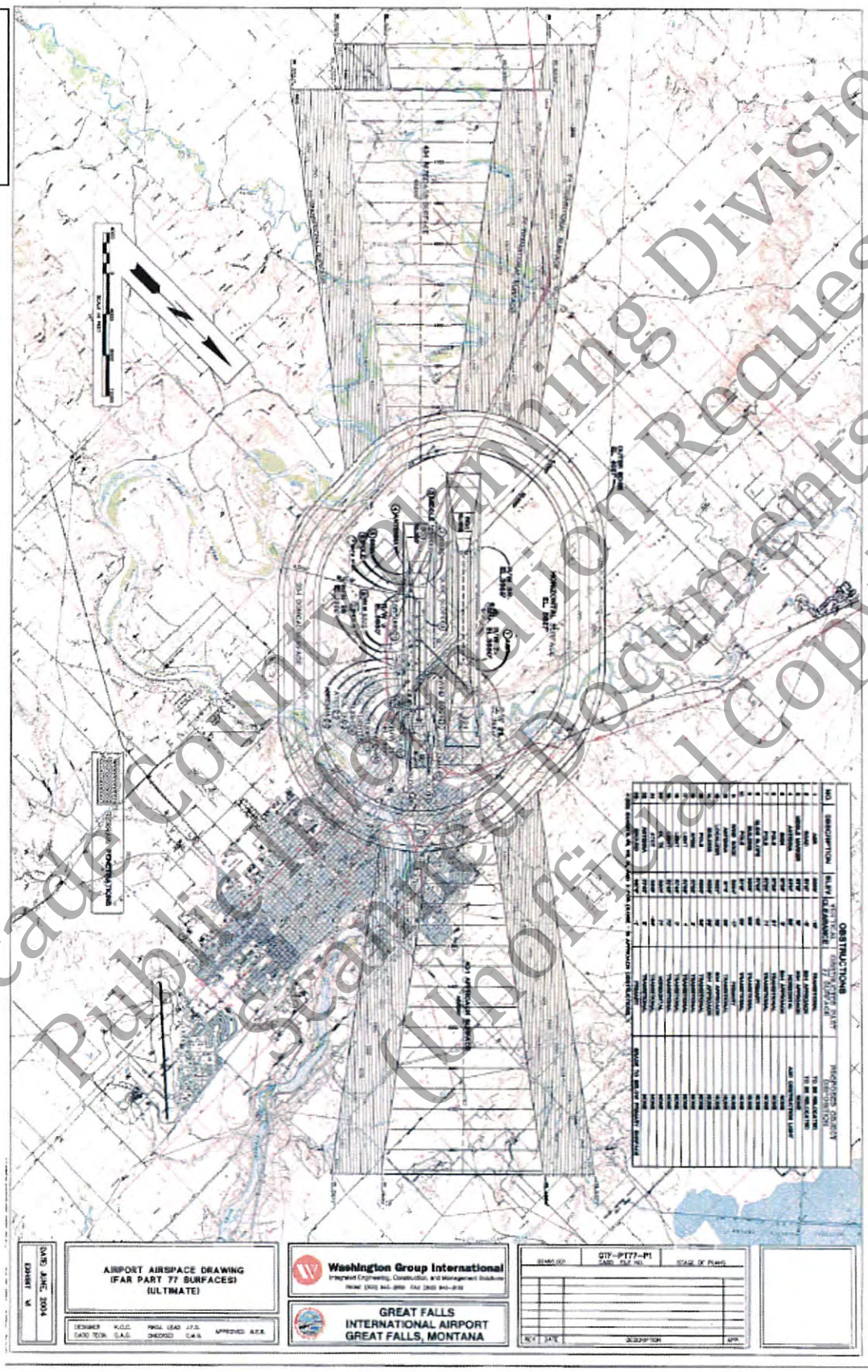

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EXHIBIT B-3

Barnard Dunkelberg & Company

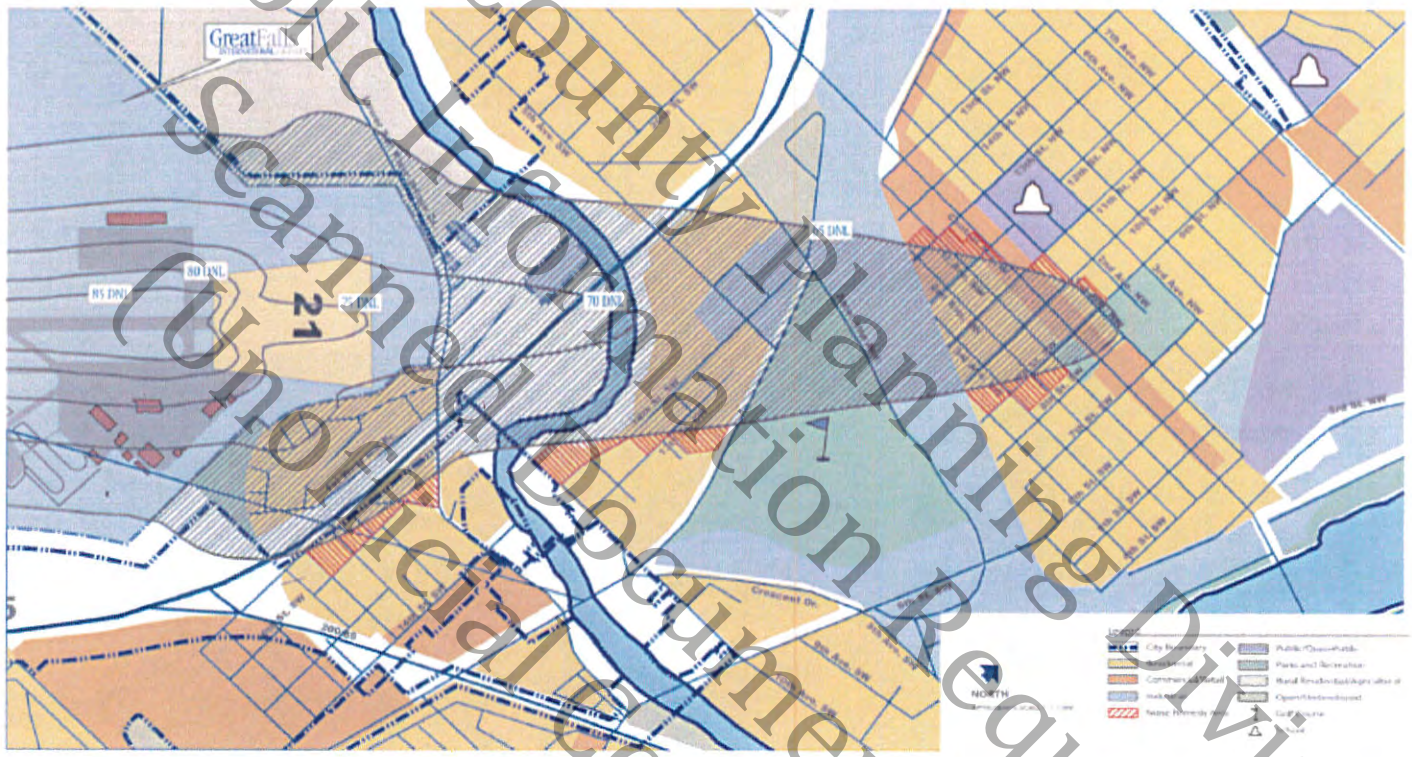

FIGURE G5
Recommended Noise Remedy Boundary

FAR PART 150 STUDY
Great Falls INTERNATIONAL AIRPORT

B-24

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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 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

16.1 MAFB RUNWAY AREA

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

MOD-A (Clear Zone Surface)

No structures greater than 50 feet in height.

MOD-B (Transitional Surface)

No structures greater than 50 feet in height.

MOD-C (Inner Horizontal Surface)

No structures greater than 150 feet in height.

MOD-D (Conical Surface)

No structures greater than 150 feet in height.

MOD-E (Approach/Departure Clearance Surface)

No structures greater than 50 feet in height.

MOD-F (Outer Horizontal Surface)

No structures greater than 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 Zoning Board of Adjustment 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.

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16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS)

No structures shall be allowed within the 1,200 foot buffer around each MAF and LF.

Any proposed structures over 50 feet in height between 1,200 feet and 2,400 feet of a MAF or LF 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 Zoning Board of Adjustment 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.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

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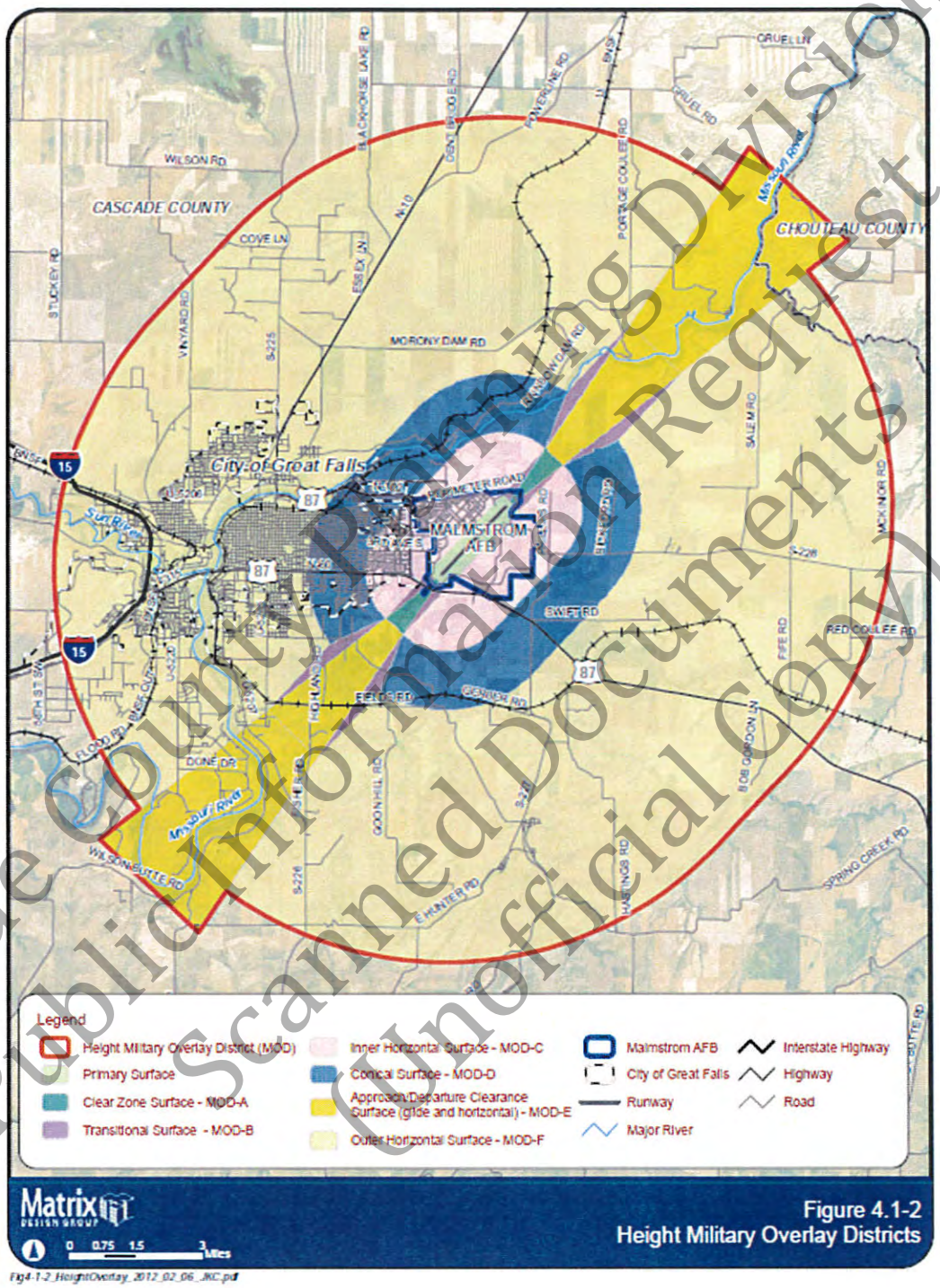

Figure 4.1-2
Height Military Overlay Districts

Fig4-1-2_HeightOverlay_2012_02_06_JKC.pdf

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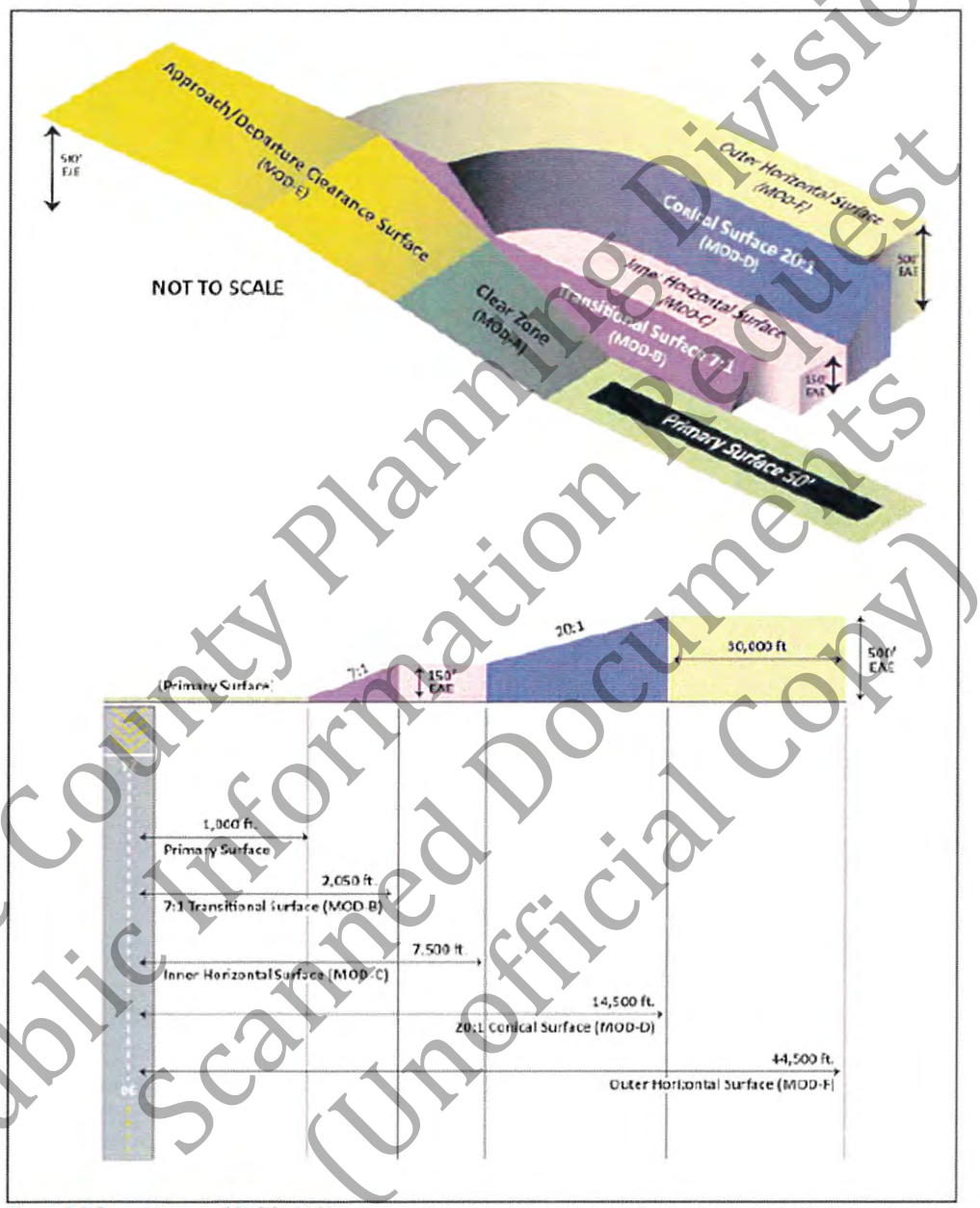

Figure 4.1-3. Proposed Height MODs

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SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

On January 25, 2000, a citizen initiated zoning district, the Flood Road Zoning District, was proposed by residents in the Woodland Estates area and subsequently adopted by the Board of Cascade County Commissioners. In 2005, Cascade County adopted countywide zoning exclusive of the incorporated communities of Belt, Cascade, Great Falls and Neihart and of the Flood Road Zoning District. Thus, the Flood Road Zoning District regulations are not included in the Cascade County Zoning Regulations and have not been amended or updated since adoption in 2000. Overtime, this has created inconsistencies between how administration of the Flood Road Zoning District is processed as compared to the rest of the County.

Of the eleven (11) zone districts adopted as part of the countywide zoning, the zone district that is most comparable is terms of lot size and permitted uses is the Suburban Residential Two (SR-2) zone district. This zone district now abuts the Flood Road Zoning District on two sides.

In the spring of 2012 as part of the update of the Cascade County Zoning Regulations, County staff sent letters to all property owners in the Flood Road Zoning District asking for comments to three options; 1) maintain the Flood Road Zoning District as is; 2) incorporate the Flood Road Zoning District as an overlay with an underlying zoning of SR-2, which would keep the existing standards intact; or 3) rezone to SR-2, eliminating the Flood Road Zoning District entirely. The residents overwhelming wished to retain the permitted and prohibited uses but with easier administration of the regulations, therefore, this overlay district, with SR-2 zoning.

17.1 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.

17.2 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.

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(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.

(9) Home Occupations, provided the following conditions are met:

(a) 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.

(b) 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.

(c) 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.

(d) There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.

(e) The primary unit shall remain a residential structure.

(f) 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.

17.3 USES ALLOWED WITH A SPECIAL USE PERMIT

See Suburban Residential 2 (SR-2).

17.4 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.

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(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.

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SECTION 18 UNCLASSIFIED USE PERMITS

Unclassified uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions outlined within this section. In addition, the following uses may be permitted by Unclassified Use Permits except for any use, including a power generating plant, which utilizes coal, coke, or other coal-based fuel as an industrial fuel source.

Unclassified uses are hereby said to possess characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district.

An Unclassified 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 an Unclassified Use Permit" as provided in this section. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Unclassified Use Permit. A separate Unclassified Use Permit shall be required per each tract of land. The Unclassified Use Permit fee shall be $450.00.

18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT

(1) Airport.

(2) Cemeteries.

(3) Civic Use Facility.

(4) Commercial propagation, boarding, grazing or butchering of small livestock and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(5) Community Residential Facilities.

(6) Hospitals.

(7) Indoor Sports and Recreation.

(8) Outdoor Sports and Recreation.

(9) Power Plant.

(10) Public Entity.

(11) Public Institution.

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(12) Public Safety Facility.

(13) Public Uses.

18.2 PUBLIC NOTIFICATION

A public hearing shall be required for all Unclassified Use permit applications heard by the Cascade County Zoning Board of Adjustment. 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, their agent, and all adjacent land owners for which an Unclassified Use permit is sought shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and opponents of the Unclassified Use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the Unclassified Use permit.

18.3 EXPIRATION

The Zoning Board Of Adjustment approval of the Unclassified 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 Zoning Board Of Adjustment approval.

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

18.4 EXISTING VIOLATIONS

No permit shall be issued for an unclassified 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.

18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES

Before the Board of Adjustment can approve any Unclassified Use Permit, it must first reach each of the following conclusions: (Conditions may be required that the Zoning Board of Adjustment determines, if implemented will mitigate potential conflicts in order to reach these conclusions.)

(1) The proposed development will not materially endanger the public health or safety.

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Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

c. Soil erosion, sedimentation, and stormwater run-off

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

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.

(3) The proposed development will be in harmony with the area in which it is located.

Considerations:

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.

(4) The proposed development will be consistent with the Cascade County Growth Policy.

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Considerations:

a. Consistency with the Growth Policy objectives for the various planning areas.
b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

18.6 OPERATIONS

Operations in connection with the Unclassified 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.

18.7 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 Cascade County Zoning Board of Adjustment.

18.8 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Unclassified Use Permit Applications, the Zoning Board of Adjustment 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 Unclassified Use Permit or table the review process until the next Zoning Board of Adjustment 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 Unclassified Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Staff will issue the Unclassified Use Permit.

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18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment decision shall follow the process as outlined in Section 12 of these regulations.

18.10 REVOCABILITY

A violation of an Unclassified Use permit will be treated as any other violation under Section 13 of these regulations.

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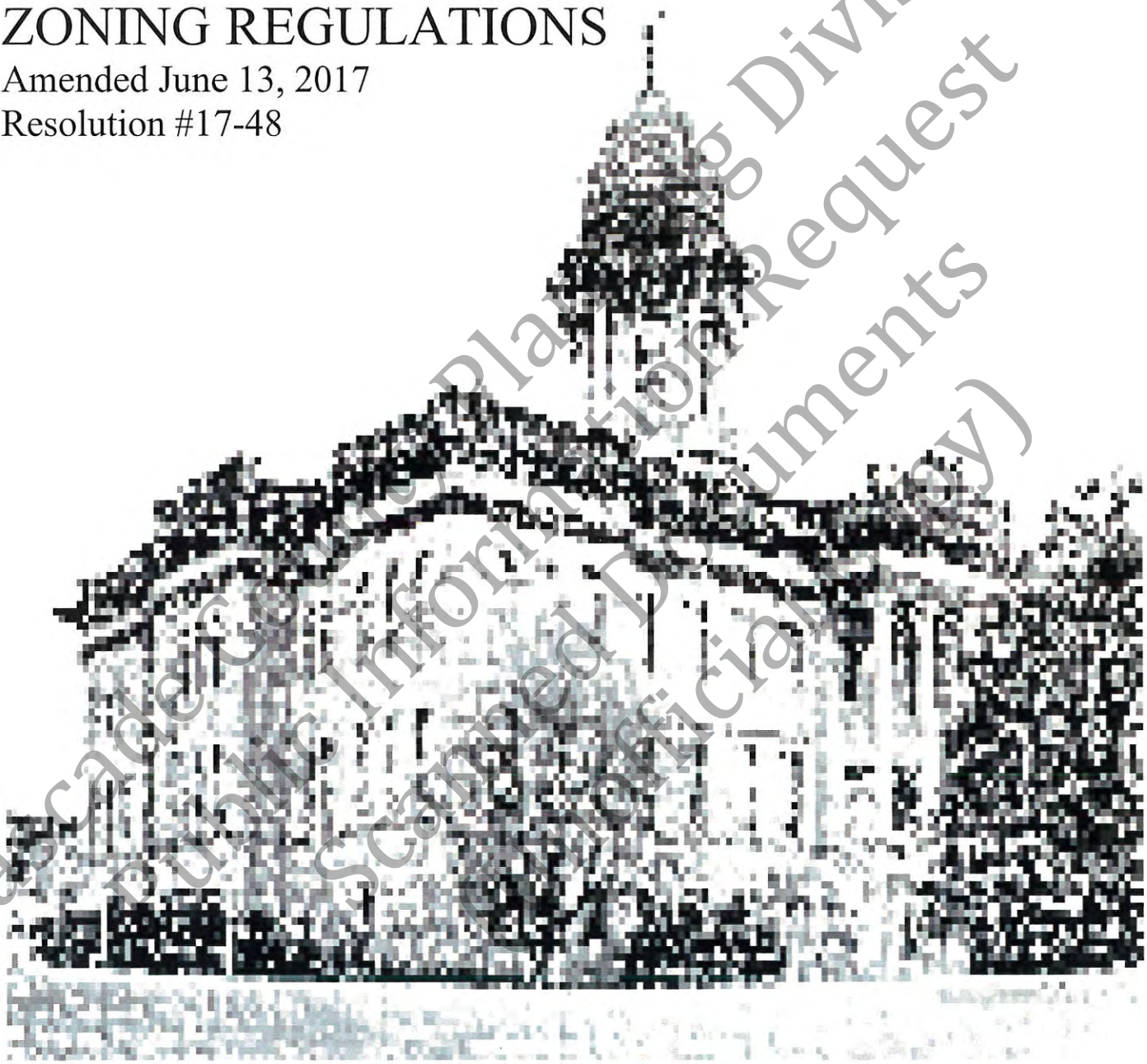
Cascade County Public Works

"WORKING TOGETHER TO PROVIDE EFFICIENT AND EFFECTIVE PUBLIC SERVICE"

CASCADE COUNTY ZONING REGULATIONS

Amended June 13, 2017
Resolution #17-48



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Brian K. Clifton, Director
Jim Ekberg, Deputy Director

DIVISIONS

Building Maintenance	Fleet Maintenance	Road & Bridge	Weed & Mosquito	Communications	Planning	GIS	ExpoPark Maintenance
Kerry Saunders	Bob Wilson	Rick Schutz	Josh Blystone	Les Payne		Tom Mital	Rick Cole
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Great Falls, MT 59401		Great Falls, MT 59404			Great Falls, MT 59401		Great Falls, MT 59404
Phone: 406-454-6769		Phone: 406-454-6920			Phone: 406-454-6905		Phone: 406-727-8900
		Fax: 406-454-6922			Fax: 406-454-6919		

CASCADE COUNTY ZONING REGULATIONS

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007 Resolution #07-71
Revised Version Adopted August 25, 2009 Resolution #09-82
Revised Version Adopted December 18, 2012 Resolution #12-71
Revised Version Adopted June 14, 2016 Resolution #16-39
Revised Version Adopted December 13, 2016 Resolution #16-120

These regulations are to be hereby known as the Cascade County Zoning Regulations. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. This Zoning Jurisdictional Area is hereby amended by the Cascade County Commission on June 13, 2017 by Resolution #17-58.

TABLE OF CONTENTS

SECTION 1. PURPOSE 1
1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives: 1
1.2 Interpretation, Conflict with Other Laws 2
SECTION 2. DEFINITIONS 4
SECTION 3. ESTABLISHMENT OF DISTRICTS 50
RR 5 Rural Residential District Page 60 50
SR 1 Suburban Residential District 1 Page 63 50
SR 2 Suburban Residential District 2 Page 63 50
UR Urban Residential District Page 65 50
A Agricultural District Page 66 50
C Commercial District Page 74 50
I-1 Light Industrial District Page 80 50
I-2 Heavy Industrial District Page 84 50
MH Mobile Home District Page 85 50
OS Open Space District Page 88 50
PUD Planned Unit Development District Page 89 50
MU Mixed–Use District Page 90 50
MOD Military Overlay District Page 153 50
FOD Flood Road Overlay District Page 157 50
SECTION 4. ZONING MAP 51
SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES 55
SECTION 6. APPLICATION OF REGULATIONS 56
6.1 CONFORMITY TO REGULATIONS 56
6.2 ERECTION OR ALTERATION OF BUILDINGS 56
6.3 YARDS 56
6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED 56

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

SECTION 7. DISTRICT REGULATIONS 57
7.1 RESIDENTIAL (R) DISTRICTS 57
7.1.0 RESIDENTIAL DISTRICTS 57
7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES) 60
7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2) 63
7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.) 65
7.2 AGRICULTURAL (A) DISTRICTS 67
7.2.1 MINIMUM LOT AREA 67
7.2.2 PERMITTED PRINCIPAL USES 68
7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 69
7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 70
7.3 COMMERCIAL (C) DISTRICT 74
7.3.1 MINIMUM LOT AREA 74
7.3.2 BUILDING HEIGHT 74
7.3.3 YARDS REQUIRED 74
7.3.4 SIGNS 75
7.3.5 OFF-STREET PARKING 75
7.3.6 LANDSCAPING 75
7.3.7 SITE PLAN 75
7.3.8 PERMITTED PRINCIPAL USES 75
7.3.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 78
7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 78
7.3.11 USES NOT PERMITTED 79
7.4 INDUSTRIAL (I) DISTRICTS 80
7.4.1 AREA REQUIREMENTS 80
7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT 84
7.5 MOBILE HOME (MH) DISTRICT 85
7.5.1 MINIMUM LOT AREA 85
7.5.2 BUILDING HEIGHT 85
7.5.3 REQUIRED YARDS 85
7.5.4 LOT COVERAGE 85
7.5.5 LOT WIDTH 85
7.5.6 OFF-STREET PARKING REQUIREMENTS 85
7.5.7 LANDSCAPING 86
7.5.8 SITE PLAN REVIEW AND APPROVAL 86
7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES 86
7.5.10 PERMITTED PRINCIPAL USES 86
7.5.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 87
7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 87
7.6 OPEN SPACE (OS) DISTRICT 88
7.6.1 REQUIRED LOT AREA 88
7.6.2 LOT COVERAGE 88
7.6.3 PERMITTED PRINCIPAL USES 88

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING: 88
7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT: 89
7.8 MU DISTRICT – MIXED USE DISTRICT 90
7.8.1 MINIMUM LOT AREA 90
7.8.2 BUILDING HEIGHT 90
7.8.3 YARDS REQUIRED 90
7.8.4 SIGNS 90
7.8.5 OFF-STREET PARKING 90
7.8.6 LANDSCAPING 90
7.8.7 SITE PLAN 91
7.8.8 PERMITTED PRINCIPAL USES 91
7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 93
7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 94
7.8.11 USES SPECIFICALLY NOT PERMITTED 95
SECTION 8. SUPPLEMENTARY REGULATIONS 96
8.1 USES, SIGNS, LOTS 96
8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS 96
8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS 96
8.1.3 OTHER SIGNS (ALL DISTRICTS) 97
8.1.4 NON-CONFORMING SIGNS 97
8.1.5 NATURAL PRODUCTION USE 98
8.1.6 DWELLINGS ON SMALL LOTS 99
8.1.7 REVERSE AND KEY LOTS 99
8.1.8 ABANDONED BUILDINGS / ITEMS 99
8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND 99
8.2 YARDS 99
8.2.1 VISIBILITY AT INTERSECTIONS 99
8.2.2 PORCHES 99
8.2.3 PROJECTING ARCHITECTURAL FEATURES 99
8.2.4 FIRE ESCAPES 100
8.2.5 FENCES 100
8.2.6 FRONT YARD DEPTH 100
8.3 TRANSITION REGULATIONS 100
8.3.1 LOTS IN TWO DISTRICTS 100
8.3.2 SIDE AND REAR YARD TRANSITION 100
8.3.3 FRONT YARD TRANSITION 101
8.3.4 CORNER YARD TRANSITION 101
8.4 OFF-STREET PARKING 101
8.4.1 DWELLINGS 101
8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY 101
8.4.3 MOTELS AND HOTELS 101
8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES 101
8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME 101
8.4.6 STORES 102
8.4.7 OFFICE BUILDINGS 102

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS 102
8.4.9 GENERAL 102
8.5 SITE PLAN REVIEW CRITERIA 102
8.6 FLOODPLAIN REGULATIONS 103
8.7 KENNEL BUSINESSES AND FACILITIES 104
8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.8 TOWERS AND FACILITIES 104
8.9 POWER PLANTS 105
8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT) 106
8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:... 107
8.12 POWER PLANT, SOLAR 108
8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS 109
8.14 TEMPORARY FIREWORKS STAND REGULATIONS 110
8.14.1 REQUIRED PERMITS 110
8.14.2 APPLICABLE TIME PERIOD 111
8.14.3 REQUIRED DISTANCES AND SETBACKS 111
8.14.4 APPLICABILITY OF OTHER REGULATIONS 112
8.14.5 PENALTY 112
8.15 CONTRACTOR YARDS 112
8.15.1 CONTRACTOR YARD, SMALL 112
8.15.2 CONTRACTOR YARD, LARGE 113
8.16 HOME OCCUPATIONS 113
8.17 ADMINISTRATIVE WAIVER 114
8.18 LANDSCAPING REQUIREMENTS 115
8.18.1 LANDSCAPING PLAN REQUIREMENTS 115
8.18.2 MINIMUM REQUIREMENTS 117
8.18.3 ADMINISTRATIVE RELIEF 119
8.18.4 POLICIES 120
8.19 MEDICAL MARIJUANA PROVIDER 121
8.20 SEXUALLY ORIENTED BUSINESS 121
SECTION 9. PERMIT REQUIREMENTS 122
9.1 GENERAL 122
9.2 LOCATION /CONFORMANCE PERMIT 122
9.3 FEES 122
9.4 MINOR VARIANCES 123
9.5 VARIANCES 123
9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS 123
9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE 124
9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE 124
9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION 125
9.5.5 LIMITATIONS ON ISSUING A VARIANCE 125
9.5.6 IMPOSITION OF CONDITIONS 125
9.5.7 AIRPORT HEIGHT VARIANCES 125

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES 125
9.5.9 STAFF REPORT CONTENT 126
9.5.10 EFFECT OF APPROVAL 126
9.5.11 EXPIRATION OF APPROVAL 126
9.5.12 APPEAL 126
SECTION 10. STANDARDS FOR SPECIAL USE PERMITS 127
10.1 GENERAL PROVISIONS 127
10.2 REQUIRED PLAN 127
10.3 PUBLIC NOTIFICATION 128
10.4 EXPIRATION 128
10.5 EXISTING VIOLATIONS 129
10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES 129
10.7 OPERATIONS 130
10.8 STAFF REVIEW 130
10.9 ZONING BOARD OF ADJUSTMENT REVIEW 130
10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 131
10.11 REVOCABILITY 131
SECTION 11. NON-CONFORMING USES AND STRUCTURES 132
11.1 ALTERATIONS AND ADDITIONS 132
11.2 NATURAL DISASTER 132
11.3 DISCONTINUANCE 132
11.4 CHANGES 132
11.5 DISPLACEMENT 133
11.6 DISTRICT CHANGES 133
11.7 NATURAL RESOURCES PROTECTED 133
11.8 EXISTING PLATTED SUBDIVISION 133
SECTION 12. ZONING BOARD OF ADJUSTMENT 134
12.1 CREATION OF ZONING BOARD OF ADJUSTMENT 134
12.2 MEETINGS, RULES 134
12.3 APPEALS TO BOARD OF ADJUSTMENT 134
12.3.1 APPEAL FEE 134
12.3.2 APPEAL PROCEEDINGS 135
12.3.3 BOARD APPEAL POWERS 135
12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION 135
12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD 136
SECTION 13. VIOLATIONS AND PENALTIES 138
13.1 VIOLATIONS 138
13.2 PROCEDURE/PENALTIES 138
13.2.1 VIOLATION 138
13.2.2 COMPLIANCE 138
13.2.3 PROSECUTE 138
SECTION 14. PROCEDURES FOR AMENDMENT 139
14.1 APPLICATION 139
14.1.1 APPLICATION REQUIREMENTS 139
14.2 HEARING BEFORE THE PLANNING BOARD 141
14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS 141
14.3.1 NOTICE OF A PUBLIC HEARING 141
14.3.2 Board of County Commissioners 141
14.4 ACTION AFTER HEARING 141

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

14.4.1 After the public hearing 141
14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION . 142
14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE 142
SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT... 143
15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT 143
15.1.1 ESTABLISHMENT OF ZONES 143
15.1.2 HEIGHT LIMITATIONS 145
15.1.3 TRANSITIONAL ZONES 145
15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE 146
15.1.5 NON-CONFORMING USES: 146
15.1.6 AIRPORT AREA PERMITS 147
15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE... 148
15.1.8 APPEALS 149
SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD) 153
16.1 MAFB RUNWAY AREA 153
16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS). 154
16.3 EXCEPTIONS 154
SECTION 17 FLOOD ROAD OVERLAY DISTRICT (FOD) 157
17.1 INTENT 157
17.2 PERMITTED USES 157
17.3 USES ALLOWED WITH A SPECIAL USE PERMIT 158
17.4 PROHIBITED USES 158
SECTION 18 UNCLASSIFIED USE PERMITS 160
18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT 160
18.2 PUBLIC NOTIFICATION 161
18.3 EXPIRATION 161
18.4 EXISTING VIOLATIONS 161
18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES 161
18.6 OPERATIONS 163
18.7 STAFF REVIEW 163
18.8 ZONING BOARD OF ADJUSTMENT REVIEW 163
18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 164
18.10 REVOCABILITY 164

NOTE: MONTANA CODE ANNOTATED HAS BEEN SHORTENED TO "MCA**" THROUGHOUT THESE REGULATIONS.

ADMINISTRATIVE RULES OF MONTANA HAS BEEN SHORTENED TO "**ARM**" THROUGHOUT THESE REGULATIONS.

Cover Image: Cascade County Courthouse

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Public Information Request
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SECTION 1. PURPOSE

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

1.1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

1.1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;

1.1.3 To establish adequate standards for the provision of light, air, and open spaces;

1.1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

1.1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

1.1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

1.1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;

1.1.8 To fix reasonable zoning standards to which buildings and structures shall conform;

1.1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;

1.1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

1.1.11 To isolate or control the location of unavoidable nuisance producing uses;

1.1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and

1.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

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Public Information Request
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The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

1.2 Interpretation, Conflict with Other Laws

1.2.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare.

1.2.2 Whenever the requirements of these regulations are at variance with itself or the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.2.3 If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will only affect only the part held invalid.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

Montana Code Annotated § 76-2-203 (2015). Criteria and guidelines for zoning regulations.

(1) Zoning regulations must be:

(a) made in accordance with the growth policy and

(b) designed to:

(i) secure safety from fire, and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the Board of County Commissioners shall consider:

(a) reasonable provision of adequate light and air:

(b) the effect on motorized and non-motorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

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Public Information Request
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(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

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SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shal
as follows. Unless specifically defined in this section, words or phra
shall be interpreted so as to give them the meaning they have in com
regulation its most reasonable application. Words used in the present te
and the plural includes the singular. The word lot includes the words plat, tra
word building includes the word structure. The words shall and must are in
mandatory. Occupied or used shall be considered as though followed by the words "or i
"arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

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ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal.

ADULT-ORIENTED BUSINESS (SEE SEXUALLY-ORIENTED BUSINESS)

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

michael / Productive AG Residential AG

AGRICULTURAL USE

The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.

Value added - how can we change to not make people do SUPs. Look at scope

AIRPORT

An area or building, or portion thereof, that is used, intended, or designed for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of the same.

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AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure:

A Change or Rearrangement of the structural parts in the existing facilities; or

An Enlargement or Addition on a building or structure; or

Moving a building or structure from one location or position to another.

ALTERATION, STRUCTURAL

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn

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animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and raccoon.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANIMAL THERAPEUTIC FACILITY

Therapy that involves individuals interacting with animals, most frequently horses using specially-trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including children with autism. Examples are therapeutic horseback riding or hippotherapy.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APIARY

A place where bee colonies are kept.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include

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paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST

"Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

(a) breakfast is served and is included in the charge for a guest room; and
(b) the number of daily guests served does not exceed (MCA) 18. 50-51-102.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BREEZEWAY

A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUFFER YARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

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BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

? for travel temp

? Rec Veh. Park ?

CAMPGROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1 .(except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law.

"Casino" means any and all establishments that offer legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1, et. seq., and where any one of the following characteristics applies:

(1) the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
(2) five or more gambling machines are on the premises; and/or
(3) a card table is on the premises.

CEASE AND DESIST NOTICE

A notice issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

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CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CO-LOCATION

Placing more than one exterior transmitting or receiving device on one Telecommunications facility/structure at one location.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the

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public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis. (MCA) 76-2-412.

Definition of community residential facility. "Community residential facility" means:
(1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;
(2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in (MCA)52-2-602;
(3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;
(4) a licensed adult foster family care home; or
(5) an assisted living facility licensed under (MCA)50-5-227. (MCA)76-2-411.

Community group home

"Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202(1), MCA)

Youth foster home

"Youth foster home" means a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards.(52-2-602(12),MCA)

Youth group home

"Youth group home" means a youth care facility in which substitute care is provided to 7 to 12 children or youth. (MCA)52-2-602(13).

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Halfway house

"Halfway house" means a community residential facility for treatment of substance use disorders. (ARM 37.106.1413(17))

Adult foster family care home

"Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager.(50-5-101(5) (a),MCA)

Assisted living facility

A congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. (MCA)50-5-101(7).

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Concentrated animal feeding operation means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. (MCA)75-5-801(2).

CONDOMINIUM

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the

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like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

DAY CARE CENTER

"Day-care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis.(MCA) 52-2-703(3) (a).

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DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DISTILLERY

Establishment engaged in manufacturing, assembly, fabrication, packing or industrial processing of products from raw materials including the chemical transformation of materials or substances into new products, and blending of materials including liquors.

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

Dwelling, Single family

Detached dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

Dwelling, Multi-family

A dwelling unit that is part of a structure containing two or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

Duplex

A building designed as a single structure, containing two separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

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Public Information Request
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Triplex

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Fourplex

A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Apartment

A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Dwelling, Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.

EDUCATIONAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school or secondary education; such as colleges, universities, community colleges, and vocational schools.

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAY CARE HOME

"Family day-care home" means a private residence in which day care is provided to three to six children on a regular basis. (MCA)52-2-703(6).

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security from which height is measured from natural grade.

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Public Information Request
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FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

FIREARMS RANGE, INDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

FIREARMS RANGE, OUTDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is not located within a building or structure.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe.

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FOWL, DOMESTIC

Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, turkeys and swans.

FOWL, WILD

A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

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GARAGE, PRIVATE

Building that is intended to house vehicles and household items belonging to the owner of the principal residence.

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

Luminance in excessive of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRAVEL PIT

See Open-cut Mining Operation

GROUP DAY CARE HOME

"Group day-care home" means a private residence or other structure in which day care is provided to 7 to 12 children on a regular basis.(MCA)52-2-703(7).

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Public Information Request
Scanned Documents
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GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

GUEST RANCH

A ranch operated wholly or in part as a resort offering horse-riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

"Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. (MCA)50-5-101(25) (a).

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

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HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, archery ranges and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

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Public Information Request
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INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing; the term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD /SALVAGE YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs, cats or other domesticated animals over six months of age for the purpose of boarding, breeding, training, sale; or wholesale the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, pet shops, or animal shelters.

LANDING AREA

The area of the Airport used for the landing, taking off or taxiing of aircraft.

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Public Information Request
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LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Administrator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, which is used or is intended for renting, selling, and/or repairing of large equipment that is normally stored out of doors; typical items would include trucks (greater than 26,000 GVW), vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

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Public Information Request
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(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 p.m. to 7:00 a.m.).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, and llamas, buffalo, excluding bees.

LIVESTOCK, LARGE

Animals such as, but not limited to, horses, cows, emus, llamas, alpacas, ostriches, and the like.

LIVESTOCK, SMALL

Animals such as, but not limited to, goats, pigs, sheep, and the like.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

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Public Information Request
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LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, TOWNHOUSE / TOWNHOME

A lot defined as a properly recorded and deeded lot upon which a townhouse unit is located.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface has a lot coverage of 0.25 or 25 percent (0.5 / 2 = 0.25).

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOT LINE, ZERO

A lot where the building is placed on or near one of the side lot lines.

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LOT, WIDTH OF

The average width measured at right angles to the depth.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The North American Vertical Datum of 1988 to which the base flood elevations are referenced.

MEAT PACKING PLANT

A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limited to chickens, cattle, pigs, sheep and other livestock or fowl.

MEDICAL MARIJUANA DISPENSARY

A facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations.

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add offsite sales, winery, bottle & can
honey

MEDICAL MARIJUANA PROVIDER

A Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) The term does not include the cardholder's treating physician or referral physician. (MCA)50-46-302 (10).

MEMBERSHIP CLUB

An organization catering exclusively to members and their guests in premises and buildings for recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

MICRO-BREWERY

A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY – See Storage Facility, Self-Service

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

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MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Manufactured Home.

MOTEL

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, tourist court and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

"Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal. (75-10-501(5), MCA)

MOTOR VEHICLE WRECKING FACILITY

"Motor vehicle wrecking facility" means:

(i) a facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(ii) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.(MCA)75-10-501(6) (a).

MOTORIZED SPORTS ENTERTAINMENT

A place and / or structure or portion thereof that is used for outdoor spectator type uses or events for motorized vehicles. This term includes the racing of snowmobiles, cars, trucks, motorcycles, buses, and tractors and the like. This definition includes, but is not limited to motocross, mud bog events and demolition derbies.

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Public Information Request
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MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-INSTRUMENT RUNWAY

A runway other than instrument runway.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

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Scanned Documents
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NON-RESIDENTIAL USE

Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, or industrial purposes rather than private dwellings.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity or product not sold, conducted or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

OIL AND GAS EXPLORATION, DRILLING AND PRODUCTION

Oil and gas exploration, drilling, and production within new or established oil and gas fields outside of urban areas.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits

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Public Information Request
Scanned Documents
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or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes non-motorized race tracks, and amphitheaters.

OUTDOOR SPORTS AND RECREATION

A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, paintball fields, firearms ranges, archery ranges, and the like.

OUTFITTER/GUIDE FACILITY

A facility that:

(a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;

(b) furnishes sleeping accommodations to guests;

(c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in 37-47-101; and

(d) is a small establishment or a seasonal establishment (MCA) 50-51-102(7).

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

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Public Information Request
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PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMIT

A document issued by the Zoning Administrator or their designee of the Cascade County Planning Division which records all land use decisions, which are made by Cascade County on a land use application. These include but are not limited to Location/Conformance Permits, Special Use Permits, Unclassified Use Permits, and Home Occupation Permits.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

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Public Information Request
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PERMISSIVE CODE

Any use not specifically permitted or otherwise provided for, is not permitted.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10),MCA)

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

POLE SIGN

See Sign, Freestanding Sign.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORCH

A part of a building with a roof of its own that covers an entrance.

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b)

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Public Information Request
Scanned Documents
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operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition. For solar energy see Power Plant, Solar.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

POWER PLANT, SOLAR

"Solar Power Plant," means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE

To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

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Public Information Request
Scanned Documents
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PRINCIPAL LAND USE

The dominant land use of a parcel of land.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer, engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the State of Montana, including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the State of Montana, the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC INSTITUTION

A facility that provides a public service and is operated by a federal, state, or local government, public utility, public or private school or college, church, or public agency.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

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PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary dweling unit for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home and the like.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to

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manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RENDERING PLANT

A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-build homes, manufactured homes and stick-build homes, but excludes mobile homes.

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Public Information Request
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RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO-FAMILY

A single building that is situated on one lot and contains two dwelling units.

RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide an independent dwelling unit, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RESIDENTIAL USE

Any regular use by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. Activities within land areas used predominately for housing.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., SR-1, SR-2, RR-5, UR, MU).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RETAIL

An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering of services incidental to the sale of such goods.

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Public Information Request
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RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIDING AND ROPING ARENA

A private arena used for personal use or for small equestrian or rodeo events with twenty-five (25) or fewer participants.

RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RUNWAY

The paved, graveled, or dirt surface of an airport landing area.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, and the like.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

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Public Information Request
Scanned Documents
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Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book Store/Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult Motel

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment which, for any form of consideration, regularly shows films,

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

An advertising sign is a sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

Freestanding Sign

A sign without props. An example is a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

Wall Sign

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the

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Public Information Request
Scanned Documents
(Unofficial Copy)

exterior walls of buildings.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage.

SLAUGHTERHOUSE

A building, structure, or facility where livestock and/or fowl is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.

SMALL EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, that is used or is intended for renting, selling, and/or repairing small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SOLID WASTE DISPOSAL SITE

"Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. (75-10-103(7) (a), MCA)

SOLID WASTE TRANSFER STATION

"Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility. (ARM 17.50.403(51))

SPECIALTY SALES

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Public Information Request
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A place and/or building, or portion thereof, that is used or is intended for wholesale or retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special use permits may be permitted in a zoning classification district if a specific provision for such special use is explicitly listed in the Zoning District Regulations as a special use and a special use permit is issued by the Cascade County Planning Division upon approval of a Special Use Permit by the Cascade County Zoning Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STICK-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

Cascade County Planning Division
Public Information Request
Scanned Documents
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STORAGE FACILITY, SELF-SERVICE

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing.

STORM WATER

Water from a rainfall event or melting snow that flows over the ground surface.

STORM WATER DETENTION STRUCTURE

A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a

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Public Information Request
Scanned Documents
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stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (~~Source: 75-7-103,~~ MCA).
A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title a condominium. The term also means area, regardless of its size, that provides or will provide multiple space for rent or lease on which recreational camping vehicles or mobile homes will be placed. (76-3-103(15), MCA)

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

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Public Information Request
Scanned Documents
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SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (MCA) 50-51-102.

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (MCA) 76-3-103(16)(a).

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Public Information Request
Scanned Documents
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TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UNCLASSIFIED USE PERMIT

The Unclassified Use Permit is a permit issued to an applicant by the Cascade County Planning Division after approval from the Zoning Board of Adjustment allowing a particular use, structure or activity not allowed as a matter of right regardless of the underlying zoning district.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes public and private: pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public and private: water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

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Public Information Request
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VALUE-ADDED (AGRICULTURAL COMMODITIES) Define?

The process of taking a raw agricultural commodity and changings its form to produce a higher quality end product. Add "products/animals need to be grown/graised on site."

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL

A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and

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kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

VETERINARY CLINIC, LARGE ANIMAL

A clinic that specializes in the care and treatment of large animals and livestock.

VETERINARY CLINIC, SMALL ANIMAL

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WHOLESALE

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

WHOLESALE FEEDLOT (FEEDLOT)

A lot, structure, building or confined area used intensively for raising or keeping of livestock

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belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devises as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NON-COMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORKFORCE HOUSING, PERMANENT (LABOR CAMP)

A place, area, or piece of land where housing is provided for two (2) or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees; (b) supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees; (c) disburses wage payments to such employees.

WORKFORCE HOUSING, TEMPORARY (LABOR CAMP)

A facility as described under Permanent Workforce Housing except that it provides temporary or seasonal housing for two (2) more employees.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

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YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year.

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5	**Rural Residential District** 5	**Page 60**
SR 1	**Suburban Residential District 1**	**Page 63**
SR 2	**Suburban Residential District 2**	**Page 63**
UR	**Urban Residential District**	**Page 65**
A	**Agricultural District**	**Page 67**
C	**Commercial District**	**Page 74**
I-1	**Light Industrial District**	**Page 80**
I-2	**Heavy Industrial District**	**Page 84**
MH	**Mobile Home District**	**Page 85**
OS	**Open Space District**	**Page 88**
PUD	**Planned Unit Development District**	**Page 89**
MU	**Mixed–Use District**	**Page 90**
MOD	**Military Overlay District**	**Page 153**
FOD	**Flood Road Overlay District**	**Page 157**

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SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in one district. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County Clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

4.1 "EXHIBIT A" ZONING MAP series or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County ". The map series consists of:

EXHIBIT A-1 "Cascade County Zoning Map" Full Extent

EXHIBIT A-2 "Cascade County Zoning Map" Enhanced Focus

EXHIBIT A-3 "Cascade County Zoning Map" Unincorporated Communities

4.2 "EXHIBIT B" (Reference Section 15)

EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

EXHIBIT B-3 "Noise Zones"

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Division.

New Maps

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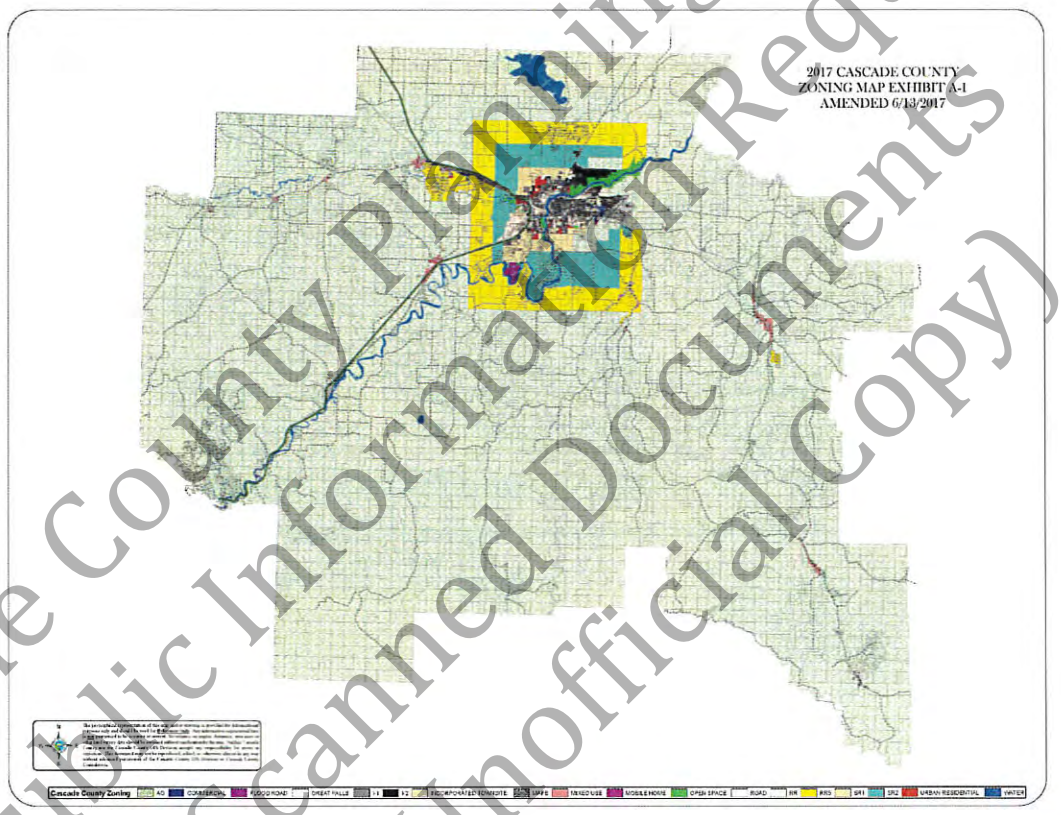

New maps from Map Book?

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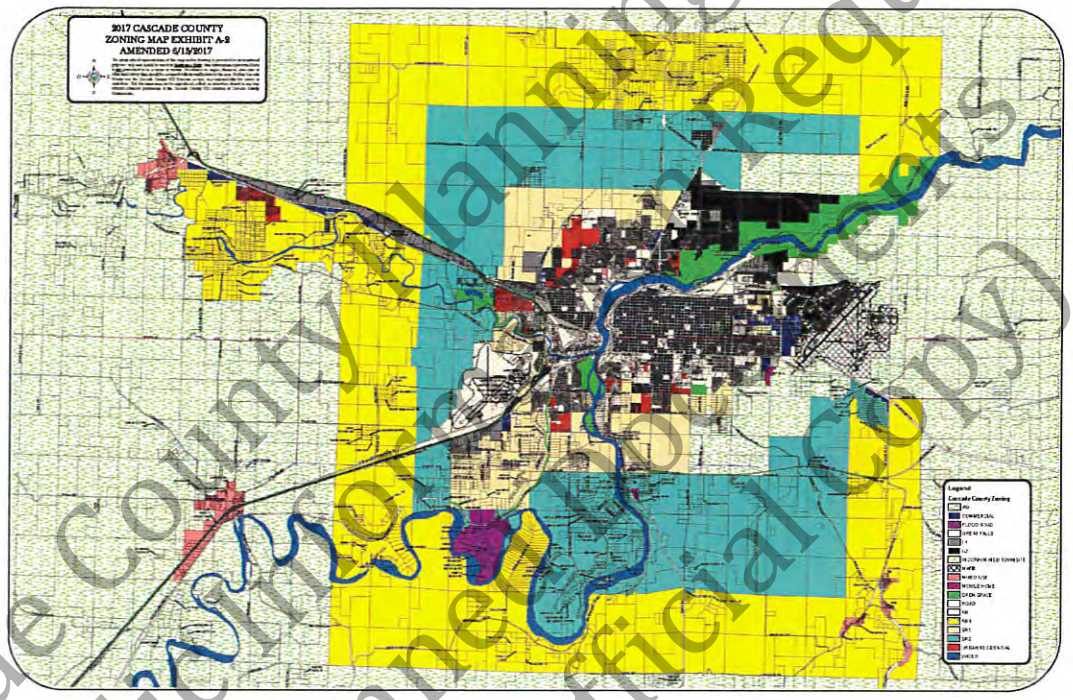

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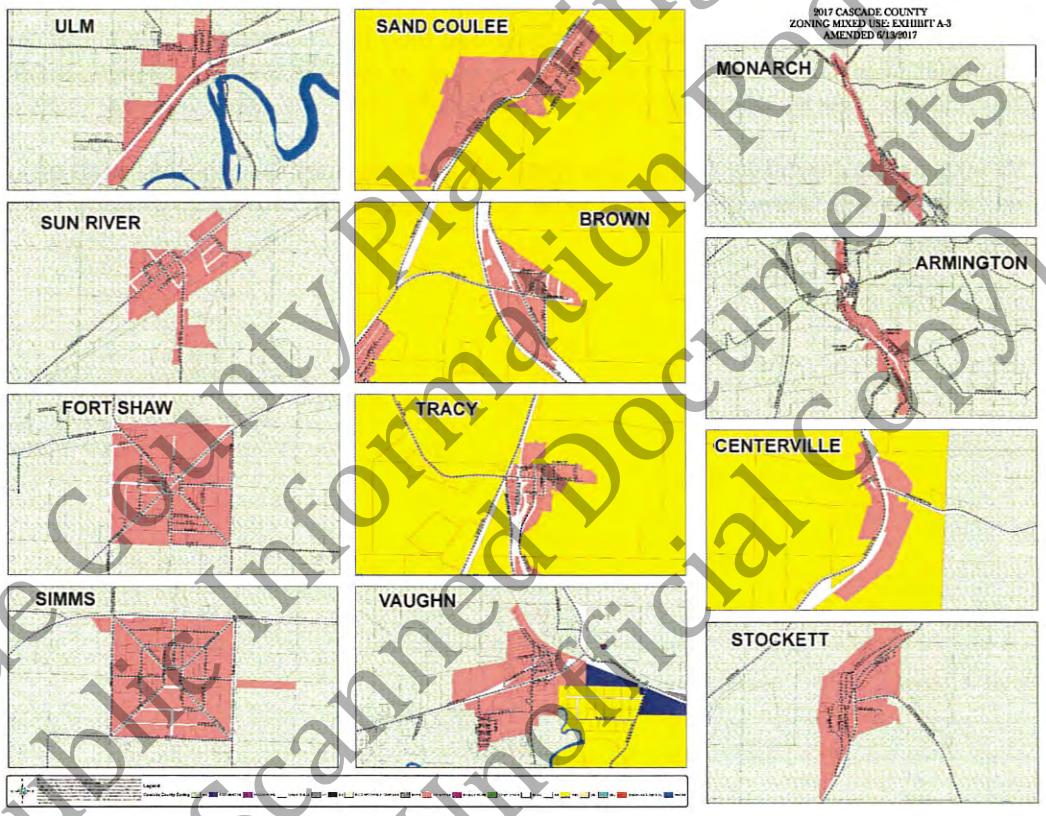
2017 CASCADE COUNTY
ZONING MIXED USE: EXHIBIT A-3
AMENDED 6/13/2017



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SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.

5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.

5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.

5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

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SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families, → access build vs second dwelling ?

6.2.3 To occupy a greater percentage of lot area; or

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location ~~or~~ conformance permit may not also be used as the basis for meeting the requirements for a subsequent location ~~or~~ conformance permit.

location / conformance

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SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 RESIDENTIAL DISTRICTS

Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements

7.1.0.1 AREA REQUIREMENTS

(1) Table of District Area Requirements

District	Minimum Lot Area
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	No minimum

(2) Previously Described Lots

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 8.1.6; 11.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet.

(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements.

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7.1.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.1.0.3 YARDS

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

The front yard shall not have a depth of less than thirty (30) feet. (20) UR

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

(4) Side Street and Corner Yard Transitions

See Section 8.3.4

(5) Streamside Setback

The streamside setback shall be no less than fifty (50) feet.

7.1.0.4 LOT COVERAGE

The percentage of lot area covered by main building and accessory building ground floor area shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 REQUIRED COURT DIMENSIONS

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any opposing wall forming said court.

7.1.0.6 OFF STREET PARKING AS REQUIRED IN SECTION 8.4

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7.1.0.7 REQUIRED STREAMSIDE SETBACK

Any portion of any structure must be setback a minimum of fifty (50) foot setback from any perennial-flowing stream or river. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facility

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Agricultural uses of land and usual agricultural buildings and structures.

(5) Public safety facility.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Limited Agricultural uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(8) Family Day Care Home, Group Day Care Home, Day Care Center

(9) Community Residential Facility-Provided eight occupants or less.

(10) Retirement Home, Nursing Home.

(11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).

(12) Bed and Breakfast.

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(13) Community Garden.

(14) On-Site Construction Office.

(15) Public Building.

(16) Public Institution.

7.1.1.2 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) Professional office in a residence.

(3) Customary home occupation (see Definition of Home Occupation and Section 8.16).

(4) 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.

(5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) A 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).

(2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.

(3) Utility Installation, minor.

(4) 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).

(5) The excavation of sand and gravel.

(6) Tourist Home.

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7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS PER SECTION 7.1.0

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7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2)

7.1.2.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facilities

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center

(8) Community Residential Facility-Provided eight occupants or less

(9) Retirement Home, Nursing Home

(10) Agricultural uses of land and usual agricultural buildings and structures.

(11) Limited Agricultural Uses

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(12) Community Garden

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(13) On-Site Construction Office.

(14) Public Institution.

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

(1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 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.

7.1.2.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS PER SECTION 7.1.0.

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7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.)

7.1.3.1 PERMITTED PRINCIPAL USES

(1) A one-family dwelling.

(2) Educational Facility.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center.

(8) Community Residential Facility-Provided eight occupants or less.

(9) Multi-Family Dwellings.

(10) Retirement Home, Nursing Home.

(11) Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.

(12) Mobile home park.

(13) Limited Agricultural Uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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

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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 other than that of owner.

(14) Accessory Dwelling Unit.

(15) Community Garden.

(16) On-Site Construction Office.

(17) Public Institution.

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

(1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met)

7.1.3.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

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

(2) Bed and Breakfast.

(3) Community Residential Facility.

7.1.3.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS AS PER SECTION 7.1.0.

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Rural MV

7.2 AGRICULTURAL (A) DISTRICTS

7.2.1 MINIMUM LOT AREA

The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(1) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(2) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(3) creates cemetery lots;

(4) is created for rights-of-way or utility sites;

(5) for gift or sale to a member of the immediate family; and

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.2.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in an A District shall be two-hundred (200) feet.

7.2.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

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7.2.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.0.4 LOT COVERAGE

All buildings and accessory buildings shall not cover more than forty percent (40%) of the lot or tract.

7.2.0.5 SIGNS

Agricultural District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.0.6 OFF-STREET PARKING

In an Agricultural District off-street parking shall be provided in accordance with Section 8.4.

7.2.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Public Building.

(3) Public Safety Facility.

(4) Park.

(5) Community Center.

(6) Public and private forest and wildlife preserve and similar conservation areas.

(7) Commercial dairy if on a parcel 20 acres or greater.

4-160 passive Ag
160+ active Ag

(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(9) A one or two family dwelling(s) on a parcel of 20 acres or greater.
(example: 1 single family home or 1 duplex for two families or

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two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.

(10) Golf driving range if located on a tract of five (5) acres or greater.

(11) Campground, Recreational Vehicle Park.

(12) Bed and Breakfast.

(13) Tourist Home.

(14) 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.

(15) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.

(16) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(17) Community Garden.

(18) On-Site Construction Office.

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

Accessory buildings and uses customarily incidental to any of the above A District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

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7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(5) Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.

(6) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(7) Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.

(8) Mobile Home Park/Mobile Home Court.

(9) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

Cascade County Planning Division
Public Information Request
Scanned Documents
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(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(10) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

(11) General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.

(12) Small and Large Equipment Rental / Sales / Repair and General Repair.

(13) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

(14) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.

(15) Utilities both minor and major.

(16) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(17) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

(18) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

Group Together?

(19) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(20) Outfitter/Guide Facility.

(21) Federal Firearm Retailers, Dealers, Repairers.

(22) Guest Ranch, provided parcel size is 20 acres or greater.

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Public Information Request
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Brian wanted to break out

(23) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.

(24) Manufactured housing sales.

(25) Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

(26) Distillery Brewery?

Landscape Screening? hours opp?

(27) Value Added Agricultural Commodity Processing Facility. This may include processing, manufacturing, storage, and the like

(28) Warehouse.

(29) Parking structure/garage.

(30) Artisan shop.

(31) Light manufacturing & assembly.

(32) Power Plant.

(33) Tourist cabins.

(34) Worship facility.

(35) Educational facility.

(36) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(37) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(38) Nursing Home, Retirement Home.

(39) Second dwelling unit on parcel less than 20 acres.

(40) Contractor Yard, small (8.15.1).

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(41) Workforce Housing (Permanent ~~Labor Camp~~).

(42) Temporary Workforce Housing (Temporary Labor Camp).

(43) Agricultural Commodity Storage Facility.

(44) Membership Club.

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7.3 COMMERCIAL (C) DISTRICT

7.3.1 MINIMUM LOT AREA

No minimum required.

7.3.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.3.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet required for principal, accessory and special permit uses and buildings excluding customer parking except where the Commercial district abuts or joins a Residential District in which case there shall be a front yard as specified in Section 8.3.

(2) **Side yard**

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the Commercial district abuts upon a lot in a Residential District in which case the standards shall be followed as shown in Section 8.3.

(3) **Rear yard**

Ten (10) feet except that required to provide parking as specified in Section 8.3. When a lot in a Commercial District abuts upon a lot in a Residential district, the standards shall be followed as set forth in Section 8.3.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.9(3).

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Tied to C H 12 WV dMH

7.3.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.3.5 OFF-STREET PARKING

Off-Street Parking shall be provided in accordance with Section 8.4 added verbage

7.3.6 LANDSCAPING

Alt plans

Landscaping requirements shall be in accordance with Section 8.18

7.3.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.3.8 PERMITTED PRINCIPAL USES

(1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store, hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

(2) Any retail or wholesale trade, excluding large equipment trade (see large equipment rental / sales / repair definition) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/ machinery).

(c) Artisan Shop.

(d) Auction Sales.

(e) Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

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(f) Commercial Kennel, provided it complies with the regulations set forth in Section 8.7.

(g) Contractor Yard, small (8.15.1).

(h) Construction Material Sales.

(i) Restaurant.

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

(n) General Services.

(o) Health Care Center.

(p) Health Care Facility.

(q) Indoor Sports and Recreation / Entertainment.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

Put together?

Caps?

(u) Professional Services.

(v) Secondhand Sales.

(w) Shopping Center.

(x) Small Equipment Rental / Sales / Repair.

(y) Specialty Sales.

(z) Tavern.

(aa) Veterinary Clinic – Small Animal.

(bb) Veterinary Clinic – Large Animal.

(cc) Vehicle Fuel Sales.

(dd) Vehicle Repair.

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(ee) Vehicle Sales and Rental.

(ff) Vehicle Services.

(gg) Wholesale trade.

(hh) Instructional Facility.

(ii) Convenience Sales.

(2) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

Plann Admin

(3) On-Site Construction Office.

(4) Public Building.

(5) Public Safety Facility.

(6) Community Cultural Facility.

(7) Community Center.

(8) Educational Facility.

(9) Administrative Government Center.

(10) Educational Facility.

(11) Public Institution.

(12) Bus Terminal.

(13) Park.

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(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

Add (17) Event Center (for profit)

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) The permitted accessory uses set forth under Section 8.8 Amateur Radio Station and/or Antenna (conditions 6,7 and 8 do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW may be used in the Commercial District subject to the requirements of Section 7.3 and 8.8 of these regulations.

7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family Dwelling Unit required by and incidental to the business enterprise.

(2) Large equipment rental / sales / repair.

(3) Garage, Public.

(4) Gravel Pit (open-cut mining operation).

(5) Manufacturing, Light.

(6) Agricultural, Building.

(7) Agricultural, Facility. — Storage facility? Ag comm stor fac in Definitions (No Definition of facility)

(8) Animal Shelter.

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(9) Manufactured Housing Sales.

(10) Membership Club.

(11) Recycling Center.

(12) Solid Waste Transfer Station.

(13) Utility Installation, Minor.

(14) Warehouse.

(15) Worship Facility.

7.3.11 USES NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually Oriented Business.

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7.4 INDUSTRIAL (I) DISTRICTS I-1

7.4.1 AREA REQUIREMENTS

7.4.1.1 MINIMUM LOT AREA

No minimum requirement.

7.4.1.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.4.1.3 REQUIRED YARDS

(1) **Front yard** - Fifteen (15) feet depth minimum.

(2) **Side yard**

(a) Adjacent to industrial district shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a Residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) **Rear yard**

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such Residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

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7.4.1.4 LOT COVERAGE

None designated.

7.4.1.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.

7.4.1.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.4.1.7 Landscaping REQUIREMENTS

Landscaping requirements shall be in accordance with Section 8.18.

7.4.1.8 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.4.1.9 PERMITTED PRINCIPAL USES

(1) All principal uses permitted in a Commercial District.

(2) Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:

(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;

(b) emit no excessive obnoxious odors;

(c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;

(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;

(e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;

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(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

(g) conduct no mining, extracting, filling or soil stripping operations; and

(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(3) Agricultural Commodity Storage Facility.

(4) Artisan Shop.

(5) Bus Transit Terminal.

(6) Composting Facility.

(7) Contractor Yard, small (8.15.1).

(8) Freight Terminal.

(9) Fuel Tank Farm.

add large cont. Yard

(10) Heli-Pad.

(11) Large Equipment Rental / Sales / Repair.

(12) Manufactured Housing Sales.

(13) Park.

(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

(17) Railroad Yard.

(18) Recycling Center.

(19) Sexually Oriented Business.
It may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

(20) Solid Waste Transfer Station.

(21) Truck Terminal.

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Public Information Request
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(22) Utility Installation, Minor and Major.

(23) Warehouse.

(24) Worship Facility.

(25) 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.

(26) "Power Plants, Commercial Wind Farms" subject to the requirements of Section 8.10 and 8.11 of these regulations.

(27) Educational Facility.

(28) Gravel Pit (open-cut mining operation).

(29) Public Institution.

(30) Power Plants, Solar subject to the requirements of Section 8.12 of these regulations.

7.4.1.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land.

(3) Animal Shelter.

(4) Agricultural Buildings.

(5) Garage, Public.

(6) Membership Club.

7.4.1.11 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT

7.4.2.1 PERMITTED PRINCIPAL USES

All **NON-RESIDENTIAL** uses not otherwise prohibited by law. Any such use shall be required to comply with any supplemental regulations outlined in Section 8 of these regulations. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless modified or waived by the Zoning Administrator.

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

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land; Agricultural Buildings.

7.4.2.3 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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7.5 MOBILE HOME (MH) DISTRICT

7.5.1 MINIMUM LOT AREA

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.5.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.5.3 REQUIRED YARDS

(1) **Front yard**

The minimum front yard required shall be ten (10) feet.

(2) **Side yard**

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

(3) **Rear yard**

The minimum rear yard shall be at least ten (10) feet.

7.5.4 LOT COVERAGE

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.5.5 LOT WIDTH

The minimum lot width shall be thirty (30) feet.

7.5.6 OFF-STREET PARKING REQUIREMENTS

All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 8.4.

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7.5.7 LANDSCAPING

Requirements shall be in accordance with Section 8.18.

7.5.8 SITE PLAN REVIEW AND APPROVAL

Prior to the construction of a mobile home court or subdivision, the following steps must be taken:

7.5.8.1 ZONING

The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.5.8.2 PLANNING BOARD

The Planning Board must approve the court site plan or subdivision plat.

7.5.8.3 SUBMISSION

After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES

7.5.9.1 REQUIREMENTS

In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, mobile home courts, and mobile home subdivisions must also be complied with.

7.5.9.2 SEASONAL STORAGE

Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary abode of the owner or any other person is permitted on privately owned tracts of ground.

7.5.10 PERMITTED PRINCIPAL USES

7.5.10.1 MOBILE HOME COURT

In a Mobile Home Court, only mobile homes are allowed.

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7.5.10.2 MOBILE HOME SUBDIVISION

In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.5.10.3 ON-SITE CONSTRUCTION OFFICE.

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

7.5.11.1 Private Garage.

7.5.11.2 Other customary accessory use and building.

7.5.12.3 Professional office in a residence.

7.5.12.4 Customary home occupation (see Section 8.16).

7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

7.5.12.1 Worship facility, where off-street parking is not provided are permitted when approved by the Zoning Board of Adjustment.

7.5.12.2 Recreation building or area operated by membership club for the benefit of members and not for gain.

7.5.12.3 Educational facilities not heretofore defined, public library and publicly owned building.

7.5.12.4 Utility installation, minor.

7.5.12.5 On-site real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Zoning Board of Adjustment.

7.5.12.6 Convenience Sales

Allowed with the following exclusions:

(1) Liquor

(2) Gambling except for:
  (a) The Montana State Lottery, Powerball tickets, and the like.

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7.6 OPEN SPACE (OS) DISTRICT

7.6.1 REQUIRED LOT AREA

No minimum requirement.

7.6.2 LOT COVERAGE

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.6.3 PERMITTED PRINCIPAL USES

7.6.3.1 Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

7.6.3.2 Utility Installation, Minor.

7.6.3.3 Agriculture and forestry.

7.6.3.4 On-Site Construction Office.

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING:

7.6.4.1 Automobile parking area as required in Section 8.4.

Excludes any development? OR can they do non-residential?

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7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

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7.8 MU DISTRICT – MIXED USE DISTRICT

7.8.1 MINIMUM LOT AREA

7.1.0.1 (3)

Casino → move to SUP?

No minimum required

7.8.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.8.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.8.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.8.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.8.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

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Public Information Request
Scanned Documents
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7.8.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.
In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.8.8 PERMITTED PRINCIPAL USES

(1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts

(2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/machinery).

(d) Auction Sales.

(e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.

(f) Building materials, hardware and farm equipment sales and service.

move to SUP

(g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.

(h) Construction Material Sales.

(i) Contractor Yard, Small (8.15.1).

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

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Public Information Request
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(n) General Services.

(o) Health Care Center

(p) Health Care Facility.

(q) Hotel and Motel.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Restaurant.

(w) Recreational Vehicle Park.

(x) Retail.

(y) Secondhand Sales.

(z) Shopping Center.

(aa) Small Equipment Rental / Sales / Repair.

(bb) Specialty Sales.

(cc) Tavern.

(dd) Veterinary Clinic – Small Animal.

(ee) Vehicle Fuel Sales.

(ff) Vehicle Repair.

(gg) Vehicle Sales and Rental.

(hh) Vehicle Services.

(ii) Wholesale trade.

(jj) Instructional Facility.

(kk) Agricultural Commodity Storage Facility.

Cascade County Planning Division
Public Information Request
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(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(4) Mobile Home Park / Mobile Home Court.

(5) On-Site Construction Office.

(6) Gravel Pit (open cut mining operation).

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.

(5) Home Occupations.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(6) Professional Office in a Residence.

7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Manufactured housing sales.

(2) Veterinary clinic, large animal.

(3) Commercial kennel.

(4) Large equipment rental / Sales / Repair.

(5) Warehouse.

(6) Animal shelter.

(7) Administrative Government Center.

(8) Composting facility.

(9) Recycling center.

(10) Solid waste transfer station.

(11) Telecommunication facility.

(12) Bus transit terminal.

(13) Commercial parking lot.

(14) Parking structure.

(15) Taxi dispatch terminal.

(16) Artisan shop.

(17) Light manufacturing & assembly. — make definitions

(18) Garage, Public.

(19) Indoor Entertainment.

(20) Indoor Sports and Recreation. why is this SUP but outdoor is by right?

(21) Membership Club.

(22) Parking Garage.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(23) Tourist Home.

(24) Utility Installation, Minor.

~~(25) Worship Facility.~~

7.8.11 USES SPECIFICALLY NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually-Oriented Businesses.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

SECTION 8. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Sections 7 and 9 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

8.1 USES, SIGNS, LOTS

8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS

8.1.1.1 There shall be a limit of two (2) total freestanding signs per tract of land containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Division. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.

8.1.1.2 Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.

8.1.1.3 Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.

8.1.1.4 Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.

8.1.1.5 Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.

8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.1.2.1 On-premise and off-premise (for non-profit only) signs in residential and agricultural districts (RR-5, SR-1, SR-2, UR and A)

8.1.2.2 Signs in residential and agriculture districts shall be limited to non-commercial uses, such as religious institutions, fraternal organizations, schools, etc. Bulletin boards for worship facilities, educational facilities, or other public, religious, or educational institution are allowed provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.

8.1.3 OTHER SIGNS (ALL DISTRICTS)

8.1.3.1 Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

8.1.3.2 Political Signs shall be regulated pursuant to Montana Codes Annotated. Additionally, the following regulations shall apply:

8.1.3.2.1 Political Signs

(1) Signs promoting political candidates or issues shall:

(a) Not be erected or maintained within the highway right-of way

(b) Not be erected or maintained prior to 90 days before the applicable election.

(c) Be removed within 30 days following the applicable election. The successful candidate in the primary election may leave their signs until after the general election.

8.1.3.2.2 Directional Signs

(1) Including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they not exceed eight (8) square feet maximum in size and be no greater than eight (8) feet in height and may not contain any advertising.Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 1.2 shall apply.

8.1.4 NON-CONFORMING SIGNS

(1) Signs at the time of enactment of this Regulation which are not

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

(2) Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

8.1.5 NATURAL PRODUCTION USE

A Special Use Permit may be reviewed by the Zoning Board of Adjustment in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-2 Heavy Industrial District and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral deposits for the quarrying of any kind of rock formation, subject to the following conditions:

8.1.5.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.

8.1.5.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Zoning Board of Adjustment.

8.1.5.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (MCA) Title 82, Chapter 4, Part 4, et. seq.

8.1.5.4 In the case where a natural production use abuts an R District, a C District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.

8.1.5.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

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Public Information Request
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8.1.6 DWELLINGS ON SMALL LOTS

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a one-family dwelling on any lot in an Agricultural District or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for one (1) family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

8.1.7 REVERSE AND KEY LOTS

In the case of a reverse lot, the building setback line shall be the same as the key lot.

8.1.8 ABANDONED BUILDINGS / ITEMS

Abandoned buildings / items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND

Each parcel of land shall have only one zoning designation.

8.2 YARDS

8.2.1 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

8.2.2 PORCHES

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

8.2.3 PROJECTING ARCHITECTURAL FEATURES

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.2.4 FIRE ESCAPES

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

8.2.5 FENCES

No fence in any residential district may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement.

A variance may be allowed by the Zoning Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Zoning Board of Adjustment.

No fence of an electrically charged type shall be erected in any residential district. Razor wire shall be located in only an Industrial Zoned District, must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it.

A location conformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.

8.2.6 FRONT YARD DEPTH

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

8.3 TRANSITION REGULATIONS

8.3.1 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

8.3.2 SIDE AND REAR YARD TRANSITION

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

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Public Information Request
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8.3.3 FRONT YARD TRANSITION

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

8.3.4 CORNER YARD TRANSITION

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

8.4 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected; or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

8.4.1 DWELLINGS

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

8.4.3 MOTELS AND HOTELS

At least one (1) parking space for each one (1) guest unit.

8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME

8.4.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

8.4.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.4.6 STORES

8.4.6.1 C District (Commercial District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

8.4.7 OFFICE BUILDINGS

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS

At least two (2) parking spaces for each three (3) working people on a maximum shift.

8.4.9 GENERAL

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the building.

8.5 SITE PLAN REVIEW CRITERIA

In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with this section and shall approve, or approve with conditions, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter into the Office of the Zoning Administrator's record the reason for such action.

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

(1) Name and address of applicant.

(2) Legal description and boundary lines of property being considered for review.

(a) Existing and proposed land use upon the site.

(b) Names of owners and existing land use on adjacent property.

(c) Location, size, dimensions and uses of existing and proposed buildings and improvements.

(d) Location and description of existing and proposed utilities.

(e) Location and dimensions of curb cuts and access points.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(f) Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

(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 Division 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. (See Letter of Map Change definition).

Cascade County Planning Division
Public Information Request
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8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) Pet Wholesalers.

(2) Pet Breeders.

(3) At a minimum, kennels shall provide:

(4) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from residential districts.

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) Exotic and Wild Animal Dealers.

8.8 TOWERS AND FACILITIES

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations providing they meet the following conditions:

(1) Setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries).

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.9 POWER PLANTS

The following regulations are for all proposed commercial power plants. Additional requirements for specific types of power plants are delineated in the following sections.

(1) Must meet all state, federal, and local regulations regarding

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT)

(1) Facility may not exceed one (1) megawatt of total generating capacity.

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:

(1) Must meet all state, federal, and local regulations regarding the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(6) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(7) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(8) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(3) Copy of order from the Montana Board of Oil and Gas Conservation, and associated stipulations/conditions.

(4) Name and location of all water wells on adjacent properties.

(5) Operations statement detailing the proposed hours of operation, duration of project, operation of project including staffing schedules and estimated trips per day, traffic study with proposed mitigation and fire plan with proposed mitigation.

(6) Noxious Weed Management Plan.

(7) Plan for reclamation of all disturbances associated with the project.

(8) Workforce Housing plan, if applicable.

(9) Any additional information deemed necessary by the Planning Division.

8.14 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated (M.C.A). Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in this Section.

8.14.1 REQUIRED PERMITS

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 9.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana.

Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31st and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.14.2 APPLICABLE TIME PERIOD

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise **prior to June 1** of the year for the **June 24th through July 5th** selling period and must be removed by **July 31st** of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise **prior to December 6th** of the year for the **December 29th through December 31st** selling period and must be removed by **January 15th** of the next year.

8.14.3 REQUIRED DISTANCES AND SETBACKS

A temporary fireworks stand shall be located:

(1) At least 300 feet from a worship facility, a hospital, or educational facility.

(2) At least 150 feet from any flammable liquid dispensing device or installation.

(3) At least 150 feet from any residential dwelling unit.

(4) At least 30 feet from any public roadway.

(5) At least 50 feet from any non-residential structure.

(6) At least 25 feet from any attendant vehicle or structure associated with the fireworks stand.

(7) Setbacks

Front Yard- The minimum front setback shall be thirty (30) feet.

Rear Yard- The minimum rear setback shall be thirty (30) feet.

Side Yard- The minimum side setback shall be ten (10) feet.

(8) Off-street Parking

Size- The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

Number- The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

The required front yard may be used for off-street parking.

Cascade County Planning Division
Public Information Request
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8.14.4 APPLICABILITY OF OTHER REGULATIONS

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

8.14.5 PENALTY

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 14, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

8.15 CONTRACTOR YARDS

8.15.1 CONTRACTOR YARD, SMALL

Generally these standards do not apply to contractor yards in Industrial zoning districts.

(1) Lot size requirements

The minimum lot size shall be one (1) acre.

(2) Limitations on equipment

No more than two (2) pieces of heavy equipment exceeding three tons may be stored on the premises.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is prohibited.

(4) Buildings.

A building(s) not exceeding a cumulative total of three thousand (3,000) square feet shall be constructed on the premises to accommodate the contractor's operations.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.15.2 CONTRACTOR YARD, LARGE

Generally these standards do not apply to contractor yards in Industrial zoning districts.

(1) Lot size requirements

There are no minimum lot size requirements.

(2) Limitations on equipment

There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is permitted.

(4) Buildings

The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.

8.16 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home Occupations also must:

(1) Be carried on only within the principal or accessory buildings;

(2) Be incidental and secondary to the use of the dwelling unit for residential purposes;

(3) Be carried on by a member of the family residing in the dwelling unit; and

(4) Conform to the following additional conditions:

(a) There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.

(b) There shall be no exterior storage of materials or variation

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

from the residential character of the principal building;

(c) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and

(d) Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

(1) Art studio;

(2) Dress and drapery making;

(3) Teaching with musical instruments limited to a single pupil at a time; and/or

(4) Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

(1) Restaurants;

(2) Commercial stables and commercial kennels; and / or

(3) Auto repairing.

In instances where the appropriateness of the proposed home occupation in unclear, the Zoning Administrator may request an Operational Statement from the applicant that provides a complete description of the operation, such as days and hours of operation, number of customers or visitors, type and frequency of deliveries, etc.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

8.17 ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Director or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Director or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief.

(2) The intent of the section and the specific regulation in question is preserved.

(3) The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.

(4) All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Director or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all C, I-1, I-2, MU, and MH and as otherwise required in these regulations.

The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

8.18.1 LANDSCAPING PLAN REQUIREMENTS

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

Cascade County Planning Division
Public Information Request
Scanned Documents
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(1) Appropriate to the conditions in which they are planted;

(2) Have non-invasive growth habits;

(3) Encourage low maintenance, high quality design; and

(4) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Division or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

(1) Scale: ¼"=1'0" to 1"=40'

(2) Property lines, easements and public rights-of-way, including clear vision triangles

(3) Buildings or structures - both new and existing.

(4) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.

(5) Landscaping materials:

(a) Location and spacing of proposed plant materials

(b) Location of existing trees or landscaping to be preserved or eliminated

(c) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule

(d) Size of materials, in caliper, diameter and height at installation and maturity

(e) Quantity of each planting materials to be used

(f) Types and location of inorganic landscaping material

(6) Location of walls, fences and refuse storage area

(7) Methods of protecting the landscaped areas

(8) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a health, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have been irreparably damaged shall be removed and replaced with living plant

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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materials consistent with the approved landscape plan or as required by these regulations.

8.18.2 MINIMUM REQUIREMENTS

8.18.2.1 STREET FRONTAGE LANDSCAPING

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: 15' minimum buffer yard width 1 tree per 80 linear feet of frontage

Option 2: 10' minimum buffer yard width 2 trees per 80 linear feet of frontage

Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 80 linear feet of frontage

Option 4: 5' minimum buffer yard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area.
A non-decorative wall shall be covered with vines on the street side of the wall.
A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.2. PERIMETER LANDSCAPING

(1) The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Administrator shall determine which category best matches the use.

8.18.2.3 BUFFER YARD CLASSIFICATION REQUIREMENTS:

Buffer yard A: No Landscaping Required

Buffer yard B: 5' minimum buffer yard1 tree per 40 linear feet

Buffer yard C: 10' minimum buffer yard 2 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

Buffer yard D: 15' minimum buffer yard 4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.4 BUFFER YARD STANDARDS FOR ALL DEVELOPMENT

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

8.18.2.5 OTHER REQUIREMENTS

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, and any combination thereof.

Any parking lot which requires more than ten (10) parking spaces must be paved and provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm Water Runoff Regulations. Parking lots which require less than ten parking spaces must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Director.

8.18.3 ADMINISTRATIVE RELIEF

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in

Cascade County Planning Division
Public Information Request
Scanned Documents
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nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(2) The intent of the landscaping section and the specific regulation in question is preserved; and

(3) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Zoning Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18.4 POLICIES

(1) The Planning Division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Division may grant Administrative Relief in the event of these situations and proposals.

(2) The Planning Division recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

(3) The Planning Division shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

(4) The Planning Division also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the

Cascade County Planning Division
Public Information Request
Scanned Documents
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Planning Division generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered.

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees.

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

8.19 MEDICAL MARIJUANA PROVIDER

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

8.20 SEXUALLY ORIENTED BUSINESS

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 9. PERMIT REQUIREMENTS

9.1 GENERAL

These regulations shall be enforced by the Zoning Administrator who shall be appointed by the Board of County Commissioners of Cascade County. No Location / Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been met.

9.2 LOCATION /CONFORMANCE PERMIT

No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; 2) a site plan meeting the requirements of Section 8.5 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator, and a separate Location/Conformance Permit has been issued for each tract of land.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned A – Agricultural, and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the A Agricultural requirements listed in these regulations. All other uses including commercial, special use permits, etc. require obtaining a location/conformance permit and complying with the Cascade County Zoning Regulations.

Location/Conformance Permit approval by the Zoning Administrators 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 12-month extension to the expiration the Location/Conformance Permit approval.

9.3 FEES

The fee to be paid upon application for a Location / Conformance Permit shall be Fifty Dollars ($50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars ($200.00). The fee to be paid upon application for a Special Use Permit or an Unclassified Use Permit shall be Four Hundred Fifty Dollars ($450.00). The fee to be paid for an Appeal Application or for a Variance Application shall be Two Hundred Fifty Dollars ($250.00). All fees are non-refundable.

Cascade County Planning Division
Public Information Request
Scanned Documents
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9.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined by the Zoning Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of 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 Division along with the application / appeal fee (**$250**) as may be established by the County Commission.

(2) **Determination of completeness**. Within 10 working days of submittal, the Planning Director shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied

(3) **Notice**. Consistent with Section 12 of these regulations, the director 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 Zoning Board of Adjustment 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 director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, the applicant, and the applicant's agent, if

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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 Zoning Board of Adjustment shall hold a public hearing to review the application.

(7) **Decision.** Within 30 days of the determination of completeness, the Zoning Board of Adjustment 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 director 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:

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(1) The proposed use will be adequately 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 3 members shall be necessary to approve a variance. (MCA)76-2-224.

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.

(4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the Zoning Board of Adjustment 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. (MCA) 67-4-314.

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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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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. (MCA) 76-2-227 (1).

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 as Provided in Section 10" 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 $450.00.

10.2 REQUIRED PLAN

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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.

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 Office of the County Clerk and Recorder or Planning Division).

(c) Describe the existing land use of the parcel and neighboring

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

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 Cascade County Zoning Board of Adjustment. 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 Zoning Board of Adjustment will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the special use permit.

10.4 EXPIRATION

The Zoning Board Of Adjustment 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 Zoning Board Of Adjustment 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 Zoning Board of Adjustment prior to the date of expiration.

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Board of Adjustment can approve any Special Use Permit, it must first reach each of the following conclusions:

(1) Conditions may be required that the Zoning Board of Adjustment 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:

(a) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

(b) Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

(c) Soil erosion, sedimentation, and stormwater 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:

(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

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) The proposed development will be in harmony with the area in which it is located.

Considerations:

(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:

(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 the 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 Cascade County Zoning Board of Adjustment.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the Zoning Board of Adjustment 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 makes 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

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Zoning Board of Adjustment 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 Zoning Board of Adjustment, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment 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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 11. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

11.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

11.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his or her ability the date of a discontinuance of a non-conforming use based on substantiating evidence from the applicant and any other historical records or documents.

11.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

11.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

11.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

11.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

11.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 12. ZONING BOARD OF ADJUSTMENT

12.1 CREATION OF ZONING BOARD OF ADJUSTMENT

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Zoning Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term.

All members of the Board shall serve without compensation. The Zoning Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person or persons, jointly or severely aggrieved by a decision of the administrative officer or by an officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the Board, in a timely manner all papers constituting the record upon which the action appealed was taken.

12.3.1 APPEAL FEE

Upon the filing of an appeal to the Zoning Board of Adjustment, the applicant shall pay to such Board, an appeal fee of Two Hundred Fifty Dollars ($250.00); provided, however, that if any officer, department, board or bureau of the

Cascade County Planning Division
Public Information Request
Scanned Documents
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municipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 APPEAL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate of stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken, and on due cause shown.

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest and decide the appeal within a reasonable time. The notice shall be published at least 15 days prior to, but no more than 30 days prior to, the public hearing. At the hearing, a party may appear in person or by the party's attorney.

12.3.3 BOARD APPEAL POWERS

The Zoning Board of Adjustment shall have the following powers:

12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

12.3.3.2 To hear and decide Special Use Permits (see Special Use Permit definition) to the terms of the zoning regulations as provided for in Section 10 of these regulations. The language herein is not intended to restrict or limit the power of the Zoning Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.

12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION

12.3.4.1 In exercising the above-mentioned powers, the Zoning Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make

Cascade County Planning Division
Public Information Request
Scanned Documents
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such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

12.3.4.2 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD

12.3.5.1 Any person or persons, jointly or severally, aggrieved by a decision of the Zoning Board of Adjustment, may present to the Board of County Commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Board of County Commissioners within thirty (30) days after the filing of the decision of the board of adjustment, and a final decision must be made within sixty (60) days of the receipt of the petition.

The office of the Zoning Board of Adjustment in which the decision shall be filed shall be the Cascade County Public Works Department Planning Division. A vote of the zoning board of adjustment shall constitute a final decision of the matter and shall be deemed filed at the adjournment of the meeting.

The Board of County Commissioners may:

a) remand the special exception to the board of adjustment;
b) reverse or affirm, wholly or partly, the decision of the board of adjustment; or
c) modify the decision of the board of adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners or the Zoning Board of Adjustment, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the appropriate board.

12.3.5.2 Upon presentation of a petition, the court may allow a writ of certiorari directed to the Board of County Commissioners or the Zoning Board of Adjustment to review the decision of the Board and shall prescribe in the writ the time within which a return must be made and served upon the realtor's attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ may not stay proceedings upon the decision appealed from, but the court may, upon

Cascade County Planning Division
Public Information Request
Scanned Documents
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application, on notice to the board of county commissioners or the board of adjustment, and on due cause shown, grant a restraining order.

12.3.5.3 The Board of County Commissioners or the Zoning Board of Adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

12.3.5.4 If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

not be finished in bright or vivid colors intended to draw attention to the structure or property.

(9) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(10) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(11) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.12 POWER PLANT, SOLAR

Based on the typical solar power plant design, uses tend to be low in intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use may be compatible in both urbanized and non-urbanized areas throughout the County. Standards for power plant generation by solar energy shall be subject to the administrative requirements of Section 18 and the following site development standards:

(1) Lot coverage: All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of a lot unless adjusted by the Zoning Board of Adjustment.

(2) Setbacks: solar power plant structures shall be set back from all property lines at least thirty (30) feet from the front and six (6) feet from the side yards, and ten (10) feet from a rear yard.

(3) Landscaping Buffer: as determined by the Zoning Board of Adjustment through the Unclassified Use Permit process with considerations of location, size of parcel and topography of parcel. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.

(4) No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style.

(5) Siting requirements of any structure within the Height Military Overlay District (MOD) must be met. Any variance requested for over-height must be presented to Malmstrom's reviewing staff and approved.

(6) Safety/Access: An appropriate security fence (height and material to be determined through the Unclassified use permit process) shall be placed around the perimeter of the solar power plant.

(7) Signage: appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.

(8) Noise: No operating solar power plant shall produce noise that exceeds any of the following limitations:

(a) Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
(b) Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
(c) Sixty dBA, as measured at the property lines of any other project boundary.

(9) Agreements/Easements: If the land on which the project is to be leased rather than owned by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project and a copy provided with an Unclassified use permit application.

(10) Removal: Structures that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS

A Special Use Permit is required by the Zoning Board of Adjustment in the Agricultural District. In addition to the submittal requirements of Section 10, Standards for Special Use Permits, the following items will be required.

(1) Cover letter describing project and submittal materials.

(2) Copy of associated mineral leases.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 13. VIOLATIONS AND PENALTIES

13.1 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, placed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, placement, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

13.2 PROCEDURE/PENALTIES

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 VIOLATION

After first knowledge of the violation, a notice to comply or cease and desist notice to comply within thirty (30) days shall be issued.

13.2.2 COMPLIANCE

If compliance as enumerated in 13.2.1 above is not obtained within an additional thirty (30) days (for a total of sixty (60) days since the date of the first notice to comply), the violation shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

13.2.3 PROSECUTE

The County reserves the right to prosecute a continuing violation which has not been corrected after the above steps have been taken.

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30 days to contact the office and let us know what their plan to fix it is.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 rezoning petition process.

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

(1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.

(2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.

(3) A legal description of the boundaries of the proposed district.

(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 Office of the County Clerk and Recorder or Planning Division).

(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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(f) On a site plan, indicate the location of existing curb cuts or access points.

(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.

(5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

(6) Prepare a statement which addresses the following considerations:

(a) Made in accordance with the growth policy and

(b) Designed to:

(i) Secure safety from fire, and other dangers; and

(ii) Promote public health, public safety, and general welfare; and

(iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(c) Reasonable provision of adequate light and air:

(d) The effect on motorized and non-motorized transportation systems;

(e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(f) The character of the district and its peculiar suitability for particular uses; and

(g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars ($750.00).

Cascade County Planning Division
Public Information Request
Scanned Documents
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14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district.

14.3.1.2 The general character of the proposed zoning regulations.

14.3.1.3 The time and place of the public hearing.

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under (MCA) Title 15 Chapter 7 Part 202 or whose property is taxed as forest land under (MCA) Title 15, Chapter 44, Part 1 have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the land, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport.

(2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

(3) That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

15.1.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zone which are hereby referenced in these regulations and made a part hereof (Section 4). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

Cascade County Planning Division
Public Information Request
Scanned Documents
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15.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

15.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Cascade County Planning Division
Public Information Request
Scanned Documents
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15.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

15.1.2 HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

15.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

15.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

15.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.3 TRANSITIONAL ZONES

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and

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extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

15.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

15.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

15.1.5 NON-CONFORMING USES:

15.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

15.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of

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aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

15.1.6 AIRPORT AREA PERMITS

15.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations.

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15.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

15.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

15.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on Exhibit B-1, B-2, and B-3 which are attached to these regulations and made a part hereof. (Reference Section 4.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) seventy-five (75) Ldn.

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(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

15.1.7.2 Exceptions

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 15 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

15.1.8 APPEALS

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 16 of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.

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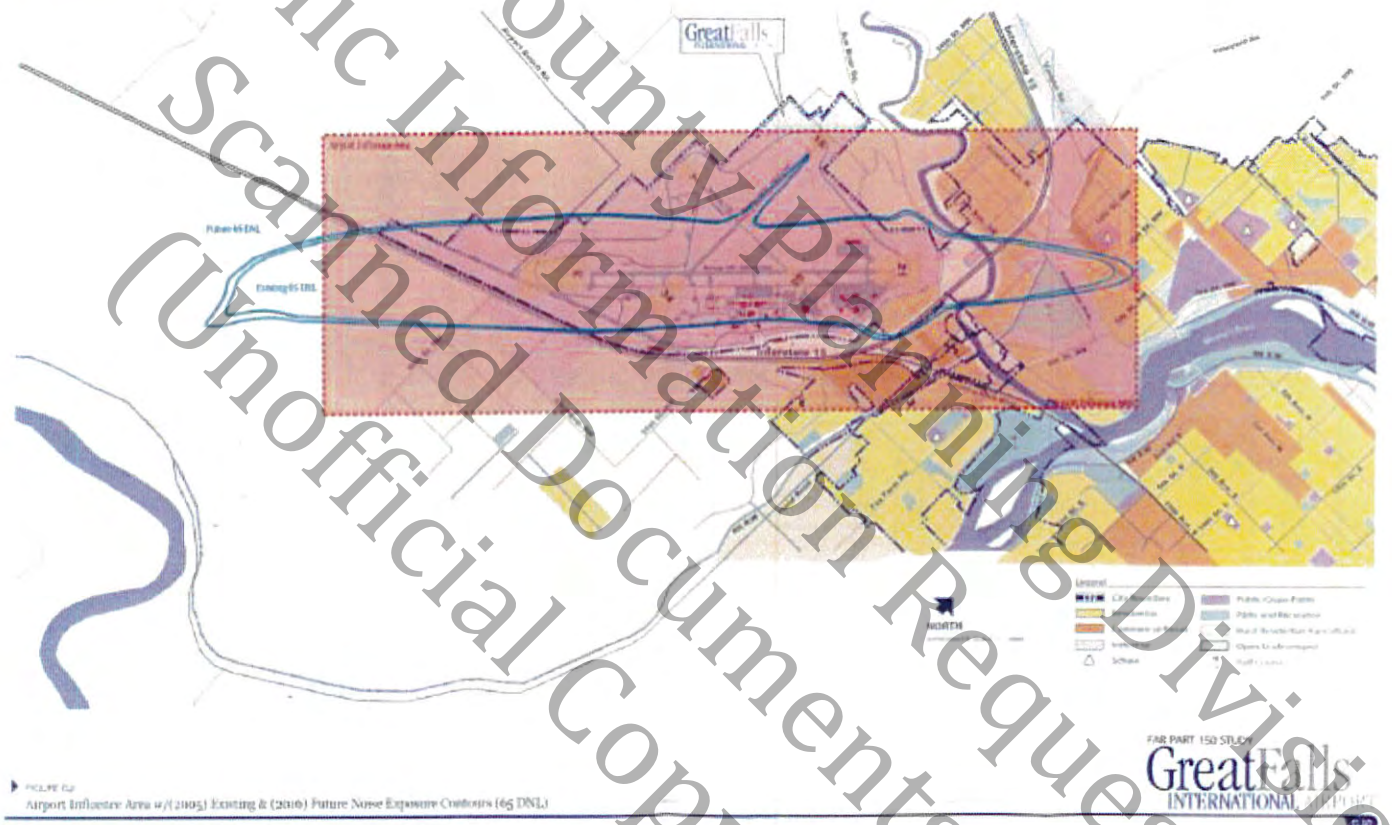
EXHIBIT B-1

Barnard Dunkelberg & Company



Airport Influence Area w/(2005) Existing & (2010) Future Noise Exposure Contours (65 DNL)

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Exhibit B-2

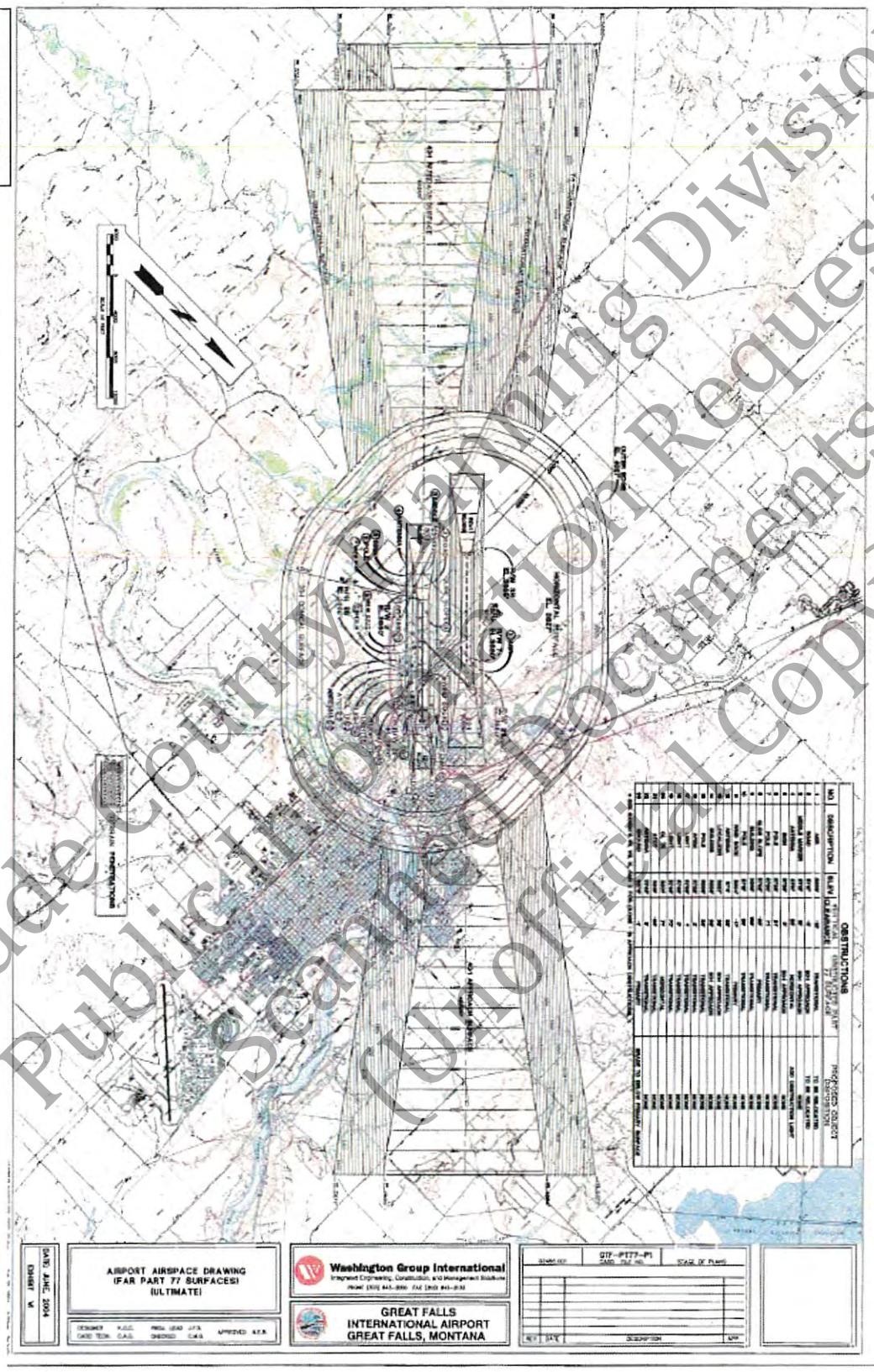

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EXHIBIT B-3

Barnard Dunkelberg & Company

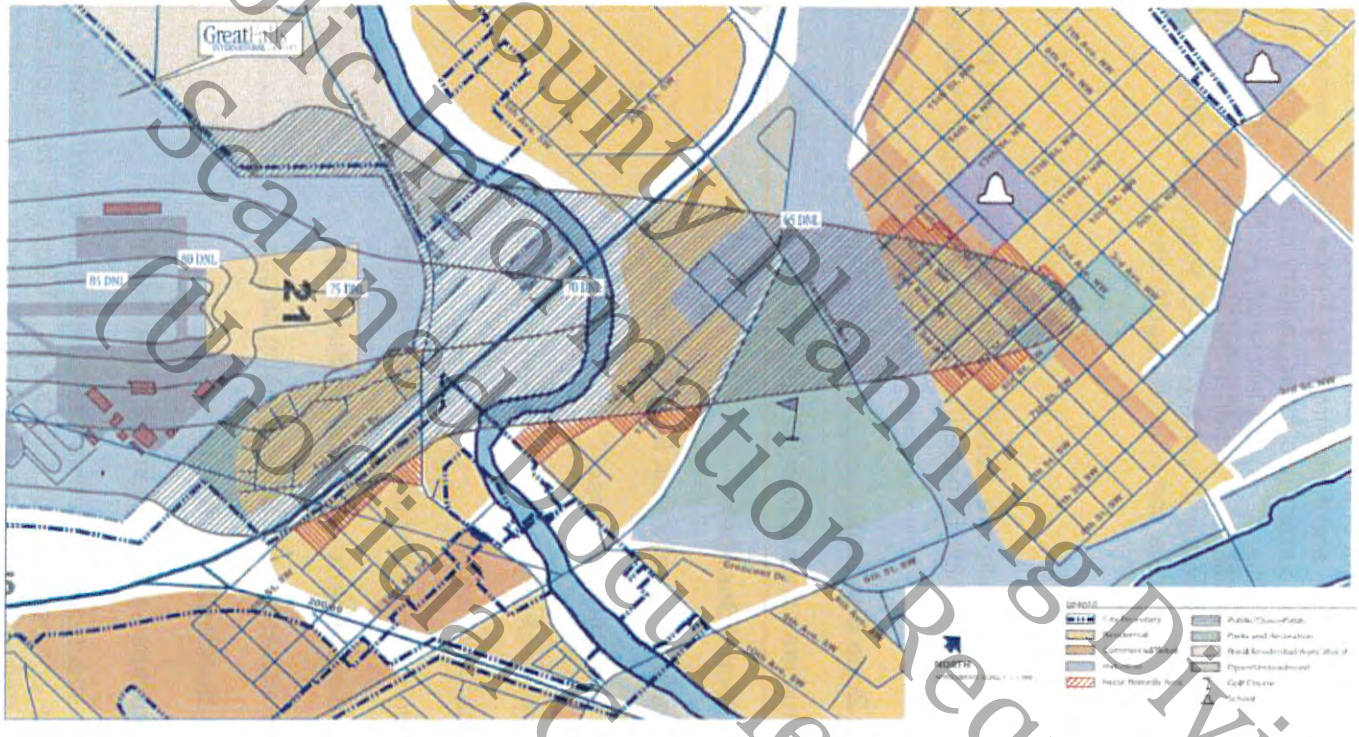

FIGURE G5
Recommended Noise Remedy Boundary

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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 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

16.1 MAFB RUNWAY AREA

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

MOD-A (Clear Zone Surface)

No structures greater than 50 feet in height.

MOD-B (Transitional Surface)

No structures greater than 50 feet in height.

MOD-C (Inner Horizontal Surface)

No structures greater than 150 feet in height.

MOD-D (Conical Surface)

No structures greater than 150 feet in height.

MOD-E (Approach/Departure Clearance Surface)

No structures greater than 50 feet in height.

MOD-F (Outer Horizontal Surface)

No structures greater than 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 Zoning Board of Adjustment 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.

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16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS)

No structures shall be allowed within the 1,200 foot buffer around each MAF and LF.

Any proposed structures over 50 feet in height between 1,200 feet and 2,400 feet of a MAF or LF 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 Zoning Board of Adjustment 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.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

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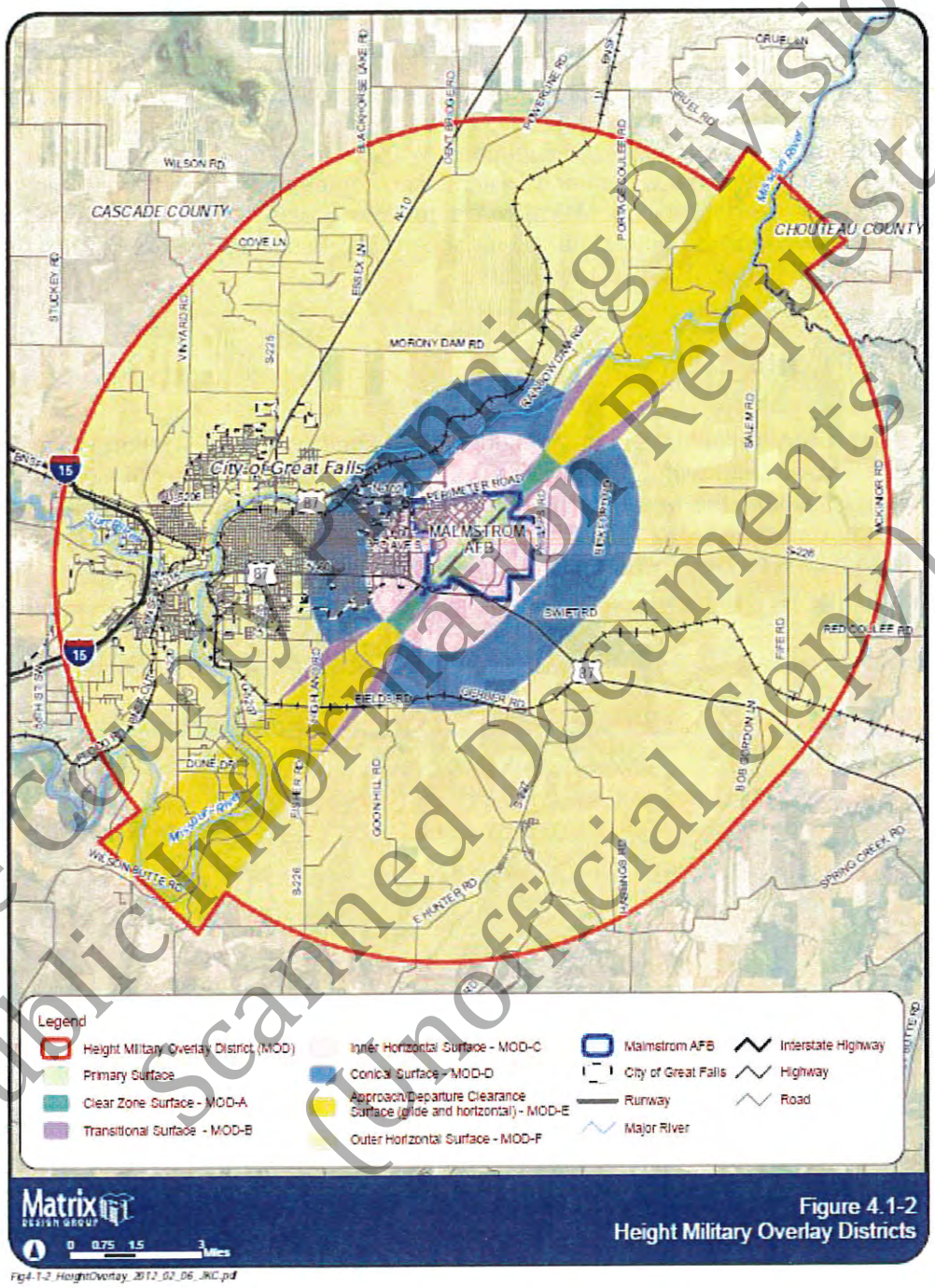

Figure 4.1-2
Height Military Overlay Districts

Fig4-1-2_HeightOverlay_2012_02_06_JKC.pdf

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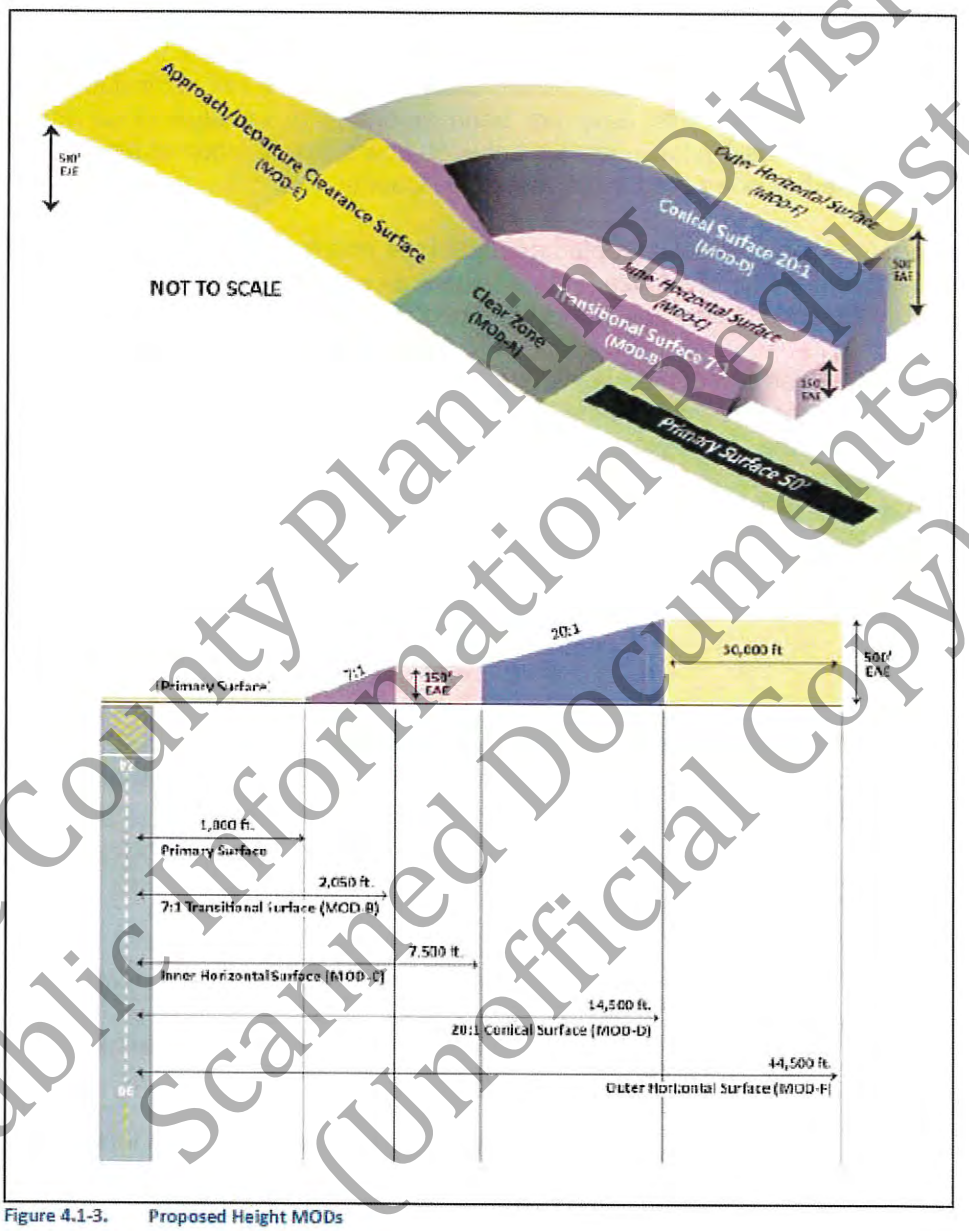

Figure 4.1-3. Proposed Height MODs

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SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

On January 25, 2000, a citizen initiated zoning district, the Flood Road Zoning District, was proposed by residents in the Woodland Estates area and subsequently adopted by the Board of Cascade County Commissioners. In 2005, Cascade County adopted countywide zoning exclusive of the incorporated communities of Belt, Cascade, Great Falls and Neihart and of the Flood Road Zoning District. Thus, the Flood Road Zoning District regulations are not included in the Cascade County Zoning Regulations and have not been amended or updated since adoption in 2000. Overtime, this has created inconsistencies between how administration of the Flood Road Zoning District is processed as compared to the rest of the County.

Of the eleven (11) zone districts adopted as part of the countywide zoning, the zone district that is most comparable is terms of lot size and permitted uses is the Suburban Residential Two (SR-2) zone district. This zone district now abuts the Flood Road Zoning District on two sides.

In the spring of 2012 as part of the update of the Cascade County Zoning Regulations, County staff sent letters to all property owners in the Flood Road Zoning District asking for comments to three options; 1) maintain the Flood Road Zoning District as is; 2) incorporate the Flood Road Zoning District as an overlay with an underlying zoning of SR-2, which would keep the existing standards intact; or 3) rezone to SR-2, eliminating the Flood Road Zoning District entirely. The residents overwhelming wished to retain the permitted and prohibited uses but with easier administration of the regulations, therefore, this overlay district, with SR-2 zoning.

17.1 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.

17.2 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.

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(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.

(9) Home Occupations, provided the following conditions are met:

(a) 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.

(b) 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.

(c) 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.

(d) There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.

(e) The primary unit shall remain a residential structure.

(f) 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.

17.3 USES ALLOWED WITH A SPECIAL USE PERMIT

See Suburban Residential 2 (SR-2)

17.4 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.

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(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.

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SECTION 18 UNCLASSIFIED USE PERMITS

Unclassified uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions outlined within this section. In addition, the following uses may be permitted by Unclassified Use Permits except for any use, including a power generating plant, which utilizes coal, coke, or other coal-based fuel as an industrial fuel source.

Unclassified uses are hereby said to possess characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district.

An Unclassified 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 an Unclassified Use Permit" as provided in this section. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Unclassified Use Permit. A separate Unclassified Use Permit shall be required per each tract of land. The Unclassified Use Permit fee shall be $450.00.

18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT

(1) Airport.

(2) Cemeteries.

(3) Civic Use Facility.

(4) Commercial propagation, boarding, grazing or butchering of small livestock and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(5) Community Residential Facilities.

(6) Hospitals.

(7) Indoor Sports and Recreation.

(8) Outdoor Sports and Recreation.

(9) Power Plant.

(10) Public Entity.

(11) Public Institution.

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(12) Public Safety Facility.

(13) Public Uses.

18.2 PUBLIC NOTIFICATION

A public hearing shall be required for all Unclassified Use permit applications heard by the Cascade County Zoning Board of Adjustment. 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, their agent, and all adjacent land owners for which an Unclassified Use permit is sought shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and opponents of the Unclassified Use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the Unclassified Use permit.

18.3 EXPIRATION

The Zoning Board Of Adjustment approval of the Unclassified 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 Zoning Board Of Adjustment approval.

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

18.4 EXISTING VIOLATIONS

No permit shall be issued for an unclassified 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.

18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES

Before the Board of Adjustment can approve any Unclassified Use Permit, it must first reach each of the following conclusions: (Conditions may be required that the Zoning Board of Adjustment determines, if implemented will mitigate potential conflicts in order to reach these conclusions.)

(1) The proposed development will not materially endanger the public health or safety.

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Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

c. Soil erosion, sedimentation, and stormwater run-off

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

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.

(3) The proposed development will be in harmony with the area in which it is located.

Considerations:

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.

(4) The proposed development will be consistent with the Cascade County Growth Policy.

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Considerations:

a. Consistency with the Growth Policy objectives for the various planning areas.
b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

18.6 OPERATIONS

Operations in connection with the Unclassified 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.

18.7 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 Cascade County Zoning Board of Adjustment.

18.8 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Unclassified Use Permit Applications, the Zoning Board of Adjustment 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 Unclassified Use Permit or table the review process until the next Zoning Board of Adjustment 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 Unclassified Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Staff will issue the Unclassified Use Permit.

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18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment decision shall follow the process as outlined in Section 12 of these regulations.

18.10 REVOCABILITY

A violation of an Unclassified Use permit will be treated as any other violation under Section 13 of these regulations.

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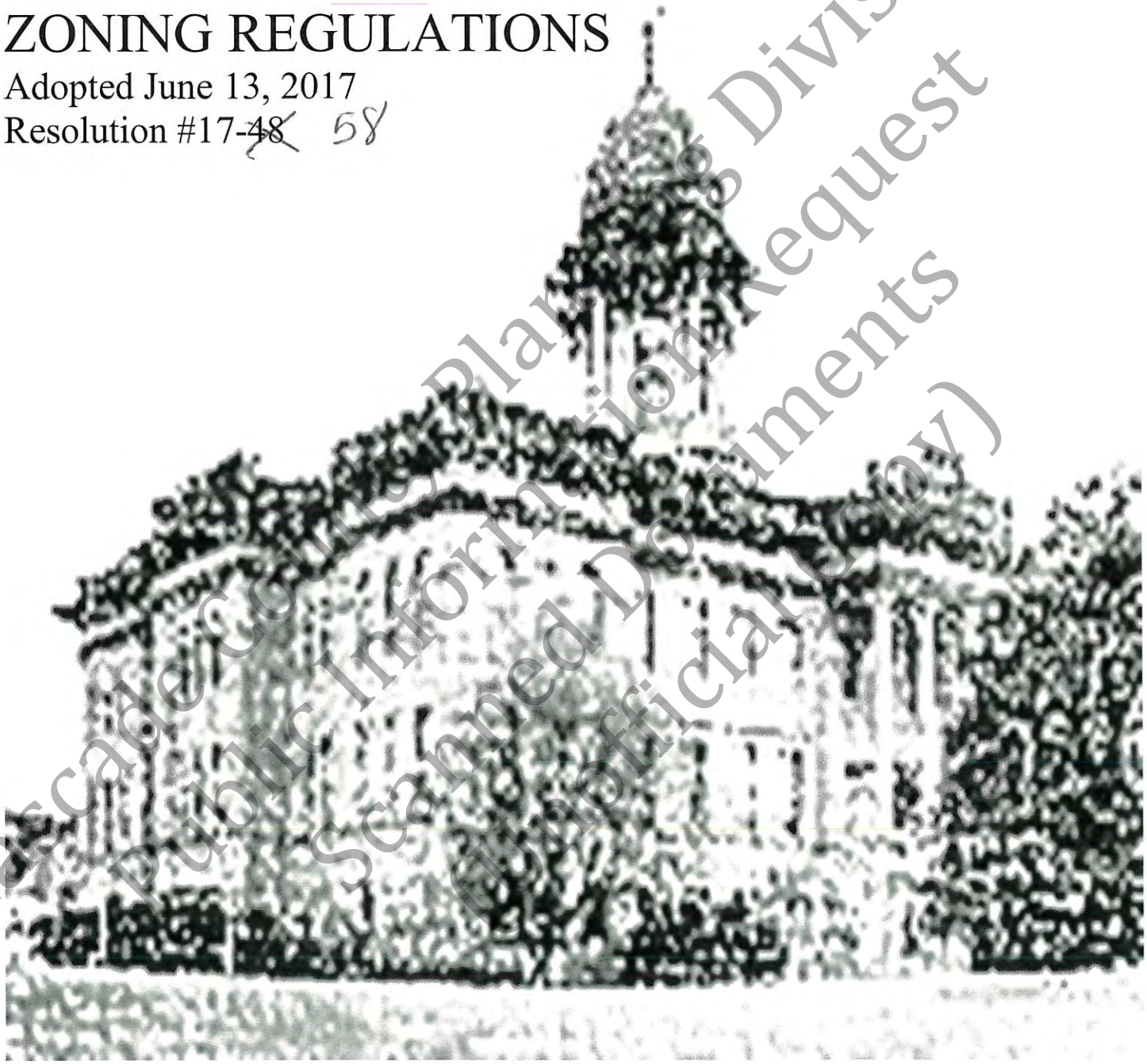
Cascade County Public Works

"WORKING TOGETHER TO PROVIDE EFFICIENT AND EFFECTIVE PUBLIC SERVICE"

CASCADE COUNTY ZONING REGULATIONS

Adopted June 13, 2017

Resolution #17-~~48~~ 58



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Brian K. Clifton, Director
Jim Ekberg, Deputy Director

DIVISIONS

Building Maintenance	Fleet Maintenance	Road & Bridge	Weed & Mosquito	Communications	Planning	GIS	ExpoPark Maintenance
Roy Curtis	Bob Wilson	Rick Schutz	Josh Blystone	Les Payne	Tom Mital		Rick Cole
415 2nd Ave No, #111		279 Vaughn S Frontage Rd			121 4th St No, STE 2H/I		400 3rd ST NW
Great Falls, MT 59401		Great Falls, MT 59404			Great Falls, MT 59401		Great Falls, MT 59404
Phone: 406-454-6769		Phone: 406-454-6920			Phone: 406-454-6905		Phone: 406-727-8900
		Fax: 406-454-6922			Fax: 406-454-6919		

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CASCADE COUNTY ZONING REGULATIONS

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007 Resolution #07-71
Revised Version Adopted August 25, 2009 Resolution #09-82
Revised Version Adopted December 18, 2012 Resolution #12-71
Revised Version Adopted June 14, 2016 Resolution #16-39
Revised Version Adopted December 13, 2016 Resolution #16-120

These regulations are to be hereby known as the Cascade County Zoning Regulations. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. This Zoning Jurisdictional Area is hereby amended by the Cascade County Commission on June 13, 2017 by Resolution #17-58.

TABLE OF CONTENTS

SECTION 1. PURPOSE 1

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives: 1

1.2 Interpretation, Conflict with Other Laws 2

SECTION 2. DEFINITIONS 4

SECTION 3. ESTABLISHMENT OF DISTRICTS 50

RR 5 Rural Residential District Page 60 50
SR 1 Suburban Residential District 1 Page 63 50
SR 2 Suburban Residential District 2 Page 63 50
UR Urban Residential District Page 65 50
A Agricultural District Page 66 50
C Commercial District Page 74 50
I-1 Light Industrial District Page 80 50
I-2 Heavy Industrial District Page 84 50
MH Mobile Home District Page 85 50
OS Open Space District Page 88 50
PUD Planned Unit Development District Page 89 50
MU Mixed–Use District Page 90 50
MOD Military Overlay District Page 153 50
FOD Flood Road Overlay District Page 157 50

SECTION 4. ZONING MAP 51

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES 55

SECTION 6. APPLICATION OF REGULATIONS 56

6.1 CONFORMITY TO REGULATIONS 56
6.2 ERECTION OR ALTERATION OF BUILDINGS 56
6.3 YARDS 56
6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED 56

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

SECTION 7. DISTRICT REGULATIONS 57
7.1 RESIDENTIAL (R) DISTRICTS 57
7.1.0 RESIDENTIAL DISTRICTS 57
7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES) 60
7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2) 63
7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.) 65
7.2 AGRICULTURAL (A) DISTRICTS 67
7.2.1 MINIMUM LOT AREA 67
7.2.2 PERMITTED PRINCIPAL USES 68
7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 69
7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 70
7.3 COMMERCIAL (C) DISTRICT 74
7.3.1 MINIMUM LOT AREA 74
7.3.2 BUILDING HEIGHT 74
7.3.3 YARDS REQUIRED 74
7.3.4 SIGNS 75
7.3.5 OFF-STREET PARKING 75
7.3.6 LANDSCAPING 75
7.3.7 SITE PLAN 75
7.3.8 PERMITTED PRINCIPAL USES 75
7.3.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 78
7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 78
7.3.11 USES NOT PERMITTED 79
7.4 INDUSTRIAL (I) DISTRICTS 80
7.4.1 AREA REQUIREMENTS 80
7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT 84
7.5 MOBILE HOME (MH) DISTRICT 85
7.5.1 MINIMUM LOT AREA 85
7.5.2 BUILDING HEIGHT 85
7.5.3 REQUIRED YARDS 85
7.5.4 LOT COVERAGE 85
7.5.5 LOT WIDTH 85
7.5.6 OFF-STREET PARKING REQUIREMENTS 85
7.5.7 LANDSCAPING 86
7.5.8 SITE PLAN REVIEW AND APPROVAL 86
7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES 86
7.5.10 PERMITTED PRINCIPAL USES 86
7.5.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 87
7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 87
7.6 OPEN SPACE (OS) DISTRICT 88
7.6.1 REQUIRED LOT AREA 88
7.6.2 LOT COVERAGE 88
7.6.3 PERMITTED PRINCIPAL USES 88

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING: 88
7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT: 89
7.8 MU DISTRICT – MIXED USE DISTRICT 90
7.8.1 MINIMUM LOT AREA 90
7.8.2 BUILDING HEIGHT 90
7.8.3 YARDS REQUIRED 90
7.8.4 SIGNS 90
7.8.5 OFF-STREET PARKING 90
7.8.6 LANDSCAPING 90
7.8.7 SITE PLAN 91
7.8.8 PERMITTED PRINCIPAL USES 91
7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 93
7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 94
7.8.11 USES SPECIFICALLY NOT PERMITTED 95
SECTION 8. SUPPLEMENTARY REGULATIONS 96
8.1 USES, SIGNS, LOTS 96
8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS 96
8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS 96
8.1.3 OTHER SIGNS (ALL DISTRICTS) 97
8.1.4 NON-CONFORMING SIGNS 97
8.1.5 NATURAL PRODUCTION USE 98
8.1.6 DWELLINGS ON SMALL LOTS 99
8.1.7 REVERSE AND KEY LOTS 99
8.1.8 ABANDONED BUILDINGS / ITEMS 99
8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND 99
8.2 YARDS 99
8.2.1 VISIBILITY AT INTERSECTIONS 99
8.2.2 PORCHES 99
8.2.3 PROJECTING ARCHITECTURAL FEATURES 99
8.2.4 FIRE ESCAPES 100
8.2.5 FENCES 100
8.2.6 FRONT YARD DEPTH 100
8.3 TRANSITION REGULATIONS 100
8.3.1 LOTS IN TWO DISTRICTS 100
8.3.2 SIDE AND REAR YARD TRANSITION 100
8.3.3 FRONT YARD TRANSITION 101
8.3.4 CORNER YARD TRANSITION 101
8.4 OFF-STREET PARKING 101
8.4.1 DWELLINGS 101
8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY 101
8.4.3 MOTELS AND HOTELS 101
8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES 101
8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME 101
8.4.6 STORES 102
8.4.7 OFFICE BUILDINGS 102

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS 102
8.4.9 GENERAL 102
8.5 SITE PLAN REVIEW CRITERIA 102
8.6 FLOODPLAIN REGULATIONS 103
8.7 KENNEL BUSINESSES AND FACILITIES 104
8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.8 TOWERS AND FACILITIES 104
8.9 POWER PLANTS 105
8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT) 106
8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS: 107
8.12 POWER PLANT, SOLAR 108
8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS 109
8.14 TEMPORARY FIREWORKS STAND REGULATIONS 110
8.14.1 REQUIRED PERMITS 110
8.14.2 APPLICABLE TIME PERIOD 111
8.14.3 REQUIRED DISTANCES AND SETBACKS 111
8.14.4 APPLICABILITY OF OTHER REGULATIONS 112
8.14.5 PENALTY 112
8.15 CONTRACTOR YARDS 112
8.15.1 CONTRACTOR YARD, SMALL 112
8.15.2 CONTRACTOR YARD, LARGE 113
8.16 HOME OCCUPATIONS 113
8.17 ADMINISTRATIVE WAIVER 114
8.18 LANDSCAPING REQUIREMENTS 115
8.18.1 LANDSCAPING PLAN REQUIREMENTS 115
8.18.2 MINIMUM REQUIREMENTS 117
8.18.3 ADMINISTRATIVE RELIEF 119
8.18.4 POLICIES 120
8.19 MEDICAL MARIJUANA PROVIDER 121
8.20 SEXUALLY ORIENTED BUSINESS 121
SECTION 9. PERMIT REQUIREMENTS 122
9.1 GENERAL 122
9.2 LOCATION /CONFORMANCE PERMIT 122
9.3 FEES 122
9.4 MINOR VARIANCES 123
9.5 VARIANCES 123
9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS 123
9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE 124
9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE 124
9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION 125
9.5.5 LIMITATIONS ON ISSUING A VARIANCE 125
9.5.6 IMPOSITION OF CONDITIONS 125
9.5.7 AIRPORT HEIGHT VARIANCES 125

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES....125
9.5.9 STAFF REPORT CONTENT....126
9.5.10 EFFECT OF APPROVAL....126
9.5.11 EXPIRATION OF APPROVAL....126
9.5.12 APPEAL....126
SECTION 10. STANDARDS FOR SPECIAL USE PERMITS....127
10.1 GENERAL PROVISIONS....127
10.2 REQUIRED PLAN....127
10.3 PUBLIC NOTIFICATION....128
10.4 EXPIRATION....128
10.5 EXISTING VIOLATIONS....129
10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES....129
10.7 OPERATIONS....130
10.8 STAFF REVIEW....130
10.9 ZONING BOARD OF ADJUSTMENT REVIEW....130
10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION....131
10.11 REVOCABILITY....131
SECTION 11. NON-CONFORMING USES AND STRUCTURES....132
11.1 ALTERATIONS AND ADDITIONS....132
11.2 NATURAL DISASTER....132
11.3 DISCONTINUANCE....132
11.4 CHANGES....132
11.5 DISPLACEMENT....133
11.6 DISTRICT CHANGES....133
11.7 NATURAL RESOURCES PROTECTED....133
11.8 EXISTING PLATTED SUBDIVISION....133
SECTION 12. ZONING BOARD OF ADJUSTMENT....134
12.1 CREATION OF ZONING BOARD OF ADJUSTMENT....134
12.2 MEETINGS, RULES....134
12.3 APPEALS TO BOARD OF ADJUSTMENT....134
12.3.1 APPEAL FEE....134
12.3.2 APPEAL PROCEEDINGS....135
12.3.3 BOARD APPEAL POWERS....135
12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION....135
12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD....136
SECTION 13. VIOLATIONS AND PENALTIES....138
13.1 VIOLATIONS....138
13.2 PROCEDURE/PENALTIES....138
13.2.1 VIOLATION....138
13.2.2 COMPLIANCE....138
13.2.3 PROSECUTE....138
SECTION 14. PROCEDURES FOR AMENDMENT....139
14.1 APPLICATION....139
14.1.1 APPLICATION REQUIREMENTS....139
14.2 HEARING BEFORE THE PLANNING BOARD....141
14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS....141
14.3.1 NOTICE OF A PUBLIC HEARING....141
14.3.2 Board of County Commissioners....141
14.4 ACTION AFTER HEARING....141

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

14.4.1 After the public hearing 141
14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION ..142
14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE 142
SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT ...143
15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT 143
15.1.1 ESTABLISHMENT OF ZONES 143
15.1.2 HEIGHT LIMITATIONS 145
15.1.3 TRANSITIONAL ZONES 145
15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE 146
15.1.5 NON-CONFORMING USES: 146
15.1.6 AIRPORT AREA PERMITS 147
15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE ...148
15.1.8 APPEALS 149
SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD) 153
16.1 MAFB RUNWAY AREA 153
16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS) .154
16.3 EXCEPTIONS 154
SECTION 17 FLOOD ROAD OVERLAY DISTRICT (FOD) 157
17.1 INTENT 157
17.2 PERMITTED USES 157
17.3 USES ALLOWED WITH A SPECIAL USE PERMIT 158
17.4 PROHIBITED USES 158
SECTION 18 UNCLASSIFIED USE PERMITS 160
18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT 160
18.2 PUBLIC NOTIFICATION 161
18.3 EXPIRATION 161
18.4 EXISTING VIOLATIONS 161
18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES 161
18.6 OPERATIONS 163
18.7 STAFF REVIEW 163
18.8 ZONING BOARD OF ADJUSTMENT REVIEW 163
18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 164
18.10 REVOCABILITY 164

NOTE: MONTANA CODE ANNOTATED HAS BEEN SHORTENED TO "MCA**" THROUGHOUT THESE REGULATIONS.

ADMINISTRATIVE RULES OF MONTANA HAS BEEN SHORTENED TO "**ARM**" THROUGHOUT THESE REGULATIONS.

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All property owners are people but not all people are property owners

Redundant

suggests privileging of property owners

SECTION 1. PURPOSE

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

1.1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

1.1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;

1.1.3 To establish adequate standards for the provision of light, air, and open spaces;

1.1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

1.1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

1.1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

1.1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;

1.1.8 To fix reasonable zoning standards to which buildings and structures shall conform;

1.1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;

1.1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

1.1.11 To isolate or control the location of unavoidable nuisance producing uses;

1.1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and

1.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

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The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

1.2 Interpretation, Conflict with Other Laws

1.2.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare.

1.2.2 Whenever the requirements of these regulations are at variance with itself or the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.2.3 If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will only affect only the part held invalid.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

Montana Code Annotated § 76-2-203 (2015). Criteria and guidelines for zoning regulations.

(1) Zoning regulations must be:

(a) made in accordance with the growth policy and

(b) designed to:

(i) secure safety from fire, and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the Board of County Commissioners shall consider:

(a) reasonable provision of adequate light and air:

(b) the effect on motorized and non-motorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

Cascade County Planning Division
Public Information Request
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(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

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Public Information Request
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SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows. Unless specifically defined in this section, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Words used in the present tense include the future and the plural includes the singular. The word lot includes the words plat, tract or parcel. The word building includes the word structure. The words shall and must are intended to be mandatory. Occupied or used shall be considered as though followed by the words "or intended", "arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

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ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal.

ADULT-ORIENTED BUSINESS (SEE SEXUALLY-ORIENTED BUSINESS)

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

AGRICULTURAL USE

The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.

AIRPORT

An area or building, or portion thereof, that is used, intended, or designed for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of the same.

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AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure:

A Change or Rearrangement of the structural parts in the existing facilities; or

An Enlargement or Addition on a building or structure; or

Moving a building or structure from one location or position to another.

ALTERATION, STRUCTURAL

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn

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animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and raccoon.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANIMAL THERAPEUTIC FACILITY

Therapy that involves individuals interacting with animals, most frequently horses using specially-trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including children with autism. Examples are therapeutic horseback riding or hippotherapy.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APIARY

A place where bee colonies are kept.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include

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paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST

"Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

(a) breakfast is served and is included in the charge for a guest room; and
(b) the number of daily guests served does not exceed (MCA) 18. 50-51-102.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BREEZEWAY

A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUFFER YARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

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BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

CAMPGROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1 .(except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law.

"Casino" means any and all establishments that offer legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1, et. seq., and where any one of the following characteristics applies:

(1) the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
(2) five or more gambling machines are on the premises; and/or
(3) a card table is on the premises.

CEASE AND DESIST NOTICE

A notice issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

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CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CO-LOCATION

Placing more than one exterior transmitting or receiving device on one Telecommunications facility/structure at one location.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the

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Public Information Request
Scanned Documents
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public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis. (MCA) 76-2-412.

Definition of community residential facility. "Community residential facility" means:
(1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;
(2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in (MCA)52-2-602;
(3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;
(4) a licensed adult foster family care home; or
(5) an assisted living facility licensed under (MCA)50-5-227. (MCA)76-2-411.

Community group home

"Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202(1), MCA)

Youth foster home

"Youth foster home" means a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards.(52-2-602(12),MCA)

Youth group home

"Youth group home" means a youth care facility in which substitute care is provided to 7 to 12 children or youth. (MCA)52-2-602(13).

Cascade County Planning Division
Public Information Request
Scanned Documents
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Halfway house

"Halfway house" means a community residential facility for treatment of substance use disorders. (ARM 37.106.1413(17))

Adult foster family care home

"Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager.(50-5-101(5) (a),MCA)

Assisted living facility

A congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. (MCA)50-5-101(7).

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Concentrated animal feeding operation means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. (MCA)75-5-801(2).

CONDOMINIUM

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the

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Public Information Request
Scanned Documents
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like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

DAY CARE CENTER

"Day-care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis.(MCA) 52-2-703(3) (a).✓

Copied from MCA, as is, but should reflect the style of defining in these regs.

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DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

Should we also define "developer"?

The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DISTILLERY This definition is too broad, blends with value-added Ag

Establishment engaged in manufacturing, assembly, fabrication, packing or industrial processing of products from raw materials including the chemical transformation of materials or substances into new products, and blending of materials including liquors.

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

We should consider doing away with "family" here and the definition that it depends upon. Instead, we should integrate census definitions and

Dwelling, Single family

Detached dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

Dwelling, Multi-family

A dwelling unit that is part of a structure containing two or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

Duplex

A building designed as a single structure, containing two separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

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Public Information Request
Scanned Documents
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Triplex

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Fourplex

A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Apartment

A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Dwelling, Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.

EDUCATIONAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school or secondary education; such as colleges, universities, community colleges, and vocational schools.

primary, secondary, and post-secondary Education

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

what's a "housekeeping unit"?

FAMILY DAY CARE HOME

"Family day-care home" means a private residence in which day care is provided to three to six children on a regular basis. (MCA)52-2-703(6).

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security from which height is measured from natural grade.

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FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

FIREARMS RANGE, INDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

FIREARMS RANGE, OUTDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is not located within a building or structure.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe.

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FOWL, DOMESTIC

Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, turkeys and swans.

FOWL, WILD

A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

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GARAGE, PRIVATE

Building that is intended to house vehicles and household items belonging to the owner of the principal residence.

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

Luminance in excessive of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRAVEL PIT

See Open-cut Mining Operation

GROUP DAY CARE HOME

"Group day-care home" means a private residence or other structure in which day care is provided to 7 to 12 children on a regular basis.(MCA)52-2-703(7).

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Public Information Request
Scanned Documents
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GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

GUEST RANCH

A ranch operated wholly or in part as a resort offering horse-riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

"Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. (MCA)50-5-101(25) (a).

Wrong citation, should be (2b)(a)

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

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HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, archery ranges and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

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Public Information Request
Scanned Documents
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INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing; the term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD /SALVAGE YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs, cats or other domesticated animals over six months of age for the purpose of boarding, breeding, training, sale; or wholesale the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, pet shops, or animal shelters.

LANDING AREA

The area of the Airport used for the landing, taking off or taxiing of aircraft.

Cascade County Planning Division
Public Information Request
Scanned Documents
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LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Administrator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, which is used or is intended for renting, selling, and/or repairing of large equipment that is normally stored out of doors; typical items would include trucks (greater than 26,000 GVW), vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 p.m. to 7:00 a.m.).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, and llamas, buffalo, excluding bees.

LIVESTOCK, LARGE

Animals such as, but not limited to, horses, cows, emus, llamas, alpacas, ostriches, and the like.

LIVESTOCK, SMALL

Animals such as, but not limited to, goats, pigs, sheep, and the like.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

Cascade County Planning Division
Public Information Request
Scanned Documents
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LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, TOWNHOUSE / TOWNHOME

A lot defined as a properly recorded and deeded lot upon which a townhouse unit is located.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface has a lot coverage of 0.25 or 25 percent (0.5 / 2 = 0.25).

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOT LINE, ZERO

A lot where the building is placed on or near one of the side lot lines.

Cascade County Planning Division
Public Information Request
Scanned Documents
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LOT, WIDTH OF

The average width measured at right angles to the depth.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The North American Vertical Datum of 1988 to which the base flood elevations are referenced.

MEAT PACKING PLANT

A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limited to chickens, cattle, pigs, sheep and other livestock or fowl.

MEDICAL MARIJUANA DISPENSARY

A facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations.

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Public Information Request
Scanned Documents
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MEDICAL MARIJUANA PROVIDER

A Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) The term does not include the cardholder's treating physician or referral physician. (MCA)50-46-302 (10).

MEMBERSHIP CLUB

An organization catering exclusively to members and their guests in premises and buildings for recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

MICRO-BREWERY

A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

Def. wouldn't allow a cider house because of explicit call out "malt beverages" which of counts barley based beers only

Def. should focus on brewing operation not the starch source.

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY – See Storage Facility, Self-Service

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

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Public Information Request
Scanned Documents
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MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Manufactured Home.

MOTEL

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, tourist court and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

"Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal. (75-10-501(5), MCA)

MOTOR VEHICLE WRECKING FACILITY

"Motor vehicle wrecking facility" means:

(i) a facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(ii) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.(MCA)75-10-501(6) (a).

MOTORIZED SPORTS ENTERTAINMENT

A place and / or structure or portion thereof that is used for outdoor spectator type uses or events for motorized vehicles. This term includes the racing of snowmobiles, cars, trucks, motorcycles, buses, and tractors and the like. This definition includes, but is not limited to motocross, mud bog events and demolition derbies.

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Public Information Request
Scanned Documents
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MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-INSTRUMENT RUNWAY

A runway other than instrument runway.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

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Public Information Request
Scanned Documents
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NON-RESIDENTIAL USE

Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, or industrial purposes rather than private dwellings.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity or product not sold, conducted or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

OIL AND GAS EXPLORATION, DRILLING AND PRODUCTION

Oil and gas exploration, drilling, and production within new or established oil and gas fields outside of urban areas.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits

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Public Information Request
Scanned Documents
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or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes non-motorized race tracks, and amphitheaters.

OUTDOOR SPORTS AND RECREATION

A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, paintball fields, firearms ranges, archery ranges, and the like.

OUTFITTER/GUIDE FACILITY

A facility that:

(a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;

(b) furnishes sleeping accommodations to guests;

(c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in 37-47-101; and

(d) is a small establishment or a seasonal establishment (MCA) 50-51-102(7).

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

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Public Information Request
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PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMIT

A document issued by the Zoning Administrator or their designee of the Cascade County Planning Division which records all land use decisions, which are made by Cascade County on a land use application. These include but are not limited to Location/Conformance Permits, Special Use Permits, Unclassified Use Permits, and Home Occupation Permits.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

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PERMISSIVE CODE

Any use not specifically permitted or otherwise provided for, is not permitted.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10),MCA)

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

POLE SIGN

See Sign, Freestanding Sign.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORCH

A part of a building with a roof of its own that covers an entrance.

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b)

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Public Information Request
Scanned Documents
(Unofficial Copy)

operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition. For solar energy see Power Plant, Solar.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

POWER PLANT, SOLAR

"Solar Power Plant," means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE

To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PRINCIPAL LAND USE

The dominant land use of a parcel of land.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer, engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the State of Montana, including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the State of Montana, the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC INSTITUTION

A facility that provides a public service and is operated by a federal, state, or local government, public utility, public or private school or college, church, or public agency.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary dweling unit for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home and the like.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to

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Public Information Request
Scanned Documents
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manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RENDERING PLANT

A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-build homes, manufactured homes and stick-build homes, but excludes mobile homes.

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Public Information Request
Scanned Documents
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RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO-FAMILY

A single building that is situated on one lot and contains two dwelling units.

RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide an independent dwelling unit, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RESIDENTIAL USE

Any regular use by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. Activities within land areas used predominately for housing.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., SR-1, SR-2, RR-5, UR, MU).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RETAIL

An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering of services incidental to the sale of such goods.

Cascade County Planning Division
Public Information Request
Scanned Documents
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RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIDING AND ROPING ARENA

A private arena used for personal use or for small equestrian or rodeo events with twenty-five (25) or fewer participants.

RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RUNWAY

The paved, graveled, or dirt surface of an airport landing area.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, and the like.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

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Public Information Request
Scanned Documents
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Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book Store/Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult Motel

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment which, for any form of consideration, regularly shows films,

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

An advertising sign is a sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

Freestanding Sign

A sign without props. An example is a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

Wall Sign

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

exterior walls of buildings.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage.

SLAUGHTERHOUSE

A building, structure, or facility where livestock and/or fowl is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.

SMALL EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, that is used or is intended for renting, selling, and/or repairing small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SOLID WASTE DISPOSAL SITE

"Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. (75-10-103(7) (a), MCA)

SOLID WASTE TRANSFER STATION

"Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility. (ARM 17.50.403(51))

SPECIALTY SALES

Cascade County Planning Division
Public Information Request
Scanned Documents
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A place and/or building, or portion thereof, that is used or is intended for wholesale or retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special use permits may be permitted in a zoning classification district if a specific provision for such special use is explicitly listed in the Zoning District Regulations as a special use and a special use permit is issued by the Cascade County Planning Division upon approval of a Special Use Permit by the Cascade County Zoning Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STICK-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

Cascade County Planning Division
Public Information Request
Scanned Documents
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STORAGE FACILITY, SELF-SERVICE

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing.

STORM WATER

Water from a rainfall event or melting snow that flows over the ground surface.

STORM WATER DETENTION STRUCTURE

A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (~~Source:~~ 75-7-103, MCA).
A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title a condominium. The term also means area, regardless of its size, that provides or will provide multiple space for rent or lease on which recreational camping vehicles or mobile homes will be placed. (76-3-103(15), MCA)

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

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SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (MCA) 50-51-102.

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (MCA) 76-3-103(16)(a).

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TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UNCLASSIFIED USE PERMIT

The Unclassified Use Permit is a permit issued to an applicant by the Cascade County Planning Division after approval from the Zoning Board of Adjustment allowing a particular use, structure or activity not allowed as a matter of right regardless of the underlying zoning district.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes public and private: pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public and private: water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

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VALUE-ADDED-(AGRICULTURAL COMMODITIES)

The process of taking a raw agricultural commodity and changings its form to produce a higher quality end product.

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL

A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and

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kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

VETERINARY CLINIC, LARGE ANIMAL

A clinic that specializes in the care and treatment of large animals and livestock.

VETERINARY CLINIC, SMALL ANIMAL

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WHOLESALE

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

WHOLESALE FEEDLOT (FEEDLOT)

A lot, structure, building or confined area used intensively for raising or keeping of livestock

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belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devises as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NON-COMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORKFORCE HOUSING, PERMANENT (LABOR CAMP)

A place, area, or piece of land where housing is provided for two (2) or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees; (b) supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees; (c) disburses wage payments to such employees.

WORKFORCE HOUSING, TEMPORARY (LABOR CAMP)

A facility as described under Permanent Workforce Housing except that it provides temporary or seasonal housing for two (2) more employees.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

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YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year.

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5	**Rural Residential District**	**Page 60**
SR 1	**Suburban Residential District 1**	**Page 63**
SR 2	**Suburban Residential District 2**	**Page 63**
UR	**Urban Residential District**	**Page 65**
A	**Agricultural District**	**Page 67**
C	**Commercial District**	**Page 74**
I-1	**Light Industrial District**	**Page 80**
I-2	**Heavy Industrial District**	**Page 84**
MH	**Mobile Home District**	**Page 85**
OS	**Open Space District**	**Page 88**
PUD	**Planned Unit Development District**	**Page 89**
MU	**Mixed–Use District**	**Page 90**
MOD	**Military Overlay District**	**Page 153**
FOD	**Flood Road Overlay District**	**Page 157**

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Public Information Request
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SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in one district. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County Clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

4.1 "EXHIBIT A" ZONING MAP series or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County ". The map series consists of:

EXHIBIT A-1 "Cascade County Zoning Map" Full Extent

EXHIBIT A-2 "Cascade County Zoning Map" Enhanced Focus

EXHIBIT A-3 "Cascade County Zoning Map" Unincorporated Communities

4.2 "EXHIBIT B" (Reference Section 15)

EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

EXHIBIT B-3 "Noise Zones"

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Division.

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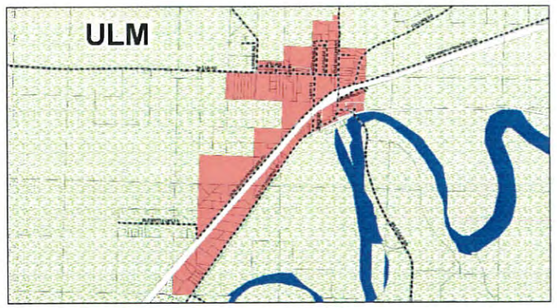
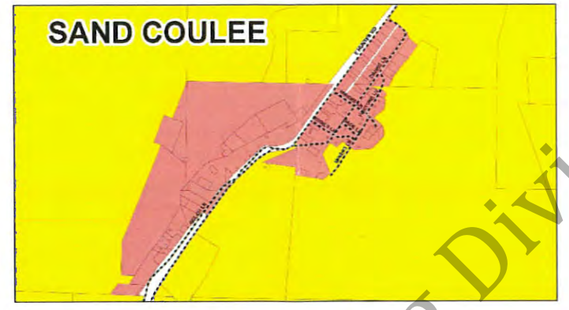
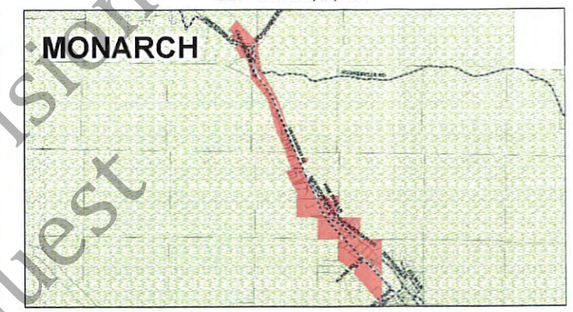
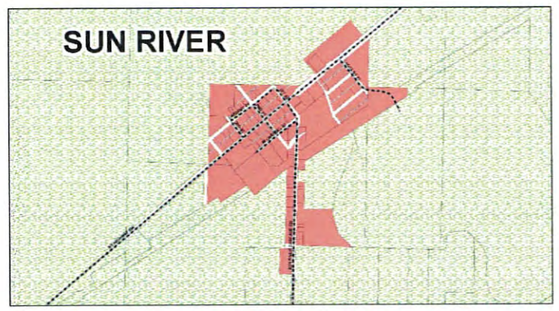
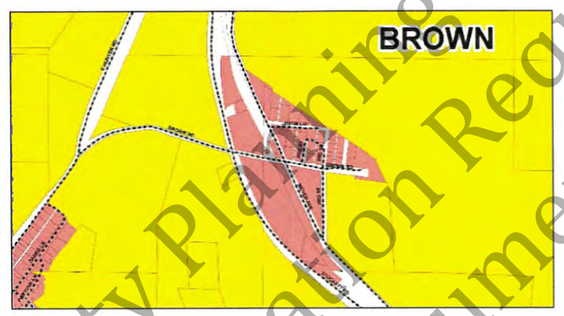
ZONING MIXED USE: EXHIBIT A-3
AMENDED 6/13/2017

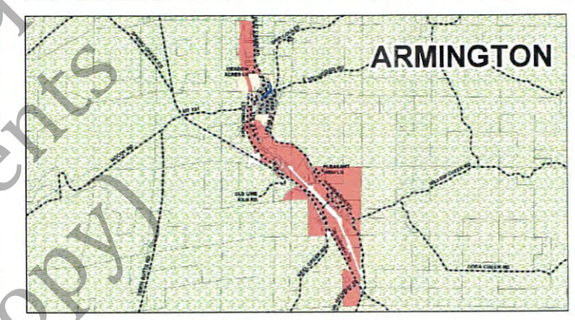


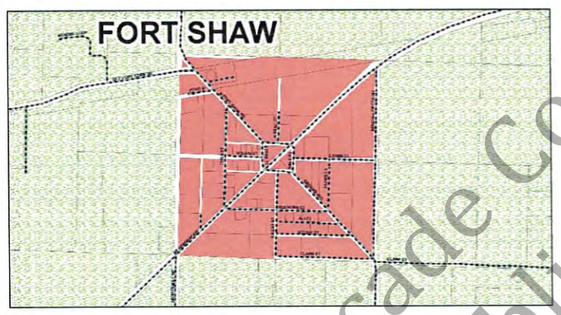


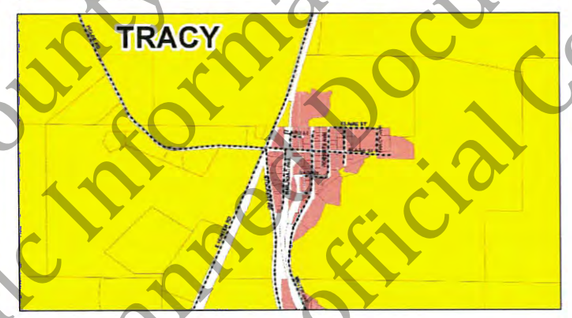


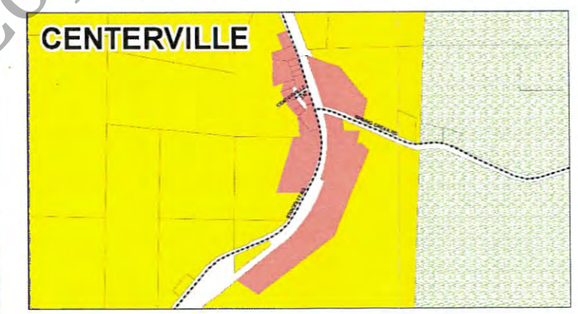


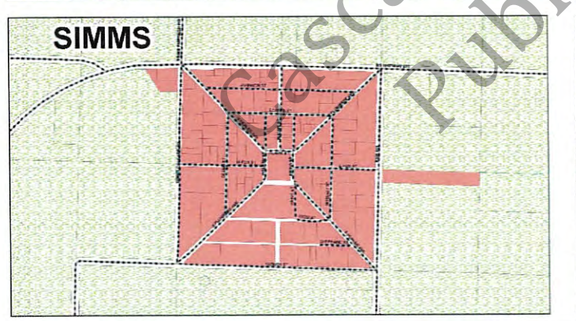


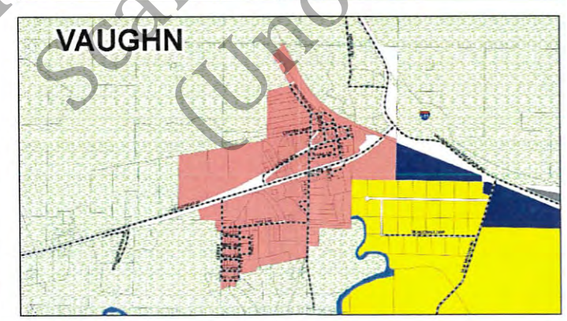


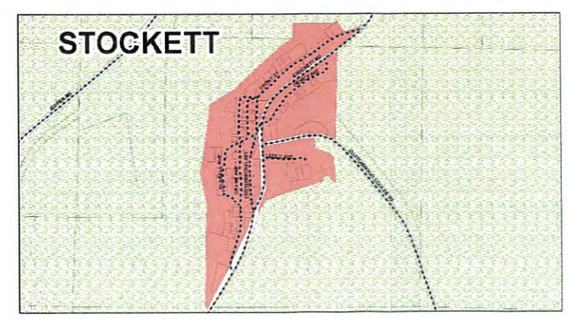


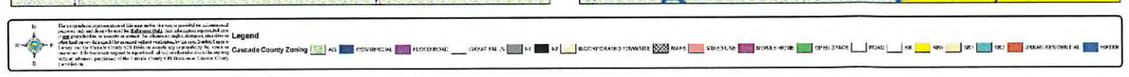












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SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.

5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.

5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.

5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

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SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families,

6.2.3 To occupy a greater percentage of lot area; or

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location or conformance permit may not also be used as the basis for meeting the requirements for a subsequent location or conformance permit.

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SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 RESIDENTIAL DISTRICTS

Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements

Is this a table of contents?

7.1.0.1 AREA REQUIREMENTS

(1) Table of District Area Requirements

District	Minimum Lot Area
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	No minimum

(2) Previously Described Lots

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 8.1.6; 11.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet.

(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements.

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7.1.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.1.0.3 YARDS

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

The front yard shall not have a depth of less than thirty (30) feet.

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

(4) Side Street and Corner Yard Transitions

See Section 8.3.4

(5) Streamside Setback

The streamside setback shall be no less than fifty (50) feet.

7.1.0.4 LOT COVERAGE

The percentage of lot area covered by main building and accessory building ground floor area shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 REQUIRED COURT DIMENSIONS

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any opposing wall forming said court.

7.1.0.6 OFF STREET PARKING AS REQUIRED IN SECTION 8.4

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7.1.0.7 REQUIRED STREAMSIDE SETBACK

Feet

Any portion of any structure must be setback a minimum of fifty (50) foot setback from any perennial-flowing stream or river. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facility

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Agricultural uses of land and usual agricultural buildings and structures.

(5) Public safety facility.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Limited Agricultural uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(8) Family Day Care Home, Group Day Care Home, Day Care Center

(9) Community Residential Facility-Provided eight occupants or less.

(10) Retirement Home, Nursing Home.

(11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).

(12) Bed and Breakfast.

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(13) Community Garden.

(14) On-Site Construction Office.

(15) Public Building.

(16) Public Institution.

7.1.1.2 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) Professional office in a residence.

(3) Customary home occupation (see Definition of Home Occupation and Section 8.16).

(4) 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.

(5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) A 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).

(2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.

(3) Utility Installation, minor.

(4) 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).

(5) The excavation of sand and gravel.

(6) Tourist Home.

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7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS PER SECTION 7.1.0

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Public Information Request
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7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2)

7.1.2.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facilities

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center

(8) Community Residential Facility-Provided eight occupants or less

(9) Retirement Home, Nursing Home

(10) Agricultural uses of land and usual agricultural buildings and structures.

(11) Limited Agricultural Uses

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(12) Community Garden

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Public Information Request
Scanned Documents
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(13) On-Site Construction Office.

(14) Public Institution.

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

(1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 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.

7.1.2.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS PER SECTION 7.1.0.

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Public Information Request
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7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.)

7.1.3.1 PERMITTED PRINCIPAL USES

(1) A one-family dwelling.

(2) Educational Facility.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center.

(8) Community Residential Facility-Provided eight occupants or less.

(9) Multi-Family Dwellings.

(10) Retirement Home, Nursing Home.

(11) Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.

(12) Mobile home park.

(13) Limited Agricultural Uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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

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Public Information Request
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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 other than that of owner.

(14) Accessory Dwelling Unit.

(15) Community Garden.

(16) On-Site Construction Office.

(17) Public Institution.

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

(1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met)

7.1.3.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

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

(2) Bed and Breakfast.

(3) Community Residential Facility.

7.1.3.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS AS PER SECTION 7.1.0.

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7.2 AGRICULTURAL (A) DISTRICTS

7.2.1 MINIMUM LOT AREA

The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(1) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(2) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(3) creates cemetery lots;

(4) is created for rights-of-way or utility sites;

(5) for gift or sale to a member of the immediate family; and

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.2.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in an A District shall be two-hundred (200) feet.

7.2.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

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7.2.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.0.4 LOT COVERAGE

All buildings and accessory buildings shall not cover more than forty percent (40%) of the lot or tract.

7.2.0.5 SIGNS

Agricultural District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.0.6 OFF-STREET PARKING

In an Agricultural District off-street parking shall be provided in accordance with Section 8.4.

7.2.2 PERMITTED PRINCIPAL USES

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Public Building.

(3) Public Safety Facility.

(4) Park.

(5) Community Center.

(6) Public and private forest and wildlife preserve and similar conservation areas.

(7) Commercial dairy if on a parcel 20 acres or greater.

(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(9) A one or two family dwelling(s) on a parcel of 20 acres or greater.
(example: 1 single family home or 1 duplex for two families or

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Public Information Request
Scanned Documents
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two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.

(10) Golf driving range if located on a tract of five (5) acres or greater.

(11) Campground, Recreational Vehicle Park.

(12) Bed and Breakfast.

(13) Tourist Home.

(14) 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.

(15) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.

(16) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(17) Community Garden.

(18) On-Site Construction Office.

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

Accessory buildings and uses customarily incidental to any of the above A District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

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7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(5) Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.

(6) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(7) Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.

(8) Mobile Home Park/Mobile Home Court.

(9) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

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Public Information Request
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(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(10) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

(11) General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.

(12) Small and Large Equipment Rental / Sales / Repair and General Repair.

(13) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

(14) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.

(15) Utilities both minor and major.

(16) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(17) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

(18) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(19) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(20) Outfitter/Guide Facility.

(21) Federal Firearm Retailers, Dealers, Repairers.

(22) Guest Ranch, provided parcel size is 20 acres or greater.

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(23) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.

(24) Manufactured housing sales.

(25) Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

(26) Distillery

(27) Value Added Agricultural Commodity Processing Facility. This may include processing, manufacturing, storage, and the like.

(28) Warehouse.

(29) Parking structure/garage.

(30) Artisan shop.

(31) Light manufacturing & assembly.

(32) Power Plant.

(33) Tourist cabins.

(34) Worship facility.

(35) Educational facility.

(36) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(37) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(38) Nursing Home, Retirement Home.

(39) Second dwelling unit on parcel less than 20 acres.

(40) Contractor Yard, small (8.15.1).

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Scanned Documents
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(41) Workforce Housing (Permanent Labor Camp).

(42) Temporary Workforce Housing (Temporary Labor Camp).

(43) Agricultural Commodity Storage Facility.

(44) Membership Club.

6, 7, 25

Def. of "Slaughterhouse", "rendering plant", "CAFO"

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7.3 COMMERCIAL (C) DISTRICT

7.3.1 MINIMUM LOT AREA

No minimum required.

7.3.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.3.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet required for principal, accessory and special permit uses and buildings excluding customer parking except where the Commercial district abuts or joins a Residential District in which case there shall be a front yard as specified in Section 8.3.

(2) **Side yard**

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the Commercial district abuts upon a lot in a Residential District in which case the standards shall be followed as shown in Section 8.3.

(3) **Rear yard**

Ten (10) feet except that required to provide parking as specified in Section 8.3. When a lot in a Commercial District abuts upon a lot in a Residential district, the standards shall be followed as set forth in Section 8.3.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.9(3).

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Public Information Request
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7.3.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.3.5 OFF-STREET PARKING

Off-Street Parking shall be provided in accordance with Section 8.4

7.3.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18

7.3.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.3.8 PERMITTED PRINCIPAL USES

(1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store, hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

(2) Any retail or wholesale trade, excluding large equipment trade (see large equipment rental / sales / repair definition) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/ machinery).

(c) Artisan Shop.

(d) Auction Sales.

(e) Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

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Public Information Request
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(f) Commercial Kennel, provided it complies with the regulations set forth in Section 8.7.

(g) Contractor Yard, small (8.15.1).

(h) Construction Material Sales.

(i) Restaurant.

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

(n) General Services.

(o) Health Care Center.

(p) Health Care Facility.

(q) Indoor Sports and Recreation / Entertainment.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Secondhand Sales.

(w) Shopping Center.

(x) Small Equipment Rental / Sales / Repair.

(y) Specialty Sales.

(z) Tavern.

(aa) Veterinary Clinic – Small Animal.

(bb) Veterinary Clinic – Large Animal.

(cc) Vehicle Fuel Sales.

(dd) Vehicle Repair.

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Public Information Request
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(ee) Vehicle Sales and Rental.

(ff) Vehicle Services.

(gg) Wholesale trade.

(hh) Instructional Facility.

(ii) Convenience Sales.

Should be (3)

(2) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(3) On-Site Construction Office.

(4) Public Building.

(5) Public Safety Facility.

(6) Community Cultural Facility.

(7) Community Center.

Repeated

(8) Educational Facility.

(9) Administrative Government Center.

(10) Educational Facility.

(11) Public Institution.

(12) Bus Terminal.

(13) Park.

Cascade County Planning Division
Public Information Request
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(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) The permitted accessory uses set forth under Section 8.8 Amateur Radio Station and/or Antenna (conditions 6,7 and 8 do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW may be used in the Commercial District subject to the requirements of Section 7.3 and 8.8 of these regulations.

7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family Dwelling Unit required by and incidental to the business enterprise.

(2) Large equipment rental / sales / repair.

(3) Garage, Public.

(4) Gravel Pit (open-cut mining operation).

(5) Manufacturing, Light.

(6) Agricultural, Building.

(7) Agricultural, Facility.

(8) Animal Shelter.

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Public Information Request
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(9) Manufactured Housing Sales.

(10) Membership Club.

(11) Recycling Center.

(12) Solid Waste Transfer Station.

(13) Utility Installation, Minor.

(14) Warehouse.

(15) Worship Facility.

7.3.11 USES NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually Oriented Business.

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7.4 INDUSTRIAL (I) DISTRICTS

7.4.1 AREA REQUIREMENTS

7.4.1.1 MINIMUM LOT AREA

No minimum requirement.

7.4.1.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.4.1.3 REQUIRED YARDS

(1) **Front yard** - Fifteen (15) feet depth minimum.

(2) **Side yard**

(a) Adjacent to industrial district shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a Residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) **Rear yard**

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such Residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

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Public Information Request
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7.4.1.4 LOT COVERAGE

None designated.

7.4.1.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.

7.4.1.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.4.1.7 Landscaping REQUIREMENTS

Landscaping requirements shall be in accordance with Section 8.18.

7.4.1.8 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.4.1.9 PERMITTED PRINCIPAL USES

(1) All principal uses permitted in a Commercial District.

(2) Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:

(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;

(b) emit no excessive obnoxious odors;

(c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;

(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;

(e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;

Cascade County Planning Division
Public Information Request
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(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

(g) conduct no mining, extracting, filling or soil stripping operations; and

(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(3) Agricultural Commodity Storage Facility.

(4) Artisan Shop.

(5) Bus Transit Terminal.

(6) Composting Facility.

(7) Contractor Yard, small (8.15.1).

(8) Freight Terminal.

(9) Fuel Tank Farm.

(10) Heli-Pad.

(11) Large Equipment Rental / Sales / Repair.

(12) Manufactured Housing Sales.

(13) Park.

(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

(17) Railroad Yard.

(18) Recycling Center.

(19) Sexually Oriented Business.
It may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

(20) Solid Waste Transfer Station.

(21) Truck Terminal.

Cascade County Planning Division
Public Information Request
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(22) Utility Installation, Minor and Major.

(23) Warehouse.

(24) Worship Facility.

(25) 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.

(26) "Power Plants, Commercial Wind Farms" subject to the requirements of Section 8.10 and 8.11 of these regulations.

(27) Educational Facility.

(28) Gravel Pit (open-cut mining operation).

(29) Public Institution.

(30) Power Plants, Solar subject to the requirements of Section 8.12 of these regulations.

7.4.1.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land.

(3) Animal Shelter.

(4) Agricultural Buildings.

(5) Garage, Public.

(6) Membership Club.

7.4.1.11 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT

7.4.2.1 PERMITTED PRINCIPAL USES

All **NON-RESIDENTIAL** uses not otherwise prohibited by law. Any such use shall be required to comply with any supplemental regulations outlined in Section 8 of these regulations. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless modified or waived by the Zoning Administrator.

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

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land; Agricultural Buildings.

7.4.2.3 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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7.5 MOBILE HOME (MH) DISTRICT

7.5.1 MINIMUM LOT AREA

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.5.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.5.3 REQUIRED YARDS

(1) **Front yard**

The minimum front yard required shall be ten (10) feet.

(2) **Side yard**

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

(3) **Rear yard**

The minimum rear yard shall be at least ten (10) feet.

7.5.4 LOT COVERAGE

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.5.5 LOT WIDTH

The minimum lot width shall be thirty (30) feet.

7.5.6 OFF-STREET PARKING REQUIREMENTS

All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 8.4.

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Public Information Request
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7.5.7 LANDSCAPING

Requirements shall be in accordance with Section 8.18.

7.5.8 SITE PLAN REVIEW AND APPROVAL

Prior to the construction of a mobile home court or subdivision, the following steps must be taken:

7.5.8.1 ZONING

The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.5.8.2 PLANNING BOARD

The Planning Board must approve the court site plan or subdivision plat.

7.5.8.3 SUBMISSION

After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES

7.5.9.1 REQUIREMENTS

In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, mobile home courts, and mobile home subdivisions must also be complied with.

7.5.9.2 SEASONAL STORAGE

Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary abode of the owner or any other person is permitted on privately owned tracts of ground.

7.5.10 PERMITTED PRINCIPAL USES

7.5.10.1 MOBILE HOME COURT

In a Mobile Home Court, only mobile homes are allowed.

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7.5.10.2 MOBILE HOME SUBDIVISION

In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.5.10.3 ON-SITE CONSTRUCTION OFFICE.

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

7.5.11.1 Private Garage.

7.5.11.2 Other customary accessory use and building.

7.5.12.3 Professional office in a residence.

7.5.12.4 Customary home occupation (see Section 8.16).

7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

7.5.12.1 Worship facility, where off-street parking is not provided are permitted when approved by the Zoning Board of Adjustment.

7.5.12.2 Recreation building or area operated by membership club for the benefit of members and not for gain.

7.5.12.3 Educational facilities not heretofore defined, public library and publicly owned building.

7.5.12.4 Utility installation, minor.

7.5.12.5 On-site real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Zoning Board of Adjustment.

7.5.12.6 Convenience Sales

Allowed with the following exclusions:

(1) Liquor

(2) Gambling except for:
   (a) The Montana State Lottery, Powerball tickets, and the like.

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7.6 OPEN SPACE (OS) DISTRICT

7.6.1 REQUIRED LOT AREA

No minimum requirement.

7.6.2 LOT COVERAGE

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.6.3 PERMITTED PRINCIPAL USES

7.6.3.1 Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

7.6.3.2 Utility Installation, Minor.

7.6.3.3 Agriculture and forestry.

7.6.3.4 On-Site Construction Office.

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING:

7.6.4.1 Automobile parking area as required in Section 8.4.

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Public Information Request
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7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

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Public Information Request
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7.8 MU DISTRICT – MIXED USE DISTRICT

7.8.1 MINIMUM LOT AREA

No minimum required

7.8.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.8.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.8.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.8.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.8.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

Cascade County Planning Division
Public Information Request
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7.8.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.
In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.8.8 PERMITTED PRINCIPAL USES

(1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts

(2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/machinery).

(d) Auction Sales.

(e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.

(f) Building materials, hardware and farm equipment sales and service.

special use

(g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.

(h) Construction Material Sales.

(i) Contractor Yard, Small (8.15.1).

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

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Public Information Request
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(n) General Services.

(o) Health Care Center

(p) Health Care Facility.

(q) Hotel and Motel.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

C (t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Restaurant.

(w) Recreational Vehicle Park.

(x) Retail.

(y) Secondhand Sales.

(z) Shopping Center.

(aa) Small Equipment Rental / Sales / Repair.

(bb) Specialty Sales.

(cc) Tavern.

(dd) Veterinary Clinic – Small Animal.

(ee) Vehicle Fuel Sales.

(ff) Vehicle Repair.

(gg) Vehicle Sales and Rental.

(hh) Vehicle Services.

(ii) Wholesale trade.

(jj) Instructional Facility.

(kk) Agricultural Commodity Storage Facility.

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Public Information Request
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(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(4) Mobile Home Park / Mobile Home Court.

(5) On-Site Construction Office.

Special use

(6) Gravel Pit (open cut mining operation).

DEQ Review Req.

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.

(5) Home Occupations.

Cascade County Planning Division
Public Information Request
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(6) Professional Office in a Residence.

7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Manufactured housing sales.

(2) Veterinary clinic, large animal.

(3) Commercial kennel.

(4) Large equipment rental / Sales / Repair.

(5) Warehouse.

(6) Animal shelter.

(7) Administrative Government Center.

(8) Composting facility.

(9) Recycling center.

(10) Solid waste transfer station.

(11) Telecommunication facility.

(12) Bus transit terminal.

(13) Commercial parking lot.

(14) Parking structure.

(15) Taxi dispatch terminal.

(16) Artisan shop.

(17) Light manufacturing & assembly.

(18) Garage, Public.

(19) Indoor Entertainment.

(20) Indoor Sports and Recreation.

(21) Membership Club.

(22) Parking Garage.

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Public Information Request
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(23) Tourist Home.

(24) Utility Installation, Minor.

(25) Worship Facility.

7.8.11 USES SPECIFICALLY NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually-Oriented Businesses.

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SECTION 8. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Sections 7 and 9 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

8.1 USES, SIGNS, LOTS

8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS

8.1.1.1 There shall be a limit of two (2) total freestanding signs per tract of land containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Division. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.

8.1.1.2 Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.

8.1.1.3 Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.

8.1.1.4 Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.

8.1.1.5 Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.

8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

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Public Information Request
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8.1.2.1 On-premise and off-premise (for non-profit only) signs in residential and agricultural districts (RR-5, SR-1, SR-2, UR and A)

8.1.2.2 Signs in residential and agriculture districts shall be limited to non-commercial uses, such as religious institutions, fraternal organizations, schools, etc. Bulletin boards for worship facilities, educational facilities, or other public, religious, or educational institution are allowed provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.

8.1.3 OTHER SIGNS (ALL DISTRICTS)

8.1.3.1 Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

8.1.3.2 Political Signs shall be regulated pursuant to Montana Codes Annotated. Additionally, the following regulations shall apply:

8.1.3.2.1 Political Signs

(1) Signs promoting political candidates or issues shall:

(a) Not be erected or maintained within the highway right-of way

(b) Not be erected or maintained prior to 90 days before the applicable election.

(c) Be removed within 30 days following the applicable election. The successful candidate in the primary election may leave their signs until after the general election.

8.1.3.2.2 Directional Signs

(1) Including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they not exceed eight (8) square feet maximum in size and be no greater than eight (8) feet in height and may not contain any advertising.Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 1.2 shall apply.

8.1.4 NON-CONFORMING SIGNS

(1) Signs at the time of enactment of this Regulation which are not

Cascade County Planning Division
Public Information Request
Scanned Documents
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conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

(2) Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

8.1.5 NATURAL PRODUCTION USE

A Special Use Permit may be reviewed by the Zoning Board of Adjustment in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-2 Heavy Industrial District and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral deposits for the quarrying of any kind of rock formation, subject to the following conditions:

8.1.5.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.

8.1.5.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Zoning Board of Adjustment.

8.1.5.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (MCA) Title 82, Chapter 4, Part 4, et. seq.

8.1.5.4 In the case where a natural production use abuts an R District, a C District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.

8.1.5.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

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Public Information Request
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8.1.6 DWELLINGS ON SMALL LOTS

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a one-family dwelling on any lot in an Agricultural District or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for one (1) family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

8.1.7 REVERSE AND KEY LOTS

In the case of a reverse lot, the building setback line shall be the same as the key lot.

8.1.8 ABANDONED BUILDINGS / ITEMS

Abandoned buildings / items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND

Each parcel of land shall have only one zoning designation.

8.2 YARDS

8.2.1 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

8.2.2 PORCHES

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

8.2.3 PROJECTING ARCHITECTURAL FEATURES

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

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Public Information Request
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8.2.4 FIRE ESCAPES

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

8.2.5 FENCES

No fence in any residential district may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement.

A variance may be allowed by the Zoning Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Zoning Board of Adjustment.

No fence of an electrically charged type shall be erected in any residential district. Razor wire shall be located in only an Industrial Zoned District, must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it.

A location conformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.

8.2.6 FRONT YARD DEPTH

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

8.3 TRANSITION REGULATIONS

8.3.1 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

8.3.2 SIDE AND REAR YARD TRANSITION

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

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Public Information Request
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8.3.3 FRONT YARD TRANSITION

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

8.3.4 CORNER YARD TRANSITION

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

8.4 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected, or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

8.4.1 DWELLINGS

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

8.4.3 MOTELS AND HOTELS

At least one (1) parking space for each one (1) guest unit.

8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME

8.4.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

8.4.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

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Public Information Request
Scanned Documents
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8.4.6 STORES

8.4.6.1 C District (Commercial District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

8.4.7 OFFICE BUILDINGS

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS

At least two (2) parking spaces for each three (3) working people on a maximum shift.

8.4.9 GENERAL

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the building.

8.5 SITE PLAN REVIEW CRITERIA

In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with this section and shall approve, or approve with conditions, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter into the Office of the Zoning Administrator's record the reason for such action.

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

(1) Name and address of applicant.

(2) Legal description and boundary lines of property being considered for review.

(a) Existing and proposed land use upon the site.

(b) Names of owners and existing land use on adjacent property.

(c) Location, size, dimensions and uses of existing and proposed buildings and improvements.

(d) Location and description of existing and proposed utilities.

(e) Location and dimensions of curb cuts and access points.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(f) Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

(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 Division 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. (See Letter of Map Change definition).

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Public Information Request
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8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) Pet Wholesalers.

(2) Pet Breeders.

(3) At a minimum, kennels shall provide:

(4) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from residential districts.

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) Exotic and Wild Animal Dealers.

8.8 TOWERS AND FACILITIES

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations providing they meet the following conditions:

(1) Setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries).

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.9 POWER PLANTS

The following regulations are for all proposed commercial power plants. Additional requirements for specific types of power plants are delineated in the following sections.

(1) Must meet all state, federal, and local regulations regarding

Cascade County Planning Division
Public Information Request
Scanned Documents
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the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT)

(1) Facility may not exceed one (1) megawatt of total generating capacity.

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:

(1) Must meet all state, federal, and local regulations regarding the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(6) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(7) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(8) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

not be finished in bright or vivid colors intended to draw attention to the structure or property.

(9) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(10) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(11) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.12 POWER PLANT, SOLAR

Based on the typical solar power plant design, uses tend to be low in intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use may be compatible in both urbanized and non-urbanized areas throughout the County. Standards for power plant generation by solar energy shall be subject to the administrative requirements of Section 18 and the following site development standards:

(1) Lot coverage: All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of a lot unless adjusted by the Zoning Board of Adjustment.

(2) Setbacks: solar power plant structures shall be set back from all property lines at least thirty (30) feet from the front and six (6) feet from the side yards, and ten (10) feet from a rear yard.

(3) Landscaping Buffer: as determined by the Zoning Board of Adjustment through the Unclassified Use Permit process with considerations of location, size of parcel and topography of parcel. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.

(4) No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is

Cascade County Planning Division
Public Information Request
Scanned Document
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required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style.

(5) Siting requirements of any structure within the Height Military Overlay District (MOD) must be met. Any variance requested for over-height must be presented to Malmstrom's reviewing staff and approved.

(6) Safety/Access: An appropriate security fence (height and material to be determined through the Unclassified use permit process) shall be placed around the perimeter of the solar power plant.

(7) Signage: appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.

(8) Noise: No operating solar power plant shall produce noise that exceeds any of the following limitations:

(a) Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
(b) Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
(c) Sixty dBA, as measured at the property lines of any other project boundary.

(9) Agreements/Easements: If the land on which the project is to be leased rather than owned by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project and a copy provided with an Unclassified use permit application.

(10) Removal: Structures that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS

A Special Use Permit is required by the Zoning Board of Adjustment in the Agricultural District. In addition to the submittal requirements of Section 10, Standards for Special Use Permits, the following items will be required.

(1) Cover letter describing project and submittal materials.

(2) Copy of associated mineral leases.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(3) Copy of order from the Montana Board of Oil and Gas Conservation, and associated stipulations/conditions.

(4) Name and location of all water wells on adjacent properties.

(5) Operations statement detailing the proposed hours of operation, duration of project, operation of project including staffing schedules and estimated trips per day, traffic study with proposed mitigation and fire plan with proposed mitigation.

(6) Noxious Weed Management Plan.

(7) Plan for reclamation of all disturbances associated with the project.

(8) Workforce Housing plan, if applicable.

(9) Any additional information deemed necessary by the Planning Division.

8.14 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated (M.C.A). Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in this Section.

8.14.1 REQUIRED PERMITS

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 9.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana.

Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31st and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.14.2 APPLICABLE TIME PERIOD

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise **prior to June 1** of the year for the **June 24th through July 5th** selling period and must be removed by **July 31st** of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise **prior to December 6th** of the year for the **December 29th through December 31st** selling period and must be removed by **January 15th** of the next year.

8.14.3 REQUIRED DISTANCES AND SETBACKS

A temporary fireworks stand shall be located:

(1) At least 300 feet from a worship facility, a hospital, or educational facility.

(2) At least 150 feet from any flammable liquid dispensing device or installation.

(3) At least 150 feet from any residential dwelling unit.

(4) At least 30 feet from any public roadway.

(5) At least 50 feet from any non-residential structure.

(6) At least 25 feet from any attendant vehicle or structure associated with the fireworks stand.

(7) Setbacks

Front Yard- The minimum front setback shall be thirty (30) feet.

Rear Yard- The minimum rear setback shall be thirty (30) feet.

Side Yard- The minimum side setback shall be ten (10) feet.

(8) Off-street Parking

Size- The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

Number- The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

The required front yard may be used for off-street parking.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.14.4 APPLICABILITY OF OTHER REGULATIONS

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

8.14.5 PENALTY

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 14, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

8.15 CONTRACTOR YARDS

8.15.1 CONTRACTOR YARD, SMALL

Generally these standards do not apply to contractor yards in Industrial zoning districts.

(1) Lot size requirements

The minimum lot size shall be one (1) acre.

(2) Limitations on equipment

No more than two (2) pieces of heavy equipment exceeding three tons may be stored on the premises.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is prohibited.

(4) Buildings.

A building(s) not exceeding a cumulative total of three thousand (3,000) square feet shall be constructed on the premises to accommodate the contractor's operations.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.15.2 CONTRACTOR YARD, LARGE

Generally these standards do not apply to contractor yards in Industrial zoning districts.

(1) Lot size requirements

There are no minimum lot size requirements.

(2) Limitations on equipment

There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is permitted.

(4) Buildings

The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.

8.16 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home Occupations also must:

(1) Be carried on only within the principal or accessory buildings;

(2) Be incidental and secondary to the use of the dwelling unit for residential purposes;

(3) Be carried on by a member of the family residing in the dwelling unit; and

(4) Conform to the following additional conditions:

(a) There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.

(b) There shall be no exterior storage of materials or variation

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

from the residential character of the principal building;

(c) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and

(d) Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

(1) Art studio;

(2) Dress and drapery making;

(3) Teaching with musical instruments limited to a single pupil at a time; and/or

(4) Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

(1) Restaurants;

(2) Commercial stables and commercial kennels; and / or

(3) Auto repairing.

In instances where the appropriateness of the proposed home occupation in unclear, the Zoning Administrator may request an Operational Statement from the applicant that provides a complete description of the operation, such as days and hours of operation, number of customers or visitors, type and frequency of deliveries, etc.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

8.17 ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Director or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Director or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief.

(2) The intent of the section and the specific regulation in question is preserved.

(3) The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.

(4) All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Director or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all C, I-1, I-2, MU, and MH and as otherwise required in these regulations.

The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

8.18.1 LANDSCAPING PLAN REQUIREMENTS

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

Cascade County Planning Division
Public Information Request
Scanned Documents
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(1) Appropriate to the conditions in which they are planted;

(2) Have non-invasive growth habits;

(3) Encourage low maintenance, high quality design; and

(4) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Division or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

(1) Scale: ¼"=1'0" to 1"=40'

(2) Property lines, easements and public rights-of-way, including clear vision triangles

(3) Buildings or structures - both new and existing.

(4) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.

(5) Landscaping materials:

(a) Location and spacing of proposed plant materials

(b) Location of existing trees or landscaping to be preserved or eliminated

(c) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule

(d) Size of materials, in caliper, diameter and height at installation and maturity

(e) Quantity of each planting materials to be used

(f) Types and location of inorganic landscaping material

(6) Location of walls, fences and refuse storage area

(7) Methods of protecting the landscaped areas

(8) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a health, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have been irreparably damaged shall be removed and replaced with living plant

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

materials consistent with the approved landscape plan or as required by these regulations.

8.18.2 MINIMUM REQUIREMENTS

8.18.2.1 STREET FRONTAGE LANDSCAPING

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: 15' minimum buffer yard width 1 tree per 80 linear feet of frontage

Option 2: 10' minimum buffer yard width 2 trees per 80 linear feet of frontage

Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 80 linear feet of frontage

Option 4: 5' minimum buffer yard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area.
A non-decorative wall shall be covered with vines on the street side of the wall.
A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.2. PERIMETER LANDSCAPING

(1) The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Administrator shall determine which category best matches the use.

8.18.2.3 BUFFER YARD CLASSIFICATION REQUIREMENTS:

Buffer yard A: No Landscaping Required

Buffer yard B: 5' minimum buffer yard1 tree per 40 linear feet

Buffer yard C: 10' minimum buffer yard 2 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

Buffer yard D: 15' minimum buffer yard 4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.18.2.4 BUFFER YARD STANDARDS FOR ALL DEVELOPMENT

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

8.18.2.5 OTHER REQUIREMENTS

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, and any combination thereof.

Any parking lot which requires more than ten (10) parking spaces must be paved and provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm Water Runoff Regulations. Parking lots which require less than ten parking spaces must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Director.

8.18.3 ADMINISTRATIVE RELIEF

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(2) The intent of the landscaping section and the specific regulation in question is preserved; and

(3) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Zoning Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18.4 POLICIES

(1) The Planning Division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Division may grant Administrative Relief in the event of these situations and proposals.

(2) The Planning Division recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

(3) The Planning Division shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

(4) The Planning Division also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the

Cascade County Planning Division
Public Information Request
Scanned Documents
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Planning Division generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered.

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees.

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

8.19 MEDICAL MARIJUANA PROVIDER

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

not enforceable

8.20 SEXUALLY ORIENTED BUSINESS

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 9. PERMIT REQUIREMENTS

9.1 GENERAL

These regulations shall be enforced by the Zoning Administrator who shall be appointed by the Board of County Commissioners of Cascade County. No Location / Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been met.

9.2 LOCATION /CONFORMANCE PERMIT

No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; 2) a site plan meeting the requirements of Section 8.5 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator, and a separate Location/Conformance Permit has been issued for each tract of land.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned A – Agricultural, and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the A Agricultural requirements listed in these regulations. All other uses including commercial, special use permits, etc. require obtaining a location/conformance permit and complying with the Cascade County Zoning Regulations.

Location/Conformance Permit approval by the Zoning Administrators 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 12-month extension to the expiration the Location/Conformance Permit approval.

9.3 FEES

The fee to be paid upon application for a Location / Conformance Permit shall be Fifty Dollars ($50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars ($200.00). The fee to be paid upon application for a Special Use Permit or an Unclassified Use Permit shall be Four Hundred Fifty Dollars ($450.00). The fee to be paid for an Appeal Application or for a Variance Application shall be Two Hundred Fifty Dollars ($250.00). All fees are non-refundable.

Cascade County Planning Division
Public Information Request
Scanned Documents
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9.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined by the Zoning Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of 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 Division along with the application / appeal fee (**$250**) as may be established by the County Commission.

(2) **Determination of completeness**. Within 10 working days of submittal, the Planning Director shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied

(3) **Notice**. Consistent with Section 12 of these regulations, the director 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 Zoning Board of Adjustment 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 director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, the applicant, and the applicant's agent, if

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Zoning Board of Adjustment shall hold a public hearing to review the application.

(7) **Decision.** Within 30 days of the determination of completeness, the Zoning Board of Adjustment 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 director 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:

Cascade County Planning Division
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(1) The proposed use will be adequately 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 3 members shall be necessary to approve a variance. (MCA)76-2-224.

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.

(4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the Zoning Board of Adjustment 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. (MCA) 67-4-314.

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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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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. (MCA) 76-2-227 (1).

Cascade County Planning Division
Public Information Request
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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 as Provided in Section 10" 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 $450.00.

10.2 REQUIRED PLAN

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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.

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 Office of the County Clerk and Recorder or Planning Division).

(c) Describe the existing land use of the parcel and neighboring

Cascade County Planning Division
Public Information Request
Scanned Documents
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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

Public Hearing
Newspaper Publication twice w/ at least 6 days between

A public hearing shall be required for all special use permit applications heard by the Cascade County Zoning Board of Adjustment. 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 Zoning Board of Adjustment will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the special use permit.

10.4 EXPIRATION

Owner of property to be permitted and adjacent landowners notified by cert. Mail

The Zoning Board Of Adjustment 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 Zoning Board Of Adjustment 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 Zoning Board of Adjustment prior to the date of expiration.

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Board of Adjustment can approve any Special Use Permit, it must first reach each of the following conclusions:

(1) Conditions may be required that the Zoning Board of Adjustment 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:

(a) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

(b) Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

(c) Soil erosion, sedimentation, and stormwater 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:

(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

Cascade County Planning Division
Public Information Request
Scanned Documents
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(4) The proposed development will be in harmony with the area in which it is located.

Considerations:

(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:

(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 the 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 Cascade County Zoning Board of Adjustment.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the Zoning Board of Adjustment 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 makes 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

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Zoning Board of Adjustment 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 Zoning Board of Adjustment, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment 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.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 11. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

11.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

11.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his or her ability the date of a discontinuance of a non-conforming use based on substantiating evidence from the applicant and any other historical records or documents.

11.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

Cascade County Planning Division
Public Information Request
Scanned Documents
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11.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

11.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

11.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

11.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

Cascade County Planning Division
Public Information Request
Scanned Documents
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SECTION 12. ZONING BOARD OF ADJUSTMENT

12.1 CREATION OF ZONING BOARD OF ADJUSTMENT

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Zoning Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term.

All members of the Board shall serve without compensation. The Zoning Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person or persons, jointly or severely aggrieved by a decision of the administrative officer or by an officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the Board, in a timely manner all papers constituting the record upon which the action appealed was taken.

12.3.1 APPEAL FEE

Upon the filing of an appeal to the Zoning Board of Adjustment, the applicant shall pay to such Board, an appeal fee of Two Hundred Fifty Dollars ($250.00); provided, however, that if any officer, department, board or bureau of the

Cascade County Planning Division
Public Information Request
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municipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 APPEAL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate of stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken, and on due cause shown.

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest and decide the appeal within a reasonable time. The notice shall be published at least 15 days prior to, but no more than 30 days prior to, the public hearing. At the hearing, a party may appear in person or by the party's attorney.

12.3.3 BOARD APPEAL POWERS

The Zoning Board of Adjustment shall have the following powers:

12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

12.3.3.2 To hear and decide Special Use Permits (see Special Use Permit definition) to the terms of the zoning regulations as provided for in Section 10 of these regulations. The language herein is not intended to restrict or limit the power of the Zoning Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.

12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION

12.3.4.1 In exercising the above-mentioned powers, the Zoning Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

12.3.4.2 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD

12.3.5.1 Any person or persons, jointly or severally, aggrieved by a decision of the Zoning Board of Adjustment, may present to the Board of County Commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Board of County Commissioners within thirty (30) days after the filing of the decision of the board of adjustment, and a final decision must be made within sixty (60) days of the receipt of the petition.

The office of the Zoning Board of Adjustment in which the decision shall be filed shall be the Cascade County Public Works Department Planning Division. A vote of the zoning board of adjustment shall constitute a final decision of the matter and shall be deemed filed at the adjournment of the meeting.

The Board of County Commissioners may:

a) remand the special exception to the board of adjustment;
b) reverse or affirm, wholly or partly, the decision of the board of adjustment; or
c) modify the decision of the board of adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners or the Zoning Board of Adjustment, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the appropriate board.

12.3.5.2 Upon presentation of a petition, the court may allow a writ of certiorari directed to the Board of County Commissioners or the Zoning Board of Adjustment to review the decision of the Board and shall prescribe in the writ the time within which a return must be made and served upon the realtor's attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ may not stay proceedings upon the decision appealed from, but the court may, upon

Cascade County Planning Division
Public Information Request
Scanned Documents
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application, on notice to the board of county commissioners or the board of adjustment, and on due cause shown, grant a restraining order.

12.3.5.3 The Board of County Commissioners or the Zoning Board of Adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

12.3.5.4 If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Cascade County Planning Division
Public Information Request
Scanned Documents
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"Zoning Administrator" not defined and CCZR do not give authority to planning ~~Staff~~ as allowed by MCA 76-2-~~207~~ 210 (3)

SECTION 13. VIOLATIONS A

13.1 VIOLATIONS

In case any building or structure ... ced, altered, repaired, converted or maintaine ... violation of these regulations, the proper aut ... medies, may institute any appropriate actio ... ul erection, construction, reconstruction, pla ... tenance, or use, to restrain, correct, or abate ... uch building, structure, or land, or to prevent a ... about such premises.

13.2 PROCEDURE/PENALTIES

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 VIOLATION

After first knowledge of the violation, a notice to comply or cease and desist notice to comply within thirty (30) days shall be issued.

13.2.2 COMPLIANCE

If compliance as enumerated in 13.2.1 above is not obtained within an additional thirty (30) days (for a total of sixty (60) days since the date of the first notice to comply), the violation shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

13.2.3 PROSECUTE

The County reserves the right to prosecute a continuing violation which has not been corrected after the above steps have been taken.

Cascade County Planning Division
Public Information Request
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SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 rezoning petition process.

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

(1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.

(2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.

(3) A legal description of the boundaries of the proposed district.

(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 Office of the County Clerk and Recorder or Planning Division).

(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.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(f) On a site plan, indicate the location of existing curb cuts or access points.

(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.

(5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

(6) Prepare a statement which addresses the following considerations:

(a) Made in accordance with the growth policy and

(b) Designed to:

(i) Secure safety from fire, and other dangers; and

(ii) Promote public health, public safety, and general welfare; and

(iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(c) Reasonable provision of adequate light and air:

(d) The effect on motorized and non-motorized transportation systems;

(e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(f) The character of the district and its peculiar suitability for particular uses; and

(g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars ($750.00).

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14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district.

14.3.1.2 The general character of the proposed zoning regulations.

14.3.1.3 The time and place of the public hearing.

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

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addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under (MCA) Title 15 Chapter 7 Part 202 or whose property is taxed as forest land under (MCA) Title 15, Chapter 44, Part 1 have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

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SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the land, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport.

(2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

(3) That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

15.1.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zone which are hereby referenced in these regulations and made a part hereof (Section 4). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

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15.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

15.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

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15.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

15.1.2 HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

15.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

15.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

15.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.3 TRANSITIONAL ZONES

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and

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Public Information Request
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extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

15.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

15.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

15.1.5 NON-CONFORMING USES:

15.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

15.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of

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aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

15.1.6 AIRPORT AREA PERMITS

15.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations.

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15.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

15.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

15.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on Exhibit B-1, B-2, and B-3 which are attached to these regulations and made a part hereof. (Reference Section 4.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) seventy-five (75) Ldn.

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(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

15.1.7.2 Exceptions

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 15 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

15.1.8 APPEALS

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 16 of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.

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EXHIBIT B-1

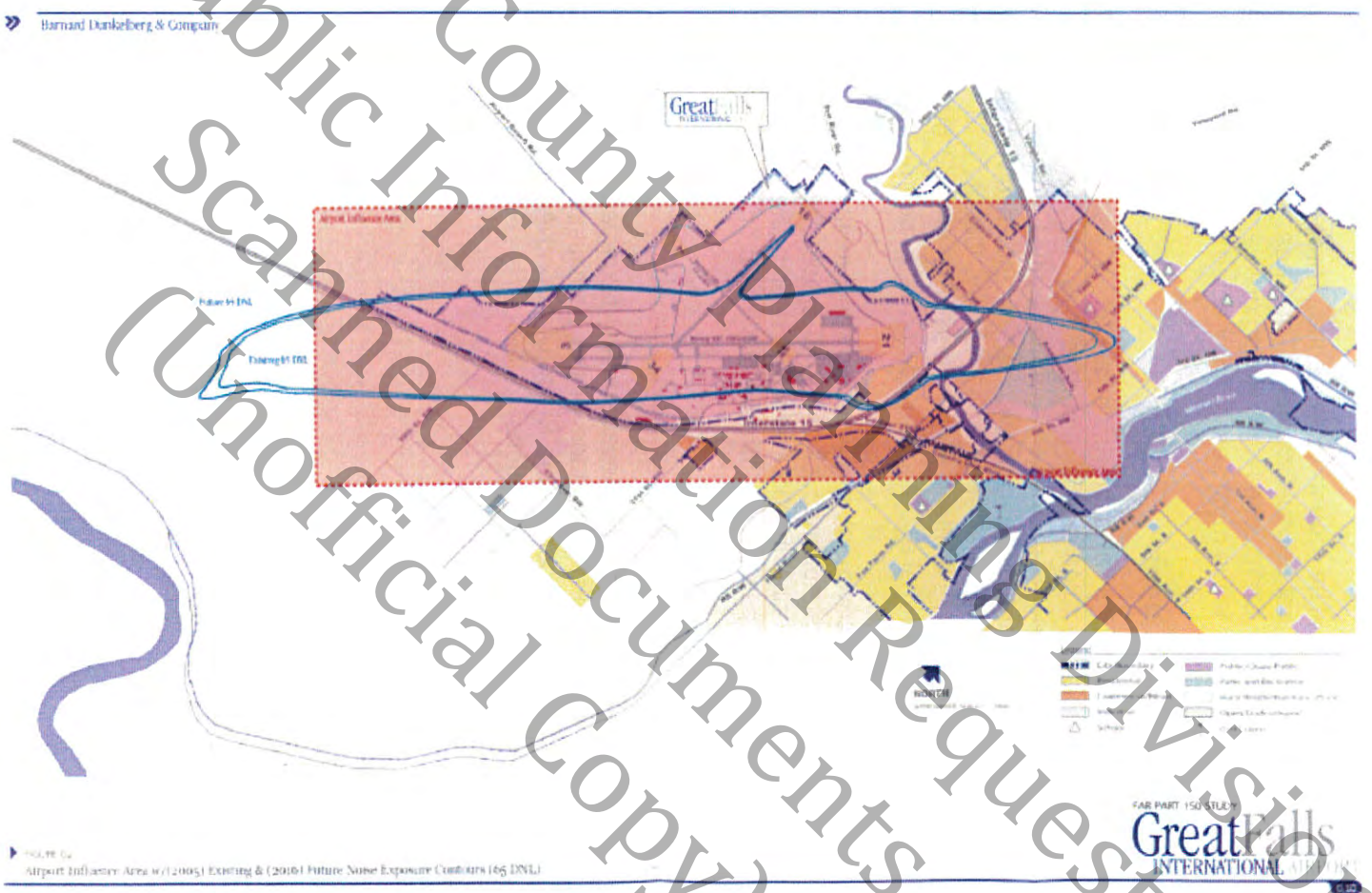

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Exhibit B-2

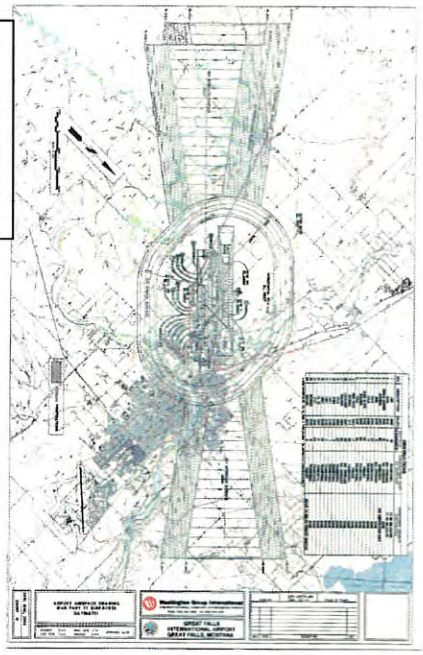

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EXHIBIT B-3

FIGURE 6A
Recommended Noise Remedy Boundary

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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 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

16.1 MAFB RUNWAY AREA

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

MOD-A (Clear Zone Surface)

No structures greater than 50 feet in height.

MOD-B (Transitional Surface)

No structures greater than 50 feet in height.

MOD-C (Inner Horizontal Surface)

No structures greater than 150 feet in height.

MOD-D (Conical Surface)

No structures greater than 150 feet in height.

MOD-E (Approach/Departure Clearance Surface)

No structures greater than 50 feet in height.

MOD-F (Outer Horizontal Surface)

No structures greater than 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 Zoning Board of Adjustment 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.

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16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS)

No structures shall be allowed within the 1,200 foot buffer around each MAF and LF.

Any proposed structures over 50 feet in height between 1,200 feet and 2,400 feet of a MAF or LF 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 Zoning Board of Adjustment 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.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

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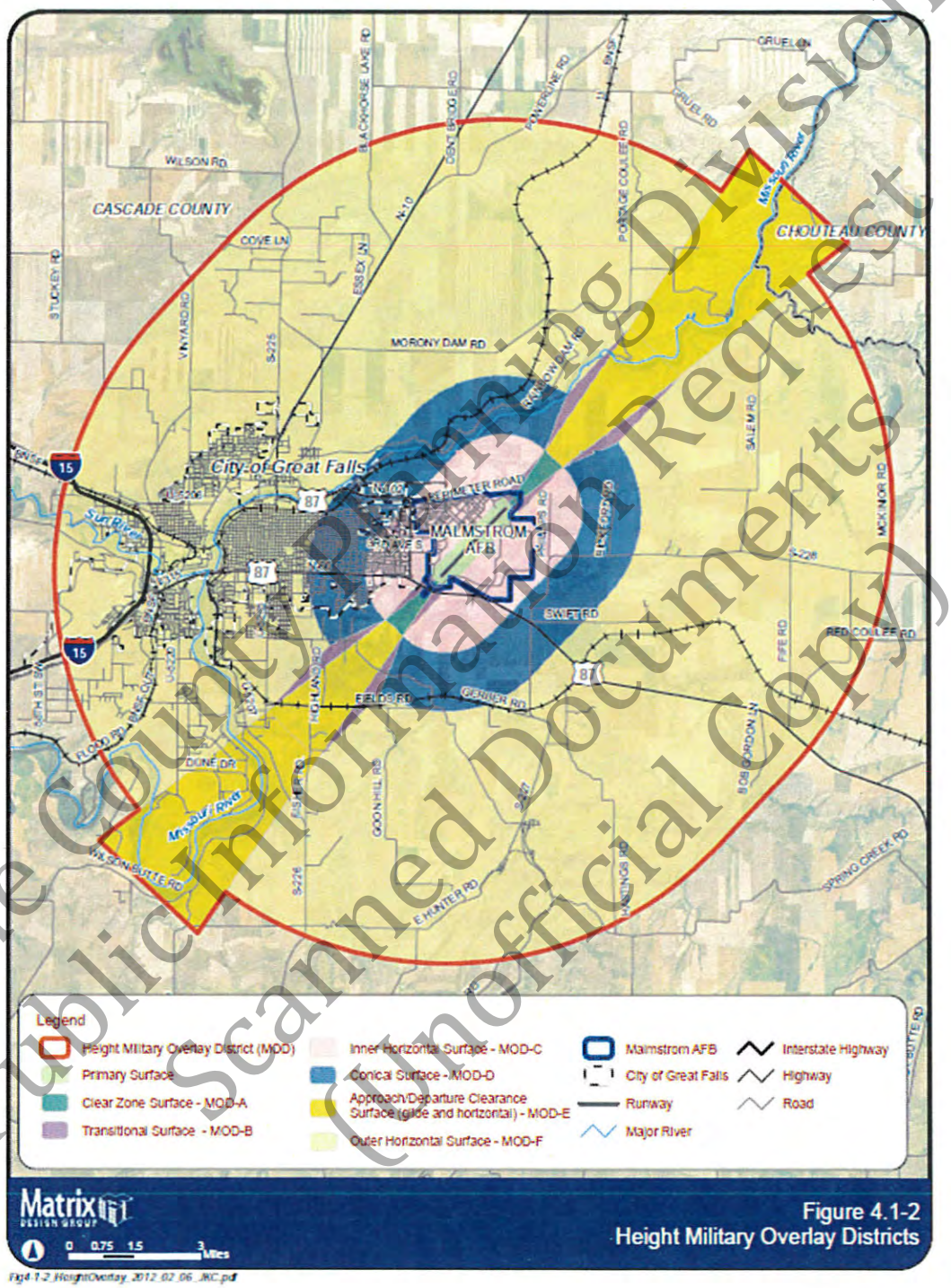

Figure 4.1-2
Height Military Overlay Districts

Fig4-1-2_HeightOverlay_2012-02-06_JRC.pdf

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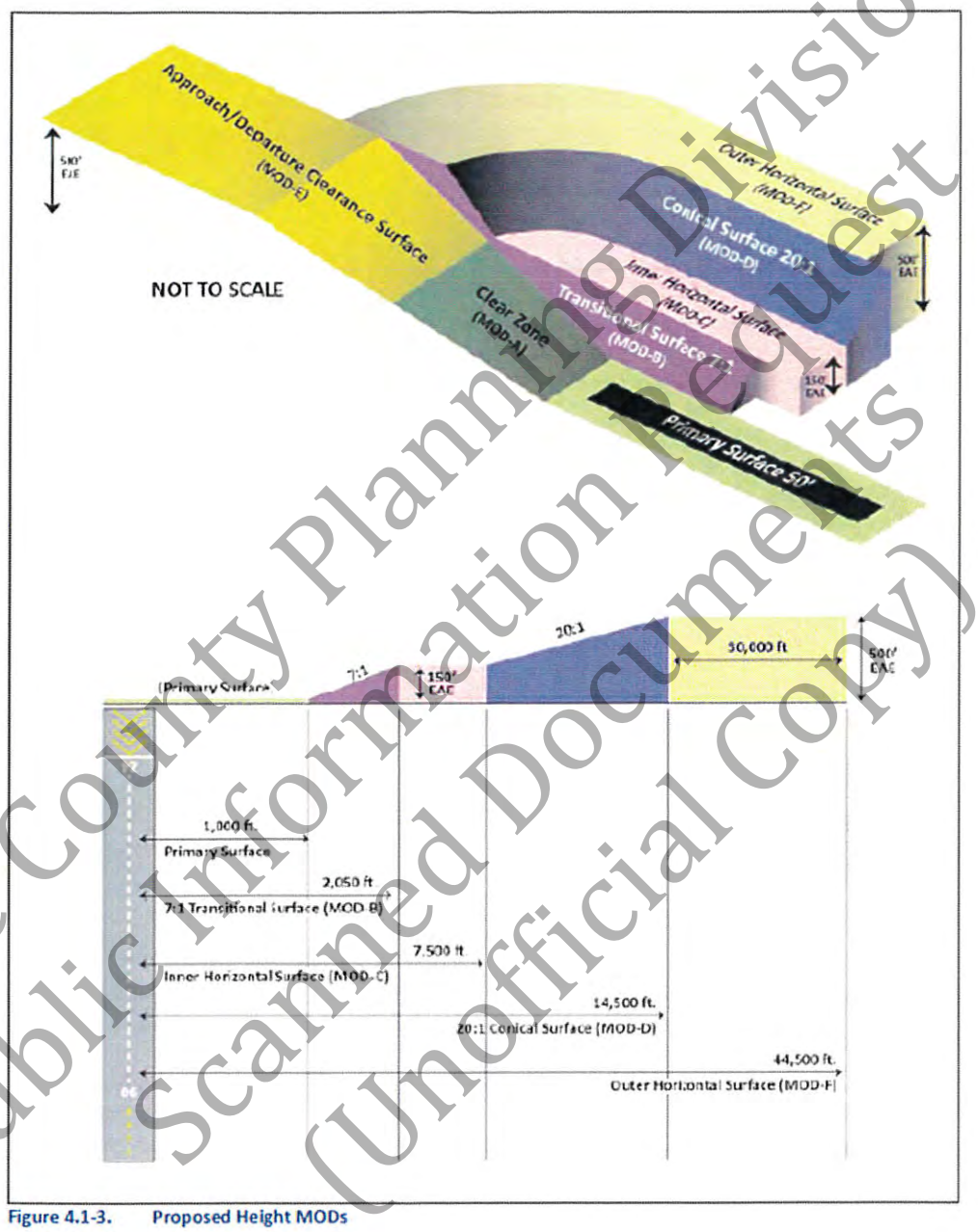

Figure 4.1-3. Proposed Height MODs

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SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

On January 25, 2000, a citizen initiated zoning district, the Flood Road Zoning District, was proposed by residents in the Woodland Estates area and subsequently adopted by the Board of Cascade County Commissioners. In 2005, Cascade County adopted countywide zoning exclusive of the incorporated communities of Belt, Cascade, Great Falls and Neihart and of the Flood Road Zoning District. Thus, the Flood Road Zoning District regulations are not included in the Cascade County Zoning Regulations and have not been amended or updated since adoption in 2000. Overtime, this has created inconsistencies between how administration of the Flood Road Zoning District is processed as compared to the rest of the County.

Of the eleven (11) zone districts adopted as part of the countywide zoning, the zone district that is most comparable is terms of lot size and permitted uses is the Suburban Residential Two (SR-2) zone district. This zone district now abuts the Flood Road Zoning District on two sides.

In the spring of 2012 as part of the update of the Cascade County Zoning Regulations, County staff sent letters to all property owners in the Flood Road Zoning District asking for comments to three options; 1) maintain the Flood Road Zoning District as is; 2) incorporate the Flood Road Zoning District as an overlay with an underlying zoning of SR-2, which would keep the existing standards intact; or 3) rezone to SR-2, eliminating the Flood Road Zoning District entirely. The residents overwhelming wished to retain the permitted and prohibited uses but with easier administration of the regulations, therefore, this overlay district, with SR-2 zoning.

17.1 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.

17.2 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.

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(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.

(9) Home Occupations, provided the following conditions are met:

(a) 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.

(b) 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.

(c) 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.

(d) There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.

(e) The primary unit shall remain a residential structure.

(f) 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.

17.3 USES ALLOWED WITH A SPECIAL USE PERMIT

See Suburban Residential 2 (SR-2)

17.4 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.

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Public Information Request
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(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.

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SECTION 18 UNCLASSIFIED USE PERMITS

Unclassified uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions outlined within this section. In addition, the following uses may be permitted by Unclassified Use Permits except for any use, including a power generating plant, which utilizes coal, coke, or other coal-based fuel as an industrial fuel source.

Unclassified uses are hereby said to possess characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district.

An Unclassified 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 an Unclassified Use Permit" as provided in this section. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Unclassified Use Permit. A separate Unclassified Use Permit shall be required per each tract of land. The Unclassified Use Permit fee shall be $450.00.

18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT

(1) Airport.

(2) Cemeteries.

(3) Civic Use Facility.

(4) Commercial propagation, boarding, grazing or butchering of small livestock and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(5) Community Residential Facilities.

(6) Hospitals.

(7) Indoor Sports and Recreation.

(8) Outdoor Sports and Recreation.

(9) Power Plant.

(10) Public Entity.

(11) Public Institution.

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(12) Public Safety Facility.

(13) Public Uses.

18.2 PUBLIC NOTIFICATION

A public hearing shall be required for all Unclassified Use permit applications heard by the Cascade County Zoning Board of Adjustment. 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, their agent, and all adjacent land owners for which an Unclassified Use permit is sought shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and opponents of the Unclassified Use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the Unclassified Use permit.

18.3 EXPIRATION

The Zoning Board Of Adjustment approval of the Unclassified 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 Zoning Board Of Adjustment approval.

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

18.4 EXISTING VIOLATIONS

No permit shall be issued for an unclassified 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.

18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES

Before the Board of Adjustment can approve any Unclassified Use Permit, it must first reach each of the following conclusions: (Conditions may be required that the Zoning Board of Adjustment determines, if implemented will mitigate potential conflicts in order to reach these conclusions.)

(1) The proposed development will not materially endanger the public health or safety.

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Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

c. Soil erosion, sedimentation, and stormwater run-off

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

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.

(3) The proposed development will be in harmony with the area in which it is located.

Considerations:

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.

(4) The proposed development will be consistent with the Cascade County Growth Policy.

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Considerations:

a. Consistency with the Growth Policy objectives for the various planning areas.
b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

18.6 OPERATIONS

Operations in connection with the Unclassified 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.

18.7 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 Cascade County Zoning Board of Adjustment.

18.8 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Unclassified Use Permit Applications, the Zoning Board of Adjustment 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 Unclassified Use Permit or table the review process until the next Zoning Board of Adjustment 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 Unclassified Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Staff will issue the Unclassified Use Permit.

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18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment decision shall follow the process as outlined in Section 12 of these regulations.

18.10 REVOCABILITY

A violation of an Unclassified Use permit will be treated as any other violation under Section 13 of these regulations.

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June 2017

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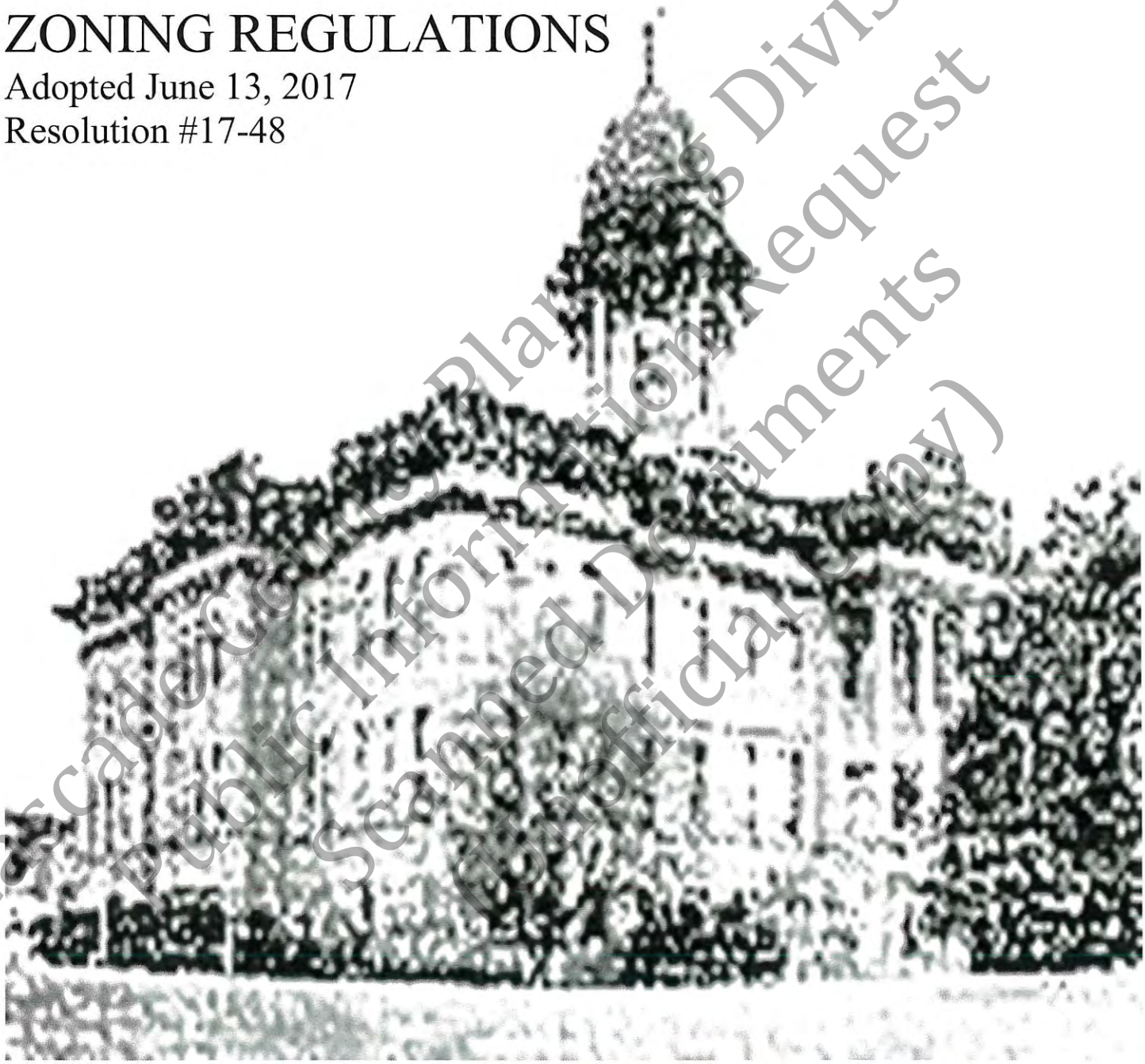
Cascade County Public Works

"WORKING TOGETHER TO PROVIDE EFFICIENT AND EFFECTIVE PUBLIC SERVICE"

CASCADE COUNTY ZONING REGULATIONS

Adopted June 13, 2017
Resolution #17-48



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Public Information Request
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Brian K. Clifton, Director
Jim Ekberg, Deputy Director

DIVISIONS

Building Maintenance	Fleet Maintenance	Road & Bridge	Weed & Mosquito	Communications	Planning	GIS	ExpoPark Maintenance
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CASCADE COUNTY ZONING REGULATIONS

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007 Resolution #07-71
Revised Version Adopted August 25, 2009 Resolution #09-82
Revised Version Adopted December 18, 2012 Resolution #12-71
Revised Version Adopted June 14, 2016 Resolution #16-39
Revised Version Adopted December 13, 2016 Resolution #16-120

These regulations are to be hereby known as the Cascade County Zoning Regulations. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. This Zoning Jurisdictional Area is hereby amended by the Cascade County Commission on June 13, 2017 by Resolution #17-58.

TABLE OF CONTENTS

SECTION 1. PURPOSE 1

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives: 1

1.2 Interpretation, Conflict with Other Laws 2

SECTION 2. DEFINITIONS 4

SECTION 3. ESTABLISHMENT OF DISTRICTS 50

RR 5 Rural Residential District Page 60 50
SR 1 Suburban Residential District 1 Page 63 50
SR 2 Suburban Residential District 2 Page 63 50
UR Urban Residential District Page 65 50
A Agricultural District Page 66 50
C Commercial District Page 74 50
I-1 Light Industrial District Page 80 50
I-2 Heavy Industrial District Page 84 50
MH Mobile Home District Page 85 50
OS Open Space District Page 88 50
PUD Planned Unit Development District Page 89 50
MU Mixed–Use District Page 90 50
MOD Military Overlay District Page 153 50
FOD Flood Road Overlay District Page 157 50

SECTION 4. ZONING MAP 51

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES 55

SECTION 6. APPLICATION OF REGULATIONS 56

6.1 CONFORMITY TO REGULATIONS 56
6.2 ERECTION OR ALTERATION OF BUILDINGS 56
6.3 YARDS 56
6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED 56

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

SECTION 7. DISTRICT REGULATIONS 57
7.1 RESIDENTIAL (R) DISTRICTS 57
7.1.0 RESIDENTIAL DISTRICTS 57
7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES) 60
7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2) 63
7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.) 65
7.2 AGRICULTURAL (A) DISTRICTS 67
7.2.1 MINIMUM LOT AREA 67
7.2.2 PERMITTED PRINCIPAL USES 68
7.2.3 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 69
7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 70
7.3 COMMERCIAL (C) DISTRICT 74
7.3.1 MINIMUM LOT AREA 74
7.3.2 BUILDING HEIGHT 74
7.3.3 YARDS REQUIRED 74
7.3.4 SIGNS 75
7.3.5 OFF-STREET PARKING 75
7.3.6 LANDSCAPING 75
7.3.7 SITE PLAN 75
7.3.8 PERMITTED PRINCIPAL USES 75
7.3.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 78
7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 78
7.3.11 USES NOT PERMITTED 79
7.4 INDUSTRIAL (I) DISTRICTS 80
7.4.1 AREA REQUIREMENTS 80
7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT 84
7.5 MOBILE HOME (MH) DISTRICT 85
7.5.1 MINIMUM LOT AREA 85
7.5.2 BUILDING HEIGHT 85
7.5.3 REQUIRED YARDS 85
7.5.4 LOT COVERAGE 85
7.5.5 LOT WIDTH 85
7.5.6 OFF-STREET PARKING REQUIREMENTS 85
7.5.7 LANDSCAPING 86
7.5.8 SITE PLAN REVIEW AND APPROVAL 86
7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES 86
7.5.10 PERMITTED PRINCIPAL USES 86
7.5.11 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 87
7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 87
7.6 OPEN SPACE (OS) DISTRICT 88
7.6.1 REQUIRED LOT AREA 88
7.6.2 LOT COVERAGE 88
7.6.3 PERMITTED PRINCIPAL USES 88

Review

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING: 88
7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT: 89
7.8 MU DISTRICT – MIXED USE DISTRICT 90
7.8.1 MINIMUM LOT AREA 90
7.8.2 BUILDING HEIGHT 90
7.8.3 YARDS REQUIRED 90
7.8.4 SIGNS 90
7.8.5 OFF-STREET PARKING 90
7.8.6 LANDSCAPING 90
7.8.7 SITE PLAN 91
7.8.8 PERMITTED PRINCIPAL USES 91
7.8.9 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE 93
7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT 94
7.8.11 USES SPECIFICALLY NOT PERMITTED 95
SECTION 8. SUPPLEMENTARY REGULATIONS 96
8.1 USES, SIGNS, LOTS 96
8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS 96
8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS 96
8.1.3 OTHER SIGNS (ALL DISTRICTS) 97
8.1.4 NON-CONFORMING SIGNS 97
8.1.5 NATURAL PRODUCTION USE 98
8.1.6 DWELLINGS ON SMALL LOTS 99
8.1.7 REVERSE AND KEY LOTS 99
8.1.8 ABANDONED BUILDINGS / ITEMS 99
8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND 99
8.2 YARDS 99
8.2.1 VISIBILITY AT INTERSECTIONS 99
8.2.2 PORCHES 99
8.2.3 PROJECTING ARCHITECTURAL FEATURES 99
8.2.4 FIRE ESCAPES 100
8.2.5 FENCES 100
8.2.6 FRONT YARD DEPTH 100
8.3 TRANSITION REGULATIONS 100
8.3.1 LOTS IN TWO DISTRICTS 100
8.3.2 SIDE AND REAR YARD TRANSITION 100
8.3.3 FRONT YARD TRANSITION 101
8.3.4 CORNER YARD TRANSITION 101
8.4 OFF-STREET PARKING 101
8.4.1 DWELLINGS 101
8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY 101
8.4.3 MOTELS AND HOTELS 101
8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES 101
8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME 101
8.4.6 STORES 102
8.4.7 OFFICE BUILDINGS 102

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS 102
8.4.9 GENERAL 102
8.5 SITE PLAN REVIEW CRITERIA 102
8.6 FLOODPLAIN REGULATIONS 103
8.7 KENNEL BUSINESSES AND FACILITIES.....104
8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.7.2 EXEMPT FACILITIES INCLUDE, BUT ARE NOT LIMITED TO: 104
8.8 TOWERS AND FACILITIES 104
8.9 POWER PLANTS 105
8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT) 106
8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS: ... .107
8.12 POWER PLANT, SOLAR 108
8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS 109
8.14 TEMPORARY FIREWORKS STAND REGULATIONS 110
8.14.1 REQUIRED PERMITS.....110
8.14.2 APPLICABLE TIME PERIOD 111
8.14.3 REQUIRED DISTANCES AND SETBACKS 111
8.14.4 APPLICABILITY OF OTHER REGULATIONS 112
8.14.5 PENALTY 112
8.15 CONTRACTOR YARDS.....112
8.15.1 CONTRACTOR YARD, SMALL 112
8.15.2 CONTRACTOR YARD, LARGE.....113
8.16 HOME OCCUPATIONS 113
8.17 ADMINISTRATIVE WAIVER.....114
8.18 LANDSCAPING REQUIREMENTS.....115
8.18.1 LANDSCAPING PLAN REQUIREMENTS.....115
8.18.2 MINIMUM REQUIREMENTS 117
8.18.3 ADMINISTRATIVE RELIEF.....119
8.18.4 POLICIES.....120
8.19 MEDICAL MARIJUANA PROVIDER 121
8.20 SEXUALLY ORIENTED BUSINESS.....121
SECTION 9. PERMIT REQUIREMENTS.....122
9.1 GENERAL 122
9.2 LOCATION /CONFORMANCE PERMIT 122
9.3 FEES.....122
9.4 MINOR VARIANCES.....123
9.5 VARIANCES.....123
9.5.1 APPLICATION AND REVIEW PROCEDURE FOR VARIANCES THAT DO NOT RELATE TO THE SUBDIVISION REGULATIONS.....123
9.5.2 BASIS OF DECISION FOR A DIMENSIONAL VARIANCE.....124
9.5.3 ADDITIONAL FINDINGS NECESSARY FOR A FLOODPLAIN VARIANCE 124
9.5.4 VOTE NEEDED FOR ZONING BOARD OF ADJUSTMENT ACTION.....125
9.5.5 LIMITATIONS ON ISSUING A VARIANCE 125
9.5.6 IMPOSITION OF CONDITIONS.....125
9.5.7 AIRPORT HEIGHT VARIANCES 125

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

9.5.8 NOTIFICATIONS REGARDING SPECIFIED VARIANCES....125
9.5.9 STAFF REPORT CONTENT....126
9.5.10 EFFECT OF APPROVAL....126
9.5.11 EXPIRATION OF APPROVAL....126
9.5.12 APPEAL....126
SECTION 10. STANDARDS FOR SPECIAL USE PERMITS....127
10.1 GENERAL PROVISIONS....127
10.2 REQUIRED PLAN....127
10.3 PUBLIC NOTIFICATION....128
10.4 EXPIRATION....128
10.5 EXISTING VIOLATIONS....129
10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES....129
10.7 OPERATIONS....130
10.8 STAFF REVIEW....130
10.9 ZONING BOARD OF ADJUSTMENT REVIEW....130
10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION....131
10.11 REVOCABILITY....131
SECTION 11. NON-CONFORMING USES AND STRUCTURES....132
11.1 ALTERATIONS AND ADDITIONS....132
11.2 NATURAL DISASTER....132
11.3 DISCONTINUANCE....132
11.4 CHANGES....132
11.5 DISPLACEMENT....133
11.6 DISTRICT CHANGES....133
11.7 NATURAL RESOURCES PROTECTED....133
11.8 EXISTING PLATTED SUBDIVISION....133
SECTION 12. ZONING BOARD OF ADJUSTMENT....134
12.1 CREATION OF ZONING BOARD OF ADJUSTMENT....134
12.2 MEETINGS, RULES....134
12.3 APPEALS TO BOARD OF ADJUSTMENT....134
12.3.1 APPEAL FEE....134
12.3.2 APPEAL PROCEEDINGS....135
12.3.3 BOARD APPEAL POWERS....135
12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION....135
12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD....136
SECTION 13. VIOLATIONS AND PENALTIES....138
13.1 VIOLATIONS....138
13.2 PROCEDURE/PENALTIES....138
13.2.1 VIOLATION....138
13.2.2 COMPLIANCE....138
13.2.3 PROSECUTE....138
SECTION 14. PROCEDURES FOR AMENDMENT....139
14.1 APPLICATION....139
14.1.1 APPLICATION REQUIREMENTS....139
14.2 HEARING BEFORE THE PLANNING BOARD....141
14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS....141
14.3.1 NOTICE OF A PUBLIC HEARING....141
14.3.2 Board of County Commissioners....141
14.4 ACTION AFTER HEARING....141

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

14.4.1 After the public hearing 141
14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION ..142
14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE 142
SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT ...143
15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT 143
15.1.1 ESTABLISHMENT OF ZONES 143
15.1.2 HEIGHT LIMITATIONS 145
15.1.3 TRANSITIONAL ZONES 145
15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE 146
15.1.5 NON-CONFORMING USES: 146
15.1.6 AIRPORT AREA PERMITS 147
15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE ...148
15.1.8 APPEALS 149
SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD) 153
16.1 MAFB RUNWAY AREA 153
16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS) .154
16.3 EXCEPTIONS 154
SECTION 17 FLOOD ROAD OVERLAY DISTRICT (FOD) 157
17.1 INTENT 157
17.2 PERMITTED USES 157
17.3 USES ALLOWED WITH A SPECIAL USE PERMIT 158
17.4 PROHIBITED USES 158
SECTION 18 UNCLASSIFIED USE PERMITS 160
18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT 160
18.2 PUBLIC NOTIFICATION 161
18.3 EXPIRATION 161
18.4 EXISTING VIOLATIONS 161
18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES 161
18.6 OPERATIONS 163
18.7 STAFF REVIEW 163
18.8 ZONING BOARD OF ADJUSTMENT REVIEW 163
18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION 164
18.10 REVOCABILITY 164

NOTE: MONTANA CODE ANNOTATED HAS BEEN SHORTENED TO "MCA**" THROUGHOUT THESE REGULATIONS.

ADMINISTRATIVE RULES OF MONTANA HAS BEEN SHORTENED TO "**ARM**" THROUGHOUT THESE REGULATIONS.

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SECTION 1. PURPOSE

1.1 These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

1.1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

1.1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;

1.1.3 To establish adequate standards for the provision of light, air, and open spaces;

1.1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

1.1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

1.1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

1.1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;

1.1.8 To fix reasonable zoning standards to which buildings and structures shall conform;

1.1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;

1.1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

1.1.11 To isolate or control the location of unavoidable nuisance producing uses;

1.1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and

1.1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

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The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

1.2 Interpretation, Conflict with Other Laws

1.2.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare.

1.2.2 Whenever the requirements of these regulations are at variance with itself or the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

1.2.3 If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will only affect only the part held invalid.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

Montana Code Annotated § 76-2-203 (2015). Criteria and guidelines for zoning regulations.

(1) Zoning regulations must be:

(a) made in accordance with the growth policy and

(b) designed to:

(i) secure safety from fire, and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the Board of County Commissioners shall consider:

(a) reasonable provision of adequate light and air:

(b) the effect on motorized and non-motorized transportation systems;

(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

Cascade County Planning Division
Public Information Request
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(d) the character of the district and its peculiar suitability for particular uses; and

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

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SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows. Unless specifically defined in this section, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Words used in the present tense include the future and the plural includes the singular. The word lot includes the words plat, tract or parcel. The word building includes the word structure. The words shall and must are intended to be mandatory. Occupied or used shall be considered as though followed by the words "or intended", "arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item.

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

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ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal.

ADULT-ORIENTED BUSINESS (SEE SEXUALLY-ORIENTED BUSINESS)

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

New Def

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

AGRICULTURAL USE

The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.

AIRPORT

An area or building, or portion thereof, that is used, intended, or designed for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of the same.

Cascade County Planning Division
Public Information Request
Scanned Documents
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AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure:

A Change or Rearrangement of the structural parts in the existing facilities; or

An Enlargement or Addition on a building or structure; or

Moving a building or structure from one location or position to another.

ALTERATION, STRUCTURAL

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn

Cascade County Planning Division
Public Information Request
Scanned Documents
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animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and raccoon.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANIMAL THERAPEUTIC FACILITY

Therapy that involves individuals interacting with animals, most frequently horses using specially-trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including children with autism. Examples are therapeutic horseback riding or hippotherapy.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APIARY

A place where bee colonies are kept.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include

Cascade County Planning Division
Public Information Request
Scanned Documents
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paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST

"Bed and breakfast" means a private, owner- or manager-occupied residence that is used as a private residence but in which:

(a) breakfast is served and is included in the charge for a guest room; and
(b) the number of daily guests served does not exceed (MCA) 18. 50-51-102.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BREEZEWAY

A roofed passageway, open on at least two sides, connecting the main structure on a site with another main structure or accessory use on the same site.

BUFFER YARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

Cascade County Planning Division
Public Information Request
Scanned Documents
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BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

CAMPGROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1 .(except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law.

"Casino" means any and all establishments that offer legalized gambling authorized under (MCA)Title 23, Chapter 5, Part 1, et. seq., and where any one of the following characteristics applies:

(1) the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
(2) five or more gambling machines are on the premises; and/or
(3) a card table is on the premises.

CEASE AND DESIST NOTICE

A notice issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

Cascade County Planning Division
Public Information Request
Scanned Documents
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CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CO-LOCATION

Placing more than one exterior transmitting or receiving device on one Telecommunications facility/structure at one location.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the

Cascade County Planning Division
Public Information Request
Scanned Documents
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public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Community residential facility serving eight or fewer persons is considered a residential use of property for purposes of zoning if the home provides care on a 24-hour-a-day basis. (MCA) 76-2-412.

Definition of community residential facility. "Community residential facility" means:
(1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;
(2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in (MCA)52-2-602;
(3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;
(4) a licensed adult foster family care home; or
(5) an assisted living facility licensed under (MCA)50-5-227. (MCA)76-2-411.

Community group home

"Community home for persons with severe disabilities" means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers. (52-4-202(1), MCA)

Youth foster home

"Youth foster home" means a youth care facility in which substitute care is provided to one to six children or youth other than the foster parents' own children, stepchildren, or wards.(52-2-602(12),MCA)

Youth group home

"Youth group home" means a youth care facility in which substitute care is provided to 7 to 12 children or youth. (MCA)52-2-602(13).

Cascade County Planning Division
Public Information Request
Scanned Documents
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Halfway house

"Halfway house" means a community residential facility for treatment of substance use disorders. (ARM 37.106.1413(17))

Adult foster family care home

"Adult foster care home" means a private home or other facility that offers, except as provided in 50-5-216, only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager.(50-5-101(5) (a),MCA)

Assisted living facility

A congregate residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. (MCA)50-5-101(7).

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

Concentrated animal feeding operation-means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. (MCA)75-5-801(2).

CONDOMINIUM

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

DAY CARE CENTER

"Day-care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis.(MCA) 52-2-703(3) (a).

Cascade County Planning Division
Public Information Request
Scanned Documents
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DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DISTILLERY

Establishment engaged in manufacturing, assembly, fabrication, packing or industrial processing of products from raw materials including the chemical transformation of materials or substances into new products, and blending of materials including liquors.

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

Dwelling, Single family

Detached dwelling designed for or occupied exclusively by one (1) family.

Dwelling, Two-family

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

Dwelling, Multi-family

A dwelling unit that is part of a structure containing two or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

Duplex

A building designed as a single structure, containing two separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Cascade County Planning Division
Public Information Request
Scanned Documents
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Triplex

A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Fourplex

A building designed as a single structure, containing four separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

Apartment

A building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Dwelling, Townhouse

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.

EDUCATIONAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school or secondary education; such as colleges, universities, community colleges, and vocational schools.

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAY CARE HOME

"Family day-care home" means a private residence in which day care is provided to three to six children on a regular basis. (MCA)52-2-703(6).

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security from which height is measured from natural grade.

Cascade County Planning Division
Public Information Request
Scanned Documents
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FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

FIREARMS RANGE, INDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure.

FIREARMS RANGE, OUTDOOR

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is not located within a building or structure.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe.

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FOWL, DOMESTIC

Domesticated birds commonly associated with farms and used for eggs or meat. Domestic fowl include but are not limited to chickens, ducks, geese, turkeys and swans.

FOWL, WILD

A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

Cascade County Planning Division
Public Information Request
Scanned Documents
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GARAGE, PRIVATE

Building that is intended to house vehicles and household items belonging to the owner of the principal residence.

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

Luminance in excessive of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRAVEL PIT

See Open-cut Mining Operation

GROUP DAY CARE HOME

"Group day-care home" means a private residence or other structure in which day care is provided to 7 to 12 children on a regular basis.(MCA)52-2-703(7).

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

GUEST RANCH

A ranch operated wholly or in part as a resort offering horse-riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

"Health care facility" or "facility" means all or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. (MCA)50-5-101(25) (a).

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

Cascade County Planning Division
Public Information Request
Scanned Documents
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HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, archery ranges and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

Cascade County Planning Division
Public Information Request
Scanned Documents
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INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing; the term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD /SALVAGE YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs, cats or other domesticated animals over six months of age for the purpose of boarding, breeding, training, sale; or wholesale the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, pet shops, or animal shelters.

LANDING AREA

The area of the Airport used for the landing, taking off or taxiing of aircraft.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Administrator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, which is used or is intended for renting, selling, and/or repairing of large equipment that is normally stored out of doors; typical items would include trucks (greater than 26,000 GVW), vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Cascade County Planning Division
Public Information Request
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(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 p.m. to 7:00 a.m.).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, and llamas, buffalo, excluding bees.

LIVESTOCK, LARGE

Animals such as, but not limited to, horses, cows, emus, llamas, alpacas, ostriches, and the like.

LIVESTOCK, SMALL

Animals such as, but not limited to, goats, pigs, sheep, and the like.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

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Public Information Request
Scanned Documents
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LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, TOWNHOUSE / TOWNHOME

A lot defined as a properly recorded and deeded lot upon which a townhouse unit is located.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface has a lot coverage of 0.25 or 25 percent (0.5 / 2 = 0.25).

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOT LINE, ZERO

A lot where the building is placed on or near one of the side lot lines.

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Public Information Request
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LOT, WIDTH OF

The average width measured at right angles to the depth.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The North American Vertical Datum of 1988 to which the base flood elevations are referenced.

MEAT PACKING PLANT

A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limited to chickens, cattle, pigs, sheep and other livestock or fowl.

MEDICAL MARIJUANA DISPENSARY

A facility where marijuana and/or marijuana infused products are made available for medical purposes, in compliance with state, local, health and safety regulations.

Cascade County Planning Division
Public Information Request
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MEDICAL MARIJUANA PROVIDER

A Montana resident 18 years of age or older who is authorized by the department to assist a registered cardholder as allowed under this part. (b) The term does not include the cardholder's treating physician or referral physician. (MCA)50-46-302 (10).

MEMBERSHIP CLUB

An organization catering exclusively to members and their guests in premises and buildings for recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

MICRO-BREWERY

A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY – See Storage Facility, Self-Service

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

Cascade County Planning Division
Public Information Request
Scanned Documents
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MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Manufactured Home.

MOTEL

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, tourist court and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

"Motor vehicle graveyard" means a collection point established by a county for junk motor vehicles prior to their disposal. (75-10-501(5), MCA)

MOTOR VEHICLE WRECKING FACILITY

"Motor vehicle wrecking facility" means:

(i) a facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or

(ii) a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.(MCA)75-10-501(6) (a).

MOTORIZED SPORTS ENTERTAINMENT

A place and / or structure or portion thereof that is used for outdoor spectator type uses or events for motorized vehicles. This term includes the racing of snowmobiles, cars, trucks, motorcycles, buses, and tractors and the like. This definition includes, but is not limited to motocross, mud bog events and demolition derbies.

Cascade County Planning Division
Public Information Request
Scanned Documents
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MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-INSTRUMENT RUNWAY

A runway other than instrument runway.

NON-PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Cascade County Planning Division
Public Information Request
Scanned Documents
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NON-RESIDENTIAL USE

Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, or industrial purposes rather than private dwellings.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity or product not sold, conducted or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

OIL AND GAS EXPLORATION, DRILLING AND PRODUCTION

Oil and gas exploration, drilling, and production within new or established oil and gas fields outside of urban areas.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits

Cascade County Planning Division
Public Information Request
Scanned Documents
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or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes non-motorized race tracks, and amphitheaters.

OUTDOOR SPORTS AND RECREATION

A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, paintball fields, firearms ranges, archery ranges, and the like.

OUTFITTER/GUIDE FACILITY

A facility that:

(a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen;

(b) furnishes sleeping accommodations to guests;

(c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in 37-47-101; and

(d) is a small establishment or a seasonal establishment (MCA) 50-51-102(7).

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMIT

A document issued by the Zoning Administrator or their designee of the Cascade County Planning Division which records all land use decisions, which are made by Cascade County on a land use application. These include but are not limited to Location/Conformance Permits, Special Use Permits, Unclassified Use Permits, and Home Occupation Permits.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

Cascade County Planning Division
Public Information Request
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PERMISSIVE CODE

Any use not specifically permitted or otherwise provided for, is not permitted.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (76-3-103(10),MCA)

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

POLE SIGN

See Sign, Freestanding Sign.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

PORCH

A part of a building with a roof of its own that covers an entrance.

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b)

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition. For solar energy see Power Plant, Solar.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

POWER PLANT, SOLAR

"Solar Power Plant," means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE

To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PRINCIPAL LAND USE

The dominant land use of a parcel of land.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer, engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC BUILDING

Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the State of Montana, including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the State of Montana, the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC INSTITUTION

A facility that provides a public service and is operated by a federal, state, or local government, public utility, public or private school or college, church, or public agency.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

Cascade County Planning Division
Public Information Request
Scanned Documents
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PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary dweling unit for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle, including but not limited to a travel trailer, camping trailer, truck camper, motor home and the like.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to

Cascade County Planning Division
Public Information Request
Scanned Documents
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manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RENDERING PLANT

A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-build homes, manufactured homes and stick-build homes, but excludes mobile homes.

Cascade County Planning Division
Public Information Request
Scanned Documents
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RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO-FAMILY

A single building that is situated on one lot and contains two dwelling units.

RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide an independent dwelling unit, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RESIDENTIAL USE

Any regular use by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. Activities within land areas used predominately for housing.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., SR-1, SR-2, RR-5, UR, MU).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RETAIL

An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering of services incidental to the sale of such goods.

Cascade County Planning Division
Public Information Request
Scanned Documents
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RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIDING AND ROPING ARENA

A private arena used for personal use or for small equestrian or rodeo events with twenty-five (25) or fewer participants.

RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RUNWAY

The paved, graveled, or dirt surface of an airport landing area.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, and the like.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

Cascade County Planning Division
Public Information Request
Scanned Documents
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Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book Store/Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas.

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

Adult Motel

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment which, for any form of consideration, regularly shows films,

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Scanned Documents
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motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

An advertising sign is a sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

Freestanding Sign

A sign without props. An example is a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

Wall Sign

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the

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exterior walls of buildings.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage.

SLAUGHTERHOUSE

A building, structure, or facility where livestock and/or fowl is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.

SMALL EQUIPMENT RENTAL / SALES / REPAIR

A place and/or building, or portion thereof, that is used or is intended for renting, selling, and/or repairing small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SOLID WASTE DISPOSAL SITE

"Solid waste" means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. (75-10-103(7) (a), MCA)

SOLID WASTE TRANSFER STATION

"Transfer station" means a solid waste management facility that can have a combination of structures, machinery, or devices, where solid waste is taken from collection vehicles (public, commercial, or private) and placed in other transportation units for movement to another solid waste management facility. (ARM 17.50.403(51))

SPECIALTY SALES

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A place and/or building, or portion thereof, that is used or is intended for wholesale or retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special use permits may be permitted in a zoning classification district if a specific provision for such special use is explicitly listed in the Zoning District Regulations as a special use and a special use permit is issued by the Cascade County Planning Division upon approval of a Special Use Permit by the Cascade County Zoning Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STICK-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

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STORAGE FACILITY, SELF-SERVICE

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing.

STORM WATER

Water from a rainfall event or melting snow that flows over the ground surface.

STORM WATER DETENTION STRUCTURE

A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a

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stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (~~Source:~~ 75-7-103, MCA).
A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title a condominium. The term also means area, regardless of its size, that provides or will provide multiple space for rent or lease on which recreational camping vehicles or mobile homes will be placed. (76-3-103(15), MCA)

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

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SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (MCA) 50-51-102.

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (MCA) 76-3-103(16)(a).

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TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UNCLASSIFIED USE PERMIT

The Unclassified Use Permit is a permit issued to an applicant by the Cascade County Planning Division after approval from the Zoning Board of Adjustment allowing a particular use, structure or activity not allowed as a matter of right regardless of the underlying zoning district.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes public and private: pipeline pumping stations, sewage treatment plants, electrical substations, water towers, and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public and private: water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

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VALUE-ADDED-(AGRICULTURAL COMMODITIES) Adjust?

The process of taking a raw agricultural commodity and changings its form to produce a higher quality end product.

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL

A place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and

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kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

VETERINARY CLINIC, LARGE ANIMAL

A clinic that specializes in the care and treatment of large animals and livestock.

VETERINARY CLINIC, SMALL ANIMAL

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WHOLESALE

An establishment primarily engaged in the sale of goods and merchandise for resale instead of for direct consumption.

WHOLESALE FEEDLOT (FEEDLOT)

A lot, structure, building or confined area used intensively for raising or keeping of livestock

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belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devises as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NON-COMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORKFORCE HOUSING, PERMANENT (LABOR CAMP)

A place, area, or piece of land where housing is provided for two (2) or more employees or prospective employees of another by any individual, firm, partnership, association, or corporation, that, for a fee, employs persons to render personal services for, or under the direction of, a third person, or that recruits, solicits, supplies, or hires persons on behalf of an employer, and that, for a fee, provides in connection therewith one or more of the following services: (a) furnishes board, lodging, or transportation for such employees or prospective employees; (b) supervises, times, checks, counts, weighs, or otherwise directs or measures the work of such employees; (c) disburses wage payments to such employees.

WORKFORCE HOUSING, TEMPORARY (LABOR CAMP)

A facility as described under Permanent Workforce Housing except that it provides temporary or seasonal housing for two (2) more employees.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

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YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year. ← Zoning Administrator Definition

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated Towns and Cities of Great Falls, Belt, Cascade, and Neihart, is hereby divided into the following use classification districts:

RR 5	**Rural Residential District 5**	**Page 60**
SR 1	**Suburban Residential District 1**	**Page 63**
SR 2	**Suburban Residential District 2**	**Page 63**
UR	**Urban Residential District**	**Page 65**
A	**Agricultural District**	**Page 67**
C	**Commercial District**	**Page 74**
I-1	**Light Industrial District**	**Page 80**
I-2	**Heavy Industrial District**	**Page 84**
MH	**Mobile Home District**	**Page 85**
OS	**Open Space District**	**Page 88**
PUD	**Planned Unit Development District**	**Page 89**
MU	**Mixed–Use District**	**Page 90**
MOD	**Military Overlay District**	**Page 153**
FOD	**Flood Road Overlay District**	**Page 157**

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Public Information Request
Scanned Documents
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SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in one district. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County Clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

4.1 "EXHIBIT A" ZONING MAP series or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County ". The map series consists of:

EXHIBIT A-1 "Cascade County Zoning Map" Full Extent

EXHIBIT A-2 "Cascade County Zoning Map" Enhanced Focus

EXHIBIT A-3 "Cascade County Zoning Map" Unincorporated Communities

4.2 "EXHIBIT B" (Reference Section 15)

EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

EXHIBIT B-3 "Noise Zones"

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Division.

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SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.

5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.

5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.

5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

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SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families,

6.2.3 To occupy a greater percentage of lot area; or

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location or conformance permit may not also be used as the basis for meeting the requirements for a subsequent location or conformance permit.

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SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 RESIDENTIAL DISTRICTS

Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements

7.1.0.1 AREA REQUIREMENTS

(1) Table of District Area Requirements

District	Minimum Lot Area
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	No minimum

(2) Previously Described Lots

Define

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 8.1.6; 11.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet. ? Too Restrictive

(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements.

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7.1.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

7.1.0.3 YARDS

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

20 ft Front Urban Res

The front yard shall not have a depth of less than thirty (30) feet.

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

(4) Side Street and Corner Yard Transitions

See Section 8.3.4

(5) Streamside Setback

The streamside setback shall be no less than fifty (50) feet.

7.1.0.4 LOT COVERAGE

The percentage of lot area covered by main building and accessory building ground floor area shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 REQUIRED COURT DIMENSIONS

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any opposing wall forming said court.

7.1.0.6 OFF STREET PARKING AS REQUIRED IN SECTION 8.4

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7.1.0.7 REQUIRED STREAMSIDE SETBACK

Any portion of any structure must be setback a minimum of fifty (50) foot setback from any perennial-flowing stream or river. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

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7.1.1 RR-5 DISTRICT USE REGULATIONS - RURAL RESIDENTIAL DISTRICTS (MINIMUM LOT AREA: 5 ACRES)

7.1.1.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facility

(3) Park, where off-street parking is provided for the users of such facilities. Establish Standards

(4) Agricultural uses of land and usual agricultural buildings and structures.

(5) Public safety facility.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Limited Agricultural uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(8) Family Day Care Home, Group Day Care Home, Day Care Center

(9) Community Residential Facility-Provided eight occupants or less.

(10) Retirement Home, Nursing Home.

(11) Community Cultural Facility (Public and non-profit exhibits, libraries, museums, and art galleries or other similar institutions).

(12) Bed and Breakfast.

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Public Information Request
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(13) Community Garden.

(14) On-Site Construction Office.

(15) Public Building.

(16) Public Institution.

7.1.1.2 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) Professional office in a residence.

(3) Customary home occupation (see Definition of Home Occupation and Section 8.16).

(4) 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.

(5) Private garage (accessory use only).

7.1.1.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) A 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).

(2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.

(3) Utility Installation, minor.

(4) 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).

(5) The excavation of sand and gravel.

(6) Tourist Home.

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7.1.1.4 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS PER SECTION 7.1.0

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Public Information Request
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7.1.2 SR-1 AND SR-2 DISTRICT USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 1 ACRE IN SR-1 AND 2 ACRES IN SR-2)

7.1.2.1 PERMITTED PRINCIPAL USES

(1) A one family dwelling per tract of land.

(2) Educational Facilities

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center

(8) Community Residential Facility-Provided eight occupants or less

(9) Retirement Home, Nursing Home

(10) Agricultural uses of land and usual agricultural buildings and structures.

(11) Limited Agricultural Uses

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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.

(12) Community Garden

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Scanned Documents
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(13) On-Site Construction Office.

(14) Public Institution.

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

(1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 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.

7.1.2.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS PER SECTION 7.1.0.

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7.1.3 UR DISTRICT USE REGULATIONS – URBAN RESIDENTIAL DISTRICT (MINIMUM LOT AREA: 7,200 SQ. FT.)

7.1.3.1 PERMITTED PRINCIPAL USES

(1) A one-family dwelling.

(2) Educational Facility.

(3) Park, where off-street parking is provided for the users of such facilities.

(4) Public Safety Facility.

(5) Public Building.

(6) Worship facility where off-street parking is provided as set forth in Section 8.4.

(7) Family Day Care Home, Group Day Care Home, Day Care Center.

(8) Community Residential Facility-Provided eight occupants or less.

(9) Multi-Family Dwellings.

(10) Retirement Home, Nursing Home.

(11) Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.

(12) Mobile home park.

(13) Limited Agricultural Uses.

(a) The keeping of livestock animals, except buffalo, 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 buffalo, 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

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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 other than that of owner.

(14) Accessory Dwelling Unit.

(15) Community Garden.

(16) On-Site Construction Office.

(17) Public Institution.

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

(1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met)

7.1.3.3 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

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

(2) Bed and Breakfast.

(3) Community Residential Facility.

7.1.3.4 AREA, HEIGHT, YARD, LOT COVERAGE, AND PARKING REQUIREMENTS AS PER SECTION 7.1.0.

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7.2 AGRICULTURAL (A) DISTRICTS

7.2.1 MINIMUM LOT AREA

The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

(1) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

(2) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

(3) creates cemetery lots;

(4) is created for rights-of-way or utility sites;

(5) for gift or sale to a member of the immediate family; and

(6) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or current MT DEQ regulations; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or current MT DEQ regulations.

7.2.0.1 MINIMUM LOT WIDTH

The minimum lot or tract width in an A District shall be two-hundred (200) feet.

7.2.0.2 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

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7.2.0.3 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.0.4 LOT COVERAGE

All buildings and accessory buildings shall not cover more than forty percent (40%) of the lot or tract.

7.2.0.5 SIGNS

Agricultural District signs shall be subject to the regulations contained in Section 8.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.0.6 OFF-STREET PARKING

In an Agricultural District off-street parking shall be provided in accordance with Section 8.4.

7.2.2 PERMITTED PRINCIPAL USES

or car storage

(1) Agricultural uses of land; usual agricultural buildings and structures.

(2) Public Building.

(3) Public Safety Facility.

(4) Park.

(5) Community Center.

(6) Public and private forest and wildlife preserve and similar conservation areas.

(7) Commercial dairy if on a parcel 20 acres or greater.

(8) Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.

(9) A one or two family dwelling(s) on a parcel of 20 acres or greater.
(example: 1 single family home or 1 duplex for two families or

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Public Information Request
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two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.

(10) Golf driving range if located on a tract of five (5) acres or greater.

(11) Campground, Recreational Vehicle Park.

(12) Bed and Breakfast.

(13) Tourist Home.

(14) 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.

(15) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt) subject to the requirements of Section 8.10 of these regulations.

(16) Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.

(17) Community Garden.

(18) On-Site Construction Office.

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

Accessory buildings and uses customarily incidental to any of the above A District uses

(1) On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his relatives to live in a house that he owns on his property, etc.).

(2) Roadside stands offering for sale only local agricultural products or other products produced on the premises.

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Public Information Request
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7.2.4 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

(2) Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.

(3) Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

(4) Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.

(5) Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.

(6) Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(7) Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.

(8) Mobile Home Park/Mobile Home Court.

(9) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

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Public Information Request
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(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(10) Motorized Sports Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.

(11) General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.

(12) Small and Large Equipment Rental / Sales / Repair and General Repair.

(13) Hospital, Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

(14) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.

(15) Utilities both minor and major.

(16) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

(17) Junk Yard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

(18) Outdoor Sports and Recreation / Outdoor Entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.

(19) Indoor Sports and Recreation / Indoor Entertainment including commercial rodeo grounds, animal therapeutic facilities, riding academy, and commercial stables.

(20) Outfitter/Guide Facility.

(21) Federal Firearm Retailers, Dealers, Repairers.

(22) Guest Ranch, provided parcel size is 20 acres or greater.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(23) Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.

(24) Manufactured housing sales.

(25) Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. @ time of Application The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

(26) Distillery/ Brewery

(27) Value Added Agricultural Commodity Processing Facility. This may include processing, manufacturing, storage, and the like

(28) Warehouse.

(29) Parking structure/garage.

(30) Artisan shop.

(31) Light manufacturing & assembly.

(32) Power Plant.

(33) Tourist cabins.

(34) Worship facility.

(35) Educational facility.

(36) Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.

(37) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.

(38) Nursing Home, Retirement Home.

(39) Second dwelling unit on parcel less than 20 acres.

(40) Contractor Yard, small (8.15.1).

Cascade County Planning Division
Public Information Requests
Scanned Documents
(Unofficial Copy)

(41) Workforce Housing (Permanent Labor Camp).

(42) Temporary Workforce Housing (Temporary Labor Camp).

(43) Agricultural Commodity Storage Facility.

(44) Membership Club.

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Public Information Request
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7.3 COMMERCIAL (C) DISTRICT

7.3.1 MINIMUM LOT AREA

No minimum required.

7.3.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.3.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet required for principal, accessory and special permit uses and buildings excluding customer parking except where the Commercial district abuts or joins a Residential District in which case there shall be a front yard as specified in Section 8.3.

(2) **Side yard**

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the Commercial district abuts upon a lot in a Residential District in which case the standards shall be followed as shown in Section 8.3.

(3) **Rear yard**

Ten (10) feet except that required to provide parking as specified in Section 8.3. When a lot in a Commercial District abuts upon a lot in a Residential district, the standards shall be followed as set forth in Section 8.3.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.9(3).

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Public Information Request
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7.3.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1. No signage advertising off-premise businesses allowed.

7.3.5 OFF-STREET PARKING

Off-Street Parking shall be provided in accordance with Section 8.4

7.3.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18

7.3.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.3.8 PERMITTED PRINCIPAL USES

(1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store, hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

(2) Any retail or wholesale trade, excluding large equipment trade (see large equipment rental / sales / repair definition) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/ machinery).

(c) Artisan Shop.

(d) Auction Sales.

(e) Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

Cascade County Planning Division
Public Information Request
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(f) Commercial Kennel, provided it complies with the regulations set forth in Section 8.7.

(g) Contractor Yard, small (8.15.1).

(h) Construction Material Sales.

(i) Restaurant.

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

(n) General Services.

(o) Health Care Center.

(p) Health Care Facility.

(q) Indoor Sports and Recreation / Entertainment.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Secondhand Sales.

(w) Shopping Center.

(x) Small Equipment Rental / Sales / Repair.

(y) Specialty Sales.

(z) Tavern.

(aa) Veterinary Clinic – Small Animal.

(bb) Veterinary Clinic – Large Animal.

(cc) Vehicle Fuel Sales.

(dd) Vehicle Repair.

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Public Information Request
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(ee) Vehicle Sales and Rental.

(ff) Vehicle Services.

(gg) Wholesale trade.

(hh) Instructional Facility.

(ii) Convenience Sales.

(2) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(3) On-Site Construction Office.

(4) Public Building.

(5) Public Safety Facility.

(6) Community Cultural Facility.

(7) Community Center.

(8) Educational Facility.

(9) Administrative Government Center.

(10) Educational Facility.

(11) Public Institution.

(12) Bus Terminal.

(13) Park.

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Public Information Request
Scanned Documents
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(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) The permitted accessory uses set forth under Section 8.8 Amateur Radio Station and/or Antenna (conditions 6,7 and 8 do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW may be used in the Commercial District subject to the requirements of Section 7.3 and 8.8 of these regulations.

7.3.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family Dwelling Unit required by and incidental to the business enterprise.

(2) Large equipment rental / sales / repair.

(3) Garage, Public.

(4) Gravel Pit (open-cut mining operation).

(5) Manufacturing, Light.

(6) Agricultural, Building.

(7) Agricultural, Facility.

(8) Animal Shelter.

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Public Information Request
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(9) Manufactured Housing Sales.

(10) Membership Club.

(11) Recycling Center.

(12) Solid Waste Transfer Station.

(13) Utility Installation, Minor.

(14) Warehouse.

(15) Worship Facility.

7.3.11 USES NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually Oriented Business.

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Public Information Request
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7.4 INDUSTRIAL (I) DISTRICTS

7.4.1 AREA REQUIREMENTS

7.4.1.1 MINIMUM LOT AREA

No minimum requirement.

7.4.1.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.4.1.3 REQUIRED YARDS

(1) **Front yard** - Fifteen (15) feet depth minimum.

(2) **Side yard**

(a) Adjacent to industrial district shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a Residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) **Rear yard**

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such Residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

Cascade County Planning Division
Public Information Request
Scanned Documents
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7.4.1.4 LOT COVERAGE

None designated.

7.4.1.5 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.

7.4.1.6 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.4.1.7 Landscaping REQUIREMENTS

Landscaping requirements shall be in accordance with Section 8.18.

7.4.1.8 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.

7.4.1.9 PERMITTED PRINCIPAL USES

(1) All principal uses permitted in a Commercial District.

(2) Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:

(a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height unless waived or modified by the Zoning Administrator. This shall not preclude display areas for sales;

(b) emit no excessive obnoxious odors;

(c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;

(d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;

(e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;

Cascade County Planning Division
Public Information Request
Scanned Documents
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(f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

(g) conduct no mining, extracting, filling or soil stripping operations; and

(h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(3) Agricultural Commodity Storage Facility.

(4) Artisan Shop. 2X

(5) Bus Transit Terminal. 2X In Commercial Redundant

(6) Composting Facility.

(7) Contractor Yard, small (8.15.1).

(8) Freight Terminal.

(9) Fuel Tank Farm.

(10) Heli-Pad.

(11) Large Equipment Rental / Sales / Repair.

(12) Manufactured Housing Sales.

(13) Park.

(14) Parking Lot.

(15) Parking Garage.

(16) Parking Structure.

(17) Railroad Yard.

(18) Recycling Center.

(19) Sexually Oriented Business.
It may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

(20) Solid Waste Transfer Station.

(21) Truck Terminal.

Cascade County Planning Division
Public Information Request
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(22) Utility Installation, Minor and Major.

(23) Warehouse.

(24) Worship Facility.

(25) 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.

(26) "Power Plants, Commercial Wind Farms" subject to the requirements of Section 8.10 and 8.11 of these regulations.

(27) Educational Facility.

(28) Gravel Pit (open-cut mining operation).

(29) Public Institution.

(30) Power Plants, Solar subject to the requirements of Section 8.12 of these regulations.

7.4.1.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land.

(3) Animal Shelter.

(4) Agricultural Buildings.

(5) Garage, Public.

(6) Membership Club.

7.4.1.11 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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Public Information Request
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7.4.2 I-2 DISTRICT – HEAVY INDUSTRIAL DISTRICT

7.4.2.1 PERMITTED PRINCIPAL USES

All **NON-RESIDENTIAL** uses not otherwise prohibited by law. Any such use shall be required to comply with any supplemental regulations outlined in Section 8 of these regulations. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless modified or waived by the Zoning Administrator.

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

(1) One single family dwelling unit that is required by and incidental to the operation of the industrial enterprise.

(2) Agricultural uses of land; Agricultural Buildings.

7.4.2.3 AREA, HEIGHT, YARD, LOT COVERAGE AND PARKING REQUIREMENTS AS PER SECTION 7.4.1

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Public Information Request
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7.5 MOBILE HOME (MH) DISTRICT

7.5.1 MINIMUM LOT AREA

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.5.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.5.3 REQUIRED YARDS

(1) **Front yard**

The minimum front yard required shall be ten (10) feet.

(2) **Side yard**

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

(3) **Rear yard**

The minimum rear yard shall be at least ten (10) feet.

7.5.4 LOT COVERAGE

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.5.5 LOT WIDTH

The minimum lot width shall be thirty (30) feet.

7.5.6 OFF-STREET PARKING REQUIREMENTS

All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 8.4.

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7.5.7 LANDSCAPING

Requirements shall be in accordance with Section 8.18.

7.5.8 SITE PLAN REVIEW AND APPROVAL

Prior to the construction of a mobile home court or subdivision, the following steps must be taken:

7.5.8.1 ZONING

The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.5.8.2 PLANNING BOARD

The Planning Board must approve the court site plan or subdivision plat.

7.5.8.3 SUBMISSION

After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.5.9 GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES

7.5.9.1 REQUIREMENTS

In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, mobile home courts, and mobile home subdivisions must also be complied with.

7.5.9.2 SEASONAL STORAGE

Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary abode of the owner or any other person is permitted on privately owned tracts of ground.

7.5.10 PERMITTED PRINCIPAL USES

7.5.10.1 MOBILE HOME COURT

In a Mobile Home Court, only mobile homes are allowed.

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7.5.10.2 MOBILE HOME SUBDIVISION

In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.5.10.3 ON-SITE CONSTRUCTION OFFICE.

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

7.5.11.1 Private Garage.

7.5.11.2 Other customary accessory use and building.

7.5.12.3 Professional office in a residence.

7.5.12.4 Customary home occupation (see Section 8.16).

7.5.12 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

7.5.12.1 Worship facility, where off-street parking is not provided are permitted when approved by the Zoning Board of Adjustment.

7.5.12.2 Recreation building or area operated by membership club for the benefit of members and not for gain.

7.5.12.3 Educational facilities not heretofore defined, public library and publicly owned building.

7.5.12.4 Utility installation, minor.

7.5.12.5 On-site real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Zoning Board of Adjustment.

7.5.12.6 Convenience Sales

Allowed with the following exclusions:

(1) Liquor

(2) Gambling except for:
  (a) The Montana State Lottery, Powerball tickets, and the like.

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7.6 OPEN SPACE (OS) DISTRICT

7.6.1 REQUIRED LOT AREA

No minimum requirement.

7.6.2 LOT COVERAGE

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.6.3 PERMITTED PRINCIPAL USES

7.6.3.1 Public or private park and playground, public and private forest and wildlife preserve, and similar conservation areas.

7.6.3.2 Utility Installation, Minor.

7.6.3.3 Agriculture and forestry.

7.6.3.4 On-Site Construction Office.

7.6.4 PERMITTED ACCESSORY USES: ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO ANY OF THE ABOVE OS DISTRICT USES INCLUDING:

7.6.4.1 Automobile parking area as required in Section 8.4.

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Public Information Request
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7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. The mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the Growth Policy, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 8.5. Signs in a PUD District shall be subject to the regulations contained in Section 8.1 and off-street parking shall be provided in accordance with Section 8.4 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

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7.8 MU DISTRICT – MIXED USE DISTRICT

7.8.1 MINIMUM LOT AREA

No minimum required

7.8.2 BUILDING HEIGHT

No restrictions, except as regulated in the Military Overlay District.

7.8.3 YARDS REQUIRED

(1) **Front yard**

Fifteen (15) feet

(2) **Side yard**

Six (6) feet

(3) **Rear yard**

Ten (10) feet

(4) **Exclusion**

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use.

7.8.4 SIGNS

Signs shall be subject to the regulations contained in Section 8.1.
No signage advertising off-premise businesses allowed.

7.8.5 OFF-STREET PARKING

Off-street Parking shall be provided in accordance with Section 8.4.

7.8.6 LANDSCAPING

Landscaping requirements shall be in accordance with Section 8.18.

Cascade County Planning Division
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7.8.7 SITE PLAN

Site Plan Review and Approval, as required in Section 8.5.
In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 8.5 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.8.8 PERMITTED PRINCIPAL USES

(1) All permitted principal uses allowed in RR-5, SR-1, and SR-2 Districts

(2) Any retail or wholesale trade (excluding large equipment trade) including, but not limited to:

(a) Administrative Services.

(b) Agricultural Sales (small equipment/machinery).

(d) Auction Sales.

(e) Automotive, mobile home, marine, recreational vehicle and accessories sale and service.

(f) Building materials, hardware and farm equipment sales and service.

Sup ← (g) Casino, provided it is not within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility.

(h) Construction Material Sales.

(i) Contractor Yard, Small (8.15.1).

(j) Financial Services.

(k) Funeral Home.

(l) General Repair.

(m) General Sales.

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Public Information Request
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(n) General Services.

(o) Health Care Center

(p) Health Care Facility.

(q) Hotel and Motel.

(r) Microbrewery.

(s) Off-Site Liquor Sales.

(t) Outdoor sports and recreation/entertainment.

(u) Professional Services.

(v) Restaurant.

(w) Recreational Vehicle Park.

(x) Retail.

(y) Secondhand Sales.

(z) Shopping Center.

(aa) Small Equipment Rental / Sales / Repair.

(bb) Specialty Sales.

(cc) Tavern.

(dd) Veterinary Clinic – Small Animal.

(ee) Vehicle Fuel Sales.

(ff) Vehicle Repair.

(gg) Vehicle Sales and Rental.

(hh) Vehicle Services.

(ii) Wholesale trade.

(jj) Instructional Facility.

(kk) Agricultural Commodity Storage Facility.

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(3) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) Storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 8.18.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(4) Mobile Home Park / Mobile Home Court.

(5) On-Site Construction Office.

(6) Gravel Pit (open cut mining operation).

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

(1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.

(2) Signs as covered in Section 8.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.

(3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.

(4) Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine not to exceed 50 kW may be used in the MU District subject to the requirements of Section 8.8 of these regulations.

(5) Home Occupations.

Cascade County Planning Division
Public Information Request
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(6) Professional Office in a Residence.

7.8.10 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

(1) Manufactured housing sales.

(2) Veterinary clinic, large animal.

(3) Commercial kennel.

(4) Large equipment rental / Sales / Repair.

(5) Warehouse.

(6) Animal shelter.

(7) Administrative Government Center.

(8) Composting facility.

(9) Recycling center.

(10) Solid waste transfer station.

(11) Telecommunication facility.

(12) Bus transit terminal.

(13) Commercial parking lot.

(14) Parking structure.

(15) Taxi dispatch terminal.

(16) Artisan shop.

(17) Light manufacturing & assembly.

(18) Garage, Public.

(19) Indoor Entertainment.

(20) Indoor Sports and Recreation.

(21) Membership Club.

(22) Parking Garage.

Cascade County Planning Division
Public Information Request
Scanned Documents
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(23) Tourist Home.

(24) Utility Installation, Minor.

(25) Worship Facility.

7.8.11 USES SPECIFICALLY NOT PERMITTED

(1) Medical Marijuana Provider.

(2) Sexually-Oriented Businesses.

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SECTION 8. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Sections 7 and 9 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

8.1 USES, SIGNS, LOTS

8.1.1 SIGNS IN AN A, C, MU, I-1, OR I-2 DISTRICTS

8.1.1.1 There shall be a limit of two (2) total freestanding signs per tract of land containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Division. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.

8.1.1.2 Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.

8.1.1.3 Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.

8.1.1.4 Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.

8.1.1.5 Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.

8.1.2 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

Cascade County Planning Division
Public Information Request
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8.1.2.1 On-premise and off-premise (for non-profit only) signs in residential and agricultural districts (RR-5, SR-1, SR-2, UR and A)

8.1.2.2 Signs in residential and agriculture districts shall be limited to non-commercial uses, such as religious institutions, fraternal organizations, schools, etc. Bulletin boards for worship facilities, educational facilities, or other public, religious, or educational institution are allowed provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.

8.1.3 OTHER SIGNS (ALL DISTRICTS)

8.1.3.1 Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

8.1.3.2 Political Signs shall be regulated pursuant to Montana Codes Annotated. Additionally, the following regulations shall apply:

8.1.3.2.1 Political Signs

(1) Signs promoting political candidates or issues shall:

(a) Not be erected or maintained within the highway right-of way

(b) Not be erected or maintained prior to 90 days before the applicable election.

(c) Be removed within 30 days following the applicable election. The successful candidate in the primary election may leave their signs until after the general election.

8.1.3.2.2 Directional Signs

(1) Including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they not exceed eight (8) square feet maximum in size and be no greater than eight (8) feet in height and may not contain any advertising.Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 1.2 shall apply.

8.1.4 NON-CONFORMING SIGNS

(1) Signs at the time of enactment of this Regulation which are not

Cascade County Planning Division
Public Information Request
Scanned Documents
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conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

(2) Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

8.1.5 NATURAL PRODUCTION USE

A Special Use Permit may be reviewed by the Zoning Board of Adjustment in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-2 Heavy Industrial District and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral deposits for the quarrying of any kind of rock formation, subject to the following conditions:

8.1.5.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.

8.1.5.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Zoning Board of Adjustment.

8.1.5.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (MCA) Title 82, Chapter 4, Part 4, et. seq.

8.1.5.4 In the case where a natural production use abuts an R District, a C District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.

8.1.5.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

Cascade County Planning Division
Public Information Request
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8.1.6 DWELLINGS ON SMALL LOTS

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a one-family dwelling on any lot in an Agricultural District or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for one (1) family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

8.1.7 REVERSE AND KEY LOTS

In the case of a reverse lot, the building setback line shall be the same as the key lot.

8.1.8 ABANDONED BUILDINGS / ITEMS

Abandoned buildings / items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.1.9 ZONING DESIGNATION PER LOT / TRACT OF LAND

Each parcel of land shall have only one zoning designation.

8.2 YARDS

8.2.1 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

8.2.2 PORCHES

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

8.2.3 PROJECTING ARCHITECTURAL FEATURES

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

Cascade County Planning Division
Public Information Request
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8.2.4 FIRE ESCAPES

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

8.2.5 FENCES

No fence in any residential district may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement.

A variance may be allowed by the Zoning Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Zoning Board of Adjustment.

No fence of an electrically charged type shall be erected in any residential district. Razor wire shall be located in only an Industrial Zoned District, must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it.

A location conformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.

8.2.6 FRONT YARD DEPTH

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

8.3 TRANSITION REGULATIONS

8.3.1 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

8.3.2 SIDE AND REAR YARD TRANSITION

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

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Public Information Request
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8.3.3 FRONT YARD TRANSITION

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

8.3.4 CORNER YARD TRANSITION

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

8.4 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected; or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

8.4.1 DWELLINGS

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

8.4.2 AUDITORIUM, STADIUM, THEATER, CHURCHES, OR OTHER PLACES OF PUBLIC ASSEMBLY

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

8.4.3 MOTELS AND HOTELS

At least one (1) parking space for each one (1) guest unit.

8.4.4 RESTAURANTS, NIGHT CLUBS, TAVERNS, OR OTHER EATING PLACES

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

8.4.5 HOSPITAL, SANITARIUM, OR NURSING HOME

8.4.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

8.4.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

Cascade County Planning Division
Public Information Request
Scanned Document
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8.4.6 STORES

8.4.6.1 C District (Commercial District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

8.4.7 OFFICE BUILDINGS

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

8.4.8 INDUSTRIAL OR MANUFACTURING ESTABLISHMENTS

At least two (2) parking spaces for each three (3) working people on a maximum shift.

8.4.9 GENERAL

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the building.

8.5 SITE PLAN REVIEW CRITERIA

In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with this section and shall approve, or approve with conditions, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter into the Office of the Zoning Administrator's record the reason for such action.

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

(1) Name and address of applicant.

(2) Legal description and boundary lines of property being considered for review.

(a) Existing and proposed land use upon the site.

(b) Names of owners and existing land use on adjacent property.

(c) Location, size, dimensions and uses of existing and proposed buildings and improvements.

(d) Location and description of existing and proposed utilities.

(e) Location and dimensions of curb cuts and access points.

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Cascade County Planning Division
Public Information Request
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(f) Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

(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 Division 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. (See Letter of Map Change definition).

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.7 KENNEL BUSINESSES AND FACILITIES

8.7.1 REGULATED BUSINESSES INCLUDE, BUT ARE NOT LIMITED TO:

(1) Pet Wholesalers.

(2) Pet Breeders.

(3) At a minimum, kennels shall provide:

(4) Buildings, including dog runs, shall be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from residential districts.

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) Exotic and Wild Animal Dealers.

8.8 TOWERS AND FACILITIES

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations providing they meet the following conditions:

(1) Setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries).

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.9 POWER PLANTS

The following regulations are for all proposed commercial power plants. Additional requirements for specific types of power plants are delineated in the following sections.

(1) Must meet all state, federal, and local regulations regarding

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

8.10 POWER PLANT, COMMERCIAL WIND FARMS (NOT TO EXCEED 1 MEGAWATT)

(1) Facility may not exceed one (1) megawatt of total generating capacity.

(2) Must meet all state, federal, and local regulations regarding the uses.

(3) Must not have any advertising signage attached to them.

(4) Must not interfere with any electrical components of neighboring properties.

(5) Must be fenced or protected to prohibit unauthorized access.

(6) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(7) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(8) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(9) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(10) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(11) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(12) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.11 POWER PLANT, COMMERCIAL WIND FARMS GREATER THAN ONE (1) MEGAWATT PROVIDING THEY MEET THE FOLLOWING CONDITIONS:

(1) Must meet all state, federal, and local regulations regarding the uses.

(2) Must not have any advertising signage attached to them.

(3) Must not interfere with any electrical components of neighboring properties.

(4) Must be fenced or protected to prohibit unauthorized access.

(5) Must be located at least 1000 feet from any use listed in 7.1.1.1 (2).

(6) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).

(7) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)

Measured from property lines:

Residential Districts	50 dB(A)
Commercial Districts	60 dB(A)
Industrial Districts	75 dB(A)

(8) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

not be finished in bright or vivid colors intended to draw attention to the structure or property.

(9) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

(10) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

(11) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.12 POWER PLANT, SOLAR

Based on the typical solar power plant design, uses tend to be low in intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use may be compatible in both urbanized and non-urbanized areas throughout the County. Standards for power plant generation by solar energy shall be subject to the administrative requirements of Section 18 and the following site development standards:

(1) Lot coverage: All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of a lot unless adjusted by the Zoning Board of Adjustment.

(2) Setbacks: solar power plant structures shall be set back from all property lines at least thirty (30) feet from the front and six (6) feet from the side yards, and ten (10) feet from a rear yard.

(3) Landscaping Buffer: as determined by the Zoning Board of Adjustment through the Unclassified Use Permit process with considerations of location, size of parcel and topography of parcel. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and neighboring residences.

(4) No solar power plant tower or other tall structure associated with a solar power plant shall be lighted unless required by the Federal Aviation Administration (FAA). When lighting is

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

required by FAA, it shall be the red, intermittent, glowing-style, rather than the white, strobe-style.

(5) Siting requirements of any structure within the Height Military Overlay District (MOD) must be met. Any variance requested for over-height must be presented to Malmstrom's reviewing staff and approved.

(6) Safety/Access: An appropriate security fence (height and material to be determined through the Unclassified use permit process) shall be placed around the perimeter of the solar power plant.

(7) Signage: appropriate warning signage shall be placed at the entrance and perimeter of the solar power plant project.

(8) Noise: No operating solar power plant shall produce noise that exceeds any of the following limitations:

(a) Fifty dBA, as measured at the property line of any neighboring residentially-zoned lot;
(b) Forty-five dBA, as measured at any existing neighboring residence between the hours of nine p.m. and seven a.m.
(c) Sixty dBA, as measured at the property lines of any other project boundary.

(9) Agreements/Easements: If the land on which the project is to be leased rather than owned by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project and a copy provided with an Unclassified use permit application.

(10) Removal: Structures that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

8.13 OIL AND GAS EXPLORATION, DRILLING, PRODUCTION AND OPERATIONS

A Special Use Permit is required by the Zoning Board of Adjustment in the Agricultural District. In addition to the submittal requirements of Section 10, Standards for Special Use Permits, the following items will be required.

(1) Cover letter describing project and submittal materials.

(2) Copy of associated mineral leases.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(3) Copy of order from the Montana Board of Oil and Gas Conservation, and associated stipulations/conditions.

(4) Name and location of all water wells on adjacent properties.

(5) Operations statement detailing the proposed hours of operation, duration of project, operation of project including staffing schedules and estimated trips per day, traffic study with proposed mitigation and fire plan with proposed mitigation.

(6) Noxious Weed Management Plan.

(7) Plan for reclamation of all disturbances associated with the project.

(8) Workforce Housing plan, if applicable.

(9) Any additional information deemed necessary by the Planning Division.

8.14 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated (M.C.A). Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in this Section.

8.14.1 REQUIRED PERMITS

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 9.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana.

Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31st and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.14.2 APPLICABLE TIME PERIOD

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise **prior to June 1** of the year for the **June 24th through July 5th** selling period and must be removed by **July 31st** of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise **prior to December 6th** of the year for the **December 29th through December 31st** selling period and must be removed by **January 15th** of the next year.

8.14.3 REQUIRED DISTANCES AND SETBACKS

A temporary fireworks stand shall be located:

(1) At least 300 feet from a worship facility, a hospital, or educational facility.

(2) At least 150 feet from any flammable liquid dispensing device or installation.

(3) At least 150 feet from any residential dwelling unit.

(4) At least 30 feet from any public roadway.

(5) At least 50 feet from any non-residential structure.

(6) At least 25 feet from any attendant vehicle or structure associated with the fireworks stand.

(7) Setbacks

Front Yard- The minimum front setback shall be thirty (30) feet.

Rear Yard- The minimum rear setback shall be thirty (30) feet.

Side Yard- The minimum side setback shall be ten (10) feet.

(8) Off-street Parking

Size- The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

Number- The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

The required front yard may be used for off-street parking.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.14.4 APPLICABILITY OF OTHER REGULATIONS

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

8.14.5 PENALTY

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 14, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

8.15 CONTRACTOR YARDS

8.15.1 CONTRACTOR YARD, SMALL

Generally these standards do not apply to contractor yards in Industrial zoning districts. Strike?

(1) Lot size requirements

The minimum lot size shall be one (1) acre.

(2) Limitations on equipment

No more than two (2) pieces of heavy equipment exceeding three tons may be stored on the premises.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is prohibited.

(4) Buildings.

A building(s) not exceeding a cumulative total of three thousand (3,000) square feet shall be constructed on the premises to accommodate the contractor's operations.

Cascade County Planning Division
Public Information Request
Scanned Documents
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8.15.2 CONTRACTOR YARD, LARGE

Generally these standards do not apply to contractor yards in Industrial zoning districts. Strike?

(1) Lot size requirements

There are no minimum lot size requirements.

(2) Limitations on equipment

There are no limitations on the number of trucks, trailers, or other heavy equipment.

(3) Storage of material

Exterior storage of construction materials, wastes, or any other material related to the operation of the contractor yard is permitted.

(4) Buildings

The size of the building(s) shall conform to the dimensional requirements as appropriate for the district.

8.16 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an ~~urban~~ residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

Home Occupations also must:

(1) Be carried on only within the principal or accessory buildings;

(2) Be incidental and secondary to the use of the dwelling unit for residential purposes;

(3) Be carried on by a member of the family residing in the dwelling unit; and

(4) Conform to the following additional conditions:

(a) There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.

(b) There shall be no exterior storage of materials or variation

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

from the residential character of the principal building;

(c) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and

(d) Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

(1) Art studio;

(2) Dress and drapery making;

(3) Teaching with musical instruments limited to a single pupil at a time; and/or

(4) Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

(1) Restaurants;

(2) Commercial stables and commercial kennels; and / or

(3) Auto repairing.

In instances where the appropriateness of the proposed home occupation in unclear, the Zoning Administrator may request an Operational Statement from the applicant that provides a complete description of the operation, such as days and hours of operation, number of customers or visitors, type and frequency of deliveries, etc.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

8.17 ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Director or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Director or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief.

(2) The intent of the section and the specific regulation in question is preserved.

(3) The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.

(4) All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Director or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all C, I-1, I-2, MU, and MH and as otherwise required in these regulations.

The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

8.18.1 LANDSCAPING PLAN REQUIREMENTS

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

(1) Appropriate to the conditions in which they are planted;

(2) Have non-invasive growth habits;

(3) Encourage low maintenance, high quality design; and

(4) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Division or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

(1) Scale: ¼"=1'0" to 1"=40'

(2) Property lines, easements and public rights-of-way, including clear vision triangles

(3) Buildings or structures - both new and existing.

(4) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.

(5) Landscaping materials:

(a) Location and spacing of proposed plant materials

(b) Location of existing trees or landscaping to be preserved or eliminated

(c) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule

(d) Size of materials, in caliper, diameter and height at installation and maturity

(e) Quantity of each planting materials to be used

(f) Types and location of inorganic landscaping material

(6) Location of walls, fences and refuse storage area

(7) Methods of protecting the landscaped areas

(8) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a health, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have been irreparably damaged shall be removed and replaced with living plant

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

materials consistent with the approved landscape plan or as required by these regulations.

8.18.2 MINIMUM REQUIREMENTS

8.18.2.1 STREET FRONTAGE LANDSCAPING

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: 15' minimum buffer yard width 1 tree per 80 linear feet of frontage

Option 2: 10' minimum buffer yard width 2 trees per 80 linear feet of frontage

Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 80 linear feet of frontage

Option 4: 5' minimum buffer yard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area.
A non-decorative wall shall be covered with vines on the street side of the wall.
A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.18.2.2. PERIMETER LANDSCAPING

(1) The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Administrator shall determine which category best matches the use.

8.18.2.3 BUFFER YARD CLASSIFICATION REQUIREMENTS:

Buffer yard A: No Landscaping Required

Buffer yard B: 5' minimum buffer yard1 tree per 40 linear feet

Buffer yard C: 10' minimum buffer yard 2 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

Buffer yard D: 15' minimum buffer yard 4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

8.18.2.4 BUFFER YARD STANDARDS FOR ALL DEVELOPMENT

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

8.18.2.5 OTHER REQUIREMENTS

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, and any combination thereof.

Any parking lot which requires more than ten (10) parking spaces must be paved and provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm Water Runoff Regulations. Parking lots which require less than ten parking spaces must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Director.

8.18.3 ADMINISTRATIVE RELIEF

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Division.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

(1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(2) The intent of the landscaping section and the specific regulation in question is preserved; and

(3) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Zoning Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Zoning Board of Adjustment meeting which allows for the required public notice.

8.18.4 POLICIES

(1) The Planning Division recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Division recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Division may grant Administrative Relief in the event of these situations and proposals.

(2) The Planning Division recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

(3) The Planning Division shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

(4) The Planning Division also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

Planning Division generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered.

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees.

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

8.19 MEDICAL MARIJUANA PROVIDER

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

8.20 SEXUALLY ORIENTED BUSINESS

Any facility may not be located within one-thousand (1000) feet of an existing residence, residential district, educational facility, worship facility, day care, or other facilities where minors gather.

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SECTION 9. PERMIT REQUIREMENTS

9.1 GENERAL

These regulations shall be enforced by the Zoning Administrator who shall be appointed by the Board of County Commissioners of Cascade County. No Location / Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been met.

9.2 LOCATION /CONFORMANCE PERMIT

No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; 2) a site plan meeting the requirements of Section 8.5 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator, and a separate Location/Conformance Permit has been issued for each tract of land.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned A – Agricultural, and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the A Agricultural requirements listed in these regulations. All other uses including commercial, special use permits, etc. require obtaining a location/conformance permit and complying with the Cascade County Zoning Regulations.

Location/Conformance Permit approval by the Zoning Administrators 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 12-month extension to the expiration the Location/Conformance Permit approval.

9.3 FEES

The fee to be paid upon application for a Location / Conformance Permit shall be Fifty Dollars ($50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars ($200.00). The fee to be paid upon application for a Special Use Permit or an Unclassified Use Permit shall be Four Hundred Fifty Dollars ($450.00). The fee to be paid for an Appeal Application or for a Variance Application shall be Two Hundred Fifty Dollars ($250.00). All fees are non-refundable.

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9.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined by the Zoning Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of 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 Division along with the application / appeal fee (**$250**) as may be established by the County Commission.

(2) **Determination of completeness**. Within 10 working days of submittal, the Planning Director shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied

(3) **Notice**. Consistent with Section 12 of these regulations, the director 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 Zoning Board of Adjustment 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 director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Board of Adjustment, the applicant, and the applicant's agent, if

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Public Information Request
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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 Zoning Board of Adjustment shall hold a public hearing to review the application.

(7) **Decision.** Within 30 days of the determination of completeness, the Zoning Board of Adjustment 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 director 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:

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(1) The proposed use will be adequately 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 3 members shall be necessary to approve a variance. (MCA)76-2-224.

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.

(4) Allow an amortized sign to continue.

9.5.6 IMPOSITION OF CONDITIONS

In approving a variance, the Zoning Board of Adjustment 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. (MCA) 67-4-314.

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.

Cascade County Planning Division
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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. (MCA) 76-2-227 (1).

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Public Information Request
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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 as Provided in Section 10" 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 $450.00.

10.2 REQUIRED PLAN

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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.

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 Office of the County Clerk and Recorder or Planning Division).

(c) Describe the existing land use of the parcel and neighboring

Cascade County Planning Division
Public Information Request
Scanned Documents
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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 Cascade County Zoning Board of Adjustment. 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 Zoning Board of Adjustment will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the special use permit.

10.4 EXPIRATION

The Zoning Board Of Adjustment 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 Zoning Board Of Adjustment 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 Zoning Board of Adjustment prior to the date of expiration.

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

(1) Conditions may be required that the Zoning Board of Adjustment 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:

(a) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

(b) Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

(c) Soil erosion, sedimentation, and stormwater 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:

(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

Cascade County Planning Division
Public Information Request
Scanned Documents
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(4) The proposed development will be in harmony with the area in which it is located.

Considerations:

(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:

(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 the 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 Cascade County Zoning Board of Adjustment.

10.9 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the Zoning Board of Adjustment 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 makes 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

Cascade County Planning Division
Public Information Request
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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 Zoning Board of Adjustment 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 Zoning Board of Adjustment, the Planning Staff will issue the Special Use Permit.

10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment 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.

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SECTION 11. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

11.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

11.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his or her ability the date of a discontinuance of a non-conforming use based on substantiating evidence from the applicant and any other historical records or documents.

11.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

Cascade County Planning Division
Public Information Request
Scanned Documents
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11.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

11.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

11.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

11.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

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Public Information Request
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SECTION 12. ZONING BOARD OF ADJUSTMENT

12.1 CREATION OF ZONING BOARD OF ADJUSTMENT

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Zoning Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term.

All members of the Board shall serve without compensation. The Zoning Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS TO BOARD OF ADJUSTMENT

Appeals to the Zoning Board of Adjustment may be taken by any person or persons, jointly or severely aggrieved by a decision of the administrative officer or by an officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall transmit to the Board, in a timely manner all papers constituting the record upon which the action appealed was taken.

12.3.1 APPEAL FEE

Upon the filing of an appeal to the Zoning Board of Adjustment, the applicant shall pay to such Board, an appeal fee of Two Hundred Fifty Dollars ($250.00); provided, however, that if any officer, department, board or bureau of the

Cascade County Planning Division
Public Information Request
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municipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 APPEAL PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Zoning Board of Adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate of stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken, and on due cause shown.

The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest and decide the appeal within a reasonable time. The notice shall be published at least 15 days prior to, but no more than 30 days prior to, the public hearing. At the hearing, a party may appear in person or by the party's attorney.

12.3.3 BOARD APPEAL POWERS

The Zoning Board of Adjustment shall have the following powers:

12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

12.3.3.2 To hear and decide Special Use Permits (see Special Use Permit definition) to the terms of the zoning regulations as provided for in Section 10 of these regulations. The language herein is not intended to restrict or limit the power of the Zoning Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.

12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 ZONING BOARD OF ADJUSTMENT DETERMINATION

12.3.4.1 In exercising the above-mentioned powers, the Zoning Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make

Cascade County Planning Division
Public Information Request
Scanned Documents
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such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

12.3.4.2 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 APPEAL OF ZONING BOARD OF ADJUSTMENT DETERMINATION TO BOARD OF COUNTY COMMISSIONERS OR COURT OF RECORD

12.3.5.1 Any person or persons, jointly or severally, aggrieved by a decision of the Zoning Board of Adjustment, may present to the Board of County Commissioners a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the Board of County Commissioners within thirty (30) days after the filing of the decision of the board of adjustment, and a final decision must be made within sixty (60) days of the receipt of the petition.

The office of the Zoning Board of Adjustment in which the decision shall be filed shall be the Cascade County Public Works Department Planning Division. A vote of the zoning board of adjustment shall constitute a final decision of the matter and shall be deemed filed at the adjournment of the meeting.

The Board of County Commissioners may:

a) remand the special exception to the board of adjustment;
b) reverse or affirm, wholly or partly, the decision of the board of adjustment; or
c) modify the decision of the board of adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of County Commissioners or the Zoning Board of Adjustment, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the appropriate board.

12.3.5.2 Upon presentation of a petition, the court may allow a writ of certiorari directed to the Board of County Commissioners or the Zoning Board of Adjustment to review the decision of the Board and shall prescribe in the writ the time within which a return must be made and served upon the realtor's attorney, which may not be less than ten (10) days and may be extended by the court. The allowance of the writ may not stay proceedings upon the decision appealed from, but the court may, upon

Cascade County Planning Division
Public Information Request
Scanned Documents
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application, on notice to the board of county commissioners or the board of adjustment, and on due cause shown, grant a restraining order.

12.3.5.3 The Board of County Commissioners or the Zoning Board of Adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

12.3.5.4 If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Cascade County Planning Division
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SECTION 13. VIOLATIONS AND PENALTIES

13.1 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, placed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, placement, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

13.2 PROCEDURE/PENALTIES

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 VIOLATION

After first knowledge of the violation, a notice to comply or cease and desist notice to comply within thirty (30) days shall be issued.

13.2.2 COMPLIANCE

If compliance as enumerated in 13.2.1 above is not obtained within an additional thirty (30) days (for a total of sixty (60) days since the date of the first notice to comply), the violation shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

13.2.3 PROSECUTE

The County reserves the right to prosecute a continuing violation which has not been corrected after the above steps have been taken.

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SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Division. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 APPLICATION REQUIREMENTS

An applicant must notify the Planning Division and request a pre-application meeting with planning staff. 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 rezoning petition process.

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

(1) A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.

(2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.

(3) A legal description of the boundaries of the proposed district.

(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 Office of the County Clerk and Recorder or Planning Division).

(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.

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(f) On a site plan, indicate the location of existing curb cuts or access points.

(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.

(5) Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.

(6) Prepare a statement which addresses the following considerations:

(a) Made in accordance with the growth policy and

(b) Designed to:

(i) Secure safety from fire, and other dangers; and

(ii) Promote public health, public safety, and general welfare; and

(iii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(c) Reasonable provision of adequate light and air:

(d) The effect on motorized and non-motorized transportation systems;

(e) Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

(f) The character of the district and its peculiar suitability for particular uses; and

(g) Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(h) Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars ($750.00).

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14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 NOTICE OF A PUBLIC HEARING

Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 The boundaries of the proposed district.

14.3.1.2 The general character of the proposed zoning regulations.

14.3.1.3 The time and place of the public hearing.

14.3.1.4 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Planning Office.

14.3.1.5 Be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 Be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 Board of County Commissioners

At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

14.4.1 After the public hearing

After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and

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addressed.

14.4.2 BOARD OF COUNTY COMMISSIONERS MAY PASS A RESOLUTION

The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.

14.4.3 BOARD OF COUNTY COMMISSIONERS SHALL PUBLISH NOTICE

The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:

14.4.3.1 The boundaries of the proposed district;

14.4.3.2 The general character of the proposed zoning regulations;

14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Division; and

14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.

14.4.4 EXPIRATION OF THE PROTEST PERIOD

Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under (MCA) Title 15 Chapter 7 Part 202 or whose property is taxed as forest land under (MCA) Title 15, Chapter 44, Part 1 have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

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SECTION 15 AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

15.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the land, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport.

(2) That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and

(3) That the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

15.1.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zone which are hereby referenced in these regulations and made a part hereof (Section 4). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

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15.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

15.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

15.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

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15.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

15.1.2 HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

15.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

15.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

15.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

15.1.3 TRANSITIONAL ZONES

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and

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Public Information Request
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extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

15.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

15.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

15.1.4 USE RESTRICTIONS, ELECTRICAL AND VISUAL INTERFERENCE

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

15.1.5 NON-CONFORMING USES:

15.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

15.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of

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aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

15.1.6 AIRPORT AREA PERMITS

15.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.

(3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations.

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15.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

15.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

15.1.7 LAND USE WITHIN NOISE IMPACT ZONES - REGULATION OF USE

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

15.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on Exhibit B-1, B-2, and B-3 which are attached to these regulations and made a part hereof. (Reference Section 4.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) seventy-five (75) Ldn.

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(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

15.1.7.2 Exceptions

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 15 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

15.1.8 APPEALS

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 16 of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.

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EXHIBIT B-1

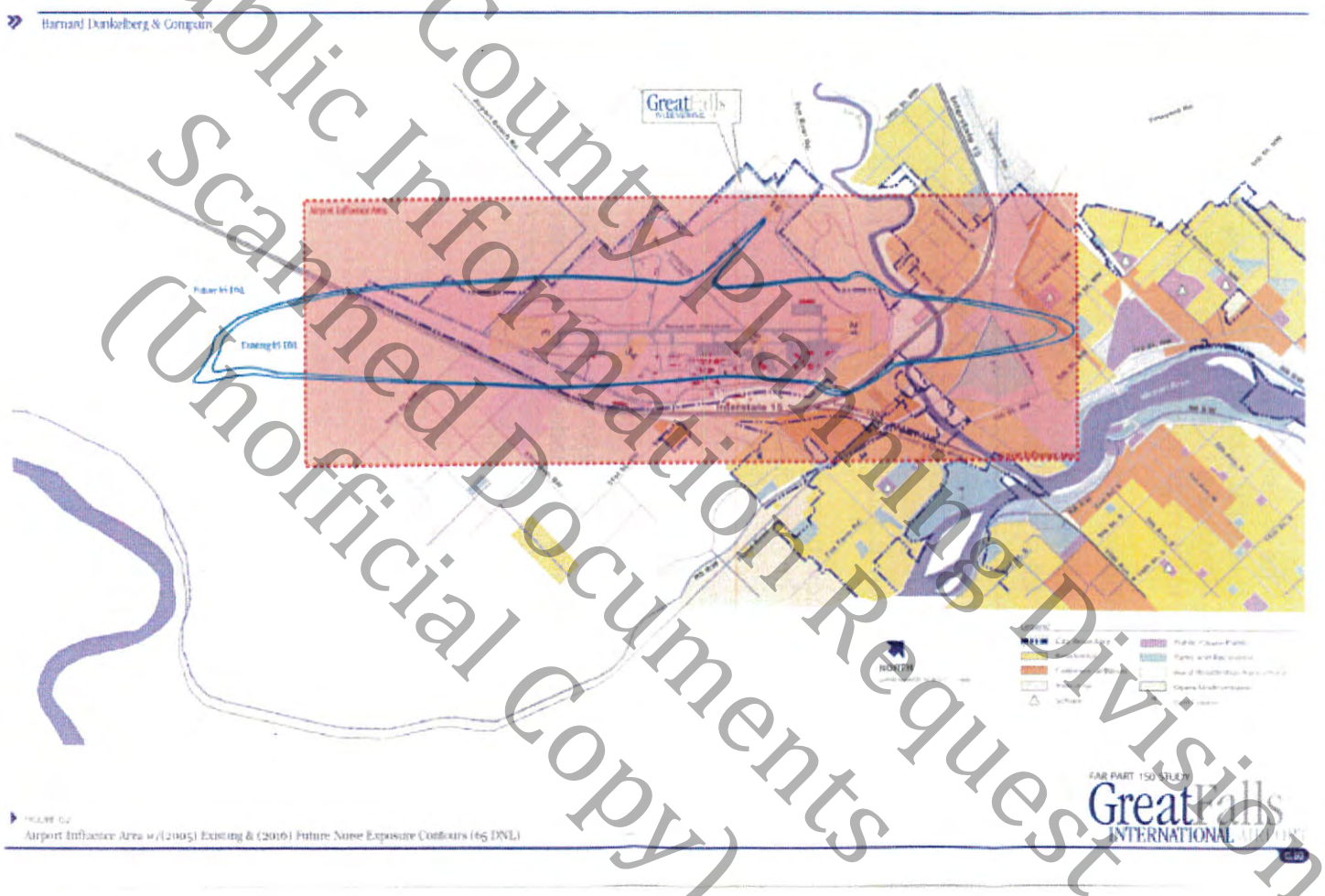

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Exhibit B-2

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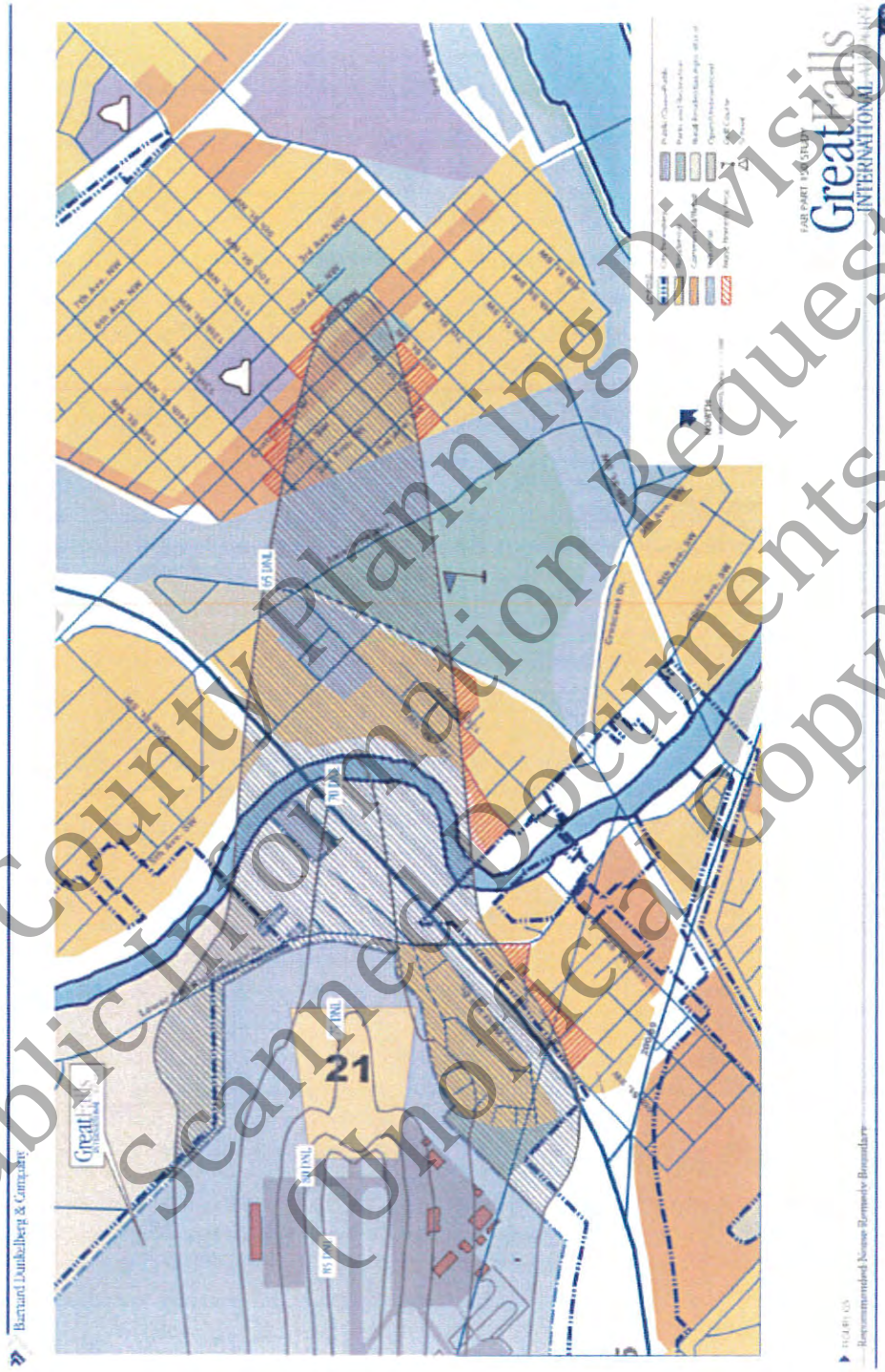
EXHIBIT B-3



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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 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. Figures 4.1-2 Height Military Overlay District & 4.1-3 Proposed Height MODs are hereby incorporated into and made a part of these regulations.

16.1 MAFB RUNWAY AREA

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

MOD-A (Clear Zone Surface)

No structures greater than 50 feet in height.

MOD-B (Transitional Surface)

No structures greater than 50 feet in height.

MOD-C (Inner Horizontal Surface)

No structures greater than 150 feet in height.

MOD-D (Conical Surface)

No structures greater than 150 feet in height.

MOD-E (Approach/Departure Clearance Surface)

No structures greater than 50 feet in height.

MOD-F (Outer Horizontal Surface)

No structures greater than 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 Zoning Board of Adjustment 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.

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16.2 MISSILE ALERT FACILITIES (MAFS) AND LAUNCH FACILITIES (LFS)

No structures shall be allowed within the 1,200 foot buffer around each MAF and LF.

Any proposed structures over 50 feet in height between 1,200 feet and 2,400 feet of a MAF or LF 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 Zoning Board of Adjustment 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.

16.3 EXCEPTIONS

A subdivision, rezoning and/or location/conformance permit application to accommodate a use inconsistent with the provisions of this section of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and Malmstrom Air Force Base harmless for any damages caused by normal and anticipated normal airport operations.

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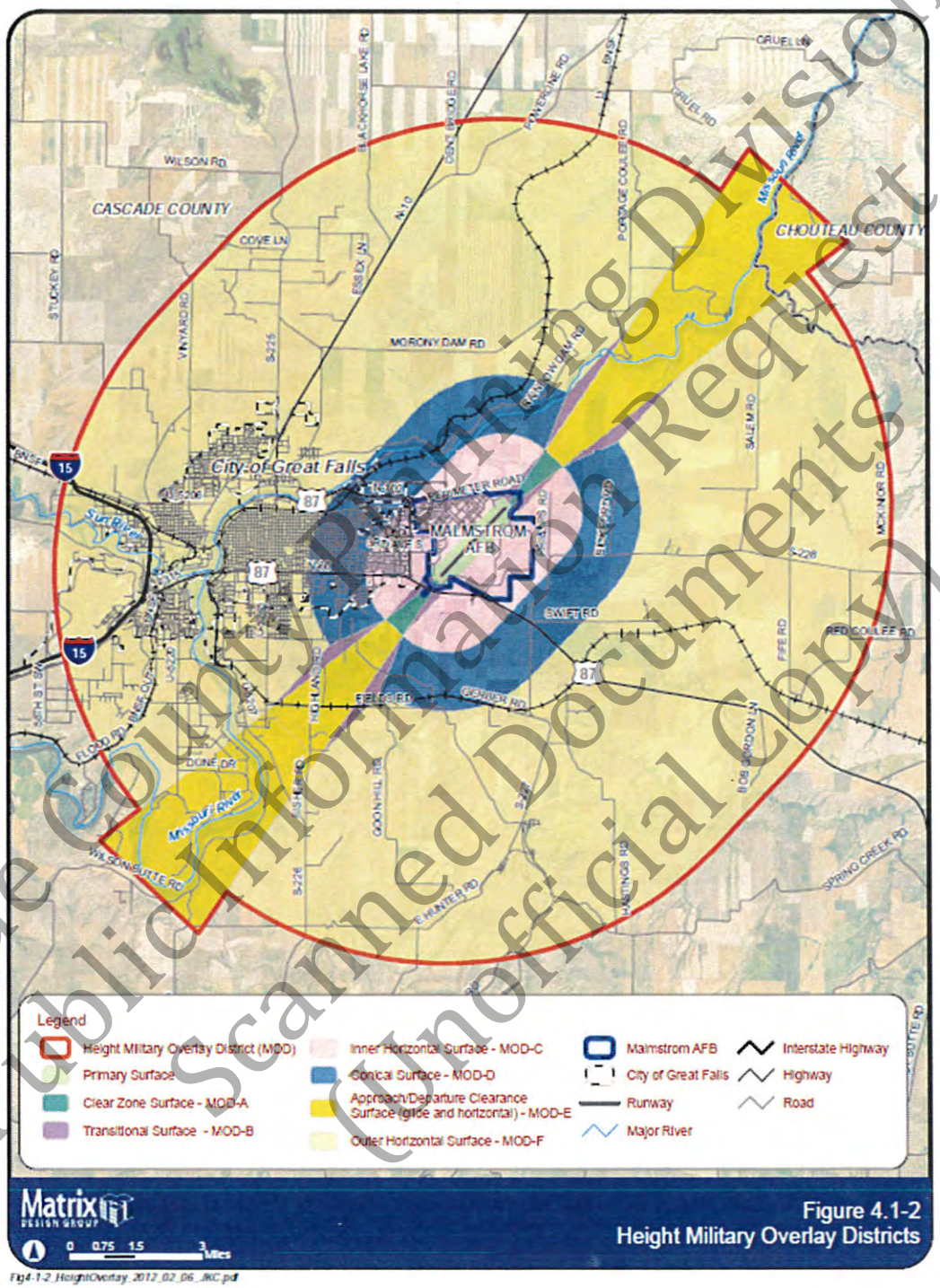

Figure 4.1-2
Height Military Overlay Districts

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Public Information Request
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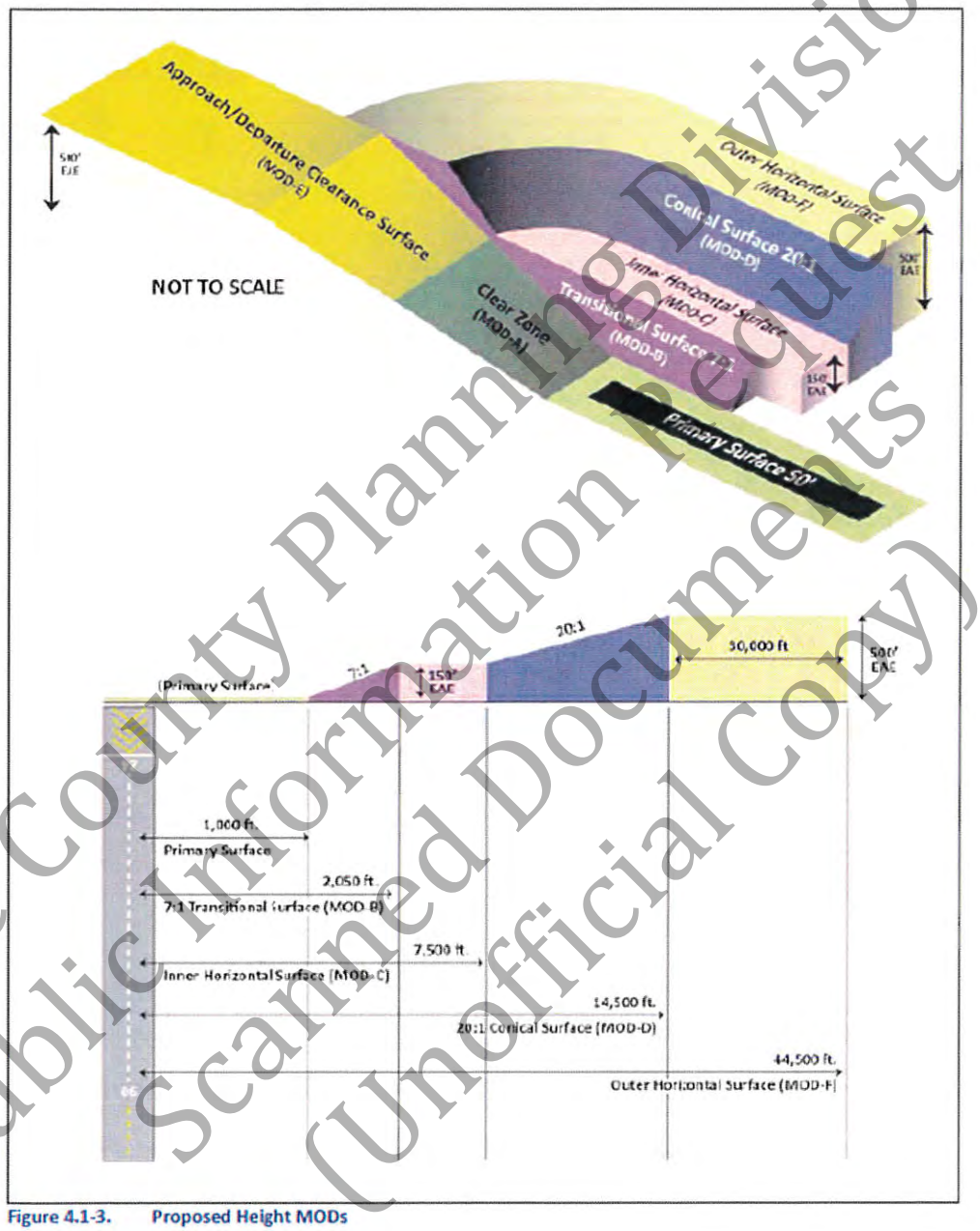

Figure 4.1-3. Proposed Height MODs

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SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

On January 25, 2000, a citizen initiated zoning district, the Flood Road Zoning District, was proposed by residents in the Woodland Estates area and subsequently adopted by the Board of Cascade County Commissioners. In 2005, Cascade County adopted countywide zoning exclusive of the incorporated communities of Belt, Cascade, Great Falls and Neihart and of the Flood Road Zoning District. Thus, the Flood Road Zoning District regulations are not included in the Cascade County Zoning Regulations and have not been amended or updated since adoption in 2000. Overtime, this has created inconsistencies between how administration of the Flood Road Zoning District is processed as compared to the rest of the County.

Of the eleven (11) zone districts adopted as part of the countywide zoning, the zone district that is most comparable is terms of lot size and permitted uses is the Suburban Residential Two (SR-2) zone district. This zone district now abuts the Flood Road Zoning District on two sides.

In the spring of 2012 as part of the update of the Cascade County Zoning Regulations, County staff sent letters to all property owners in the Flood Road Zoning District asking for comments to three options; 1) maintain the Flood Road Zoning District as is; 2) incorporate the Flood Road Zoning District as an overlay with an underlying zoning of SR-2, which would keep the existing standards intact; or 3) rezone to SR-2, eliminating the Flood Road Zoning District entirely. The residents overwhelming wished to retain the permitted and prohibited uses but with easier administration of the regulations, therefore, this overlay district, with SR-2 zoning.

17.1 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.

17.2 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.

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(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.

(9) Home Occupations, provided the following conditions are met:

(a) 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.

(b) 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.

(c) 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.

(d) There shall be no offensive noise, vibration, smoke odors, heat or glare produced as a result of the home business.

(e) The primary unit shall remain a residential structure.

(f) 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.

17.3 USES ALLOWED WITH A SPECIAL USE PERMIT

See Suburban Residential 2 (SR-2)

17.4 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.

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(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.

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SECTION 18 UNCLASSIFIED USE PERMITS

Unclassified uses shall be subject to all applicable property development standards of the district in which they are to be located and to the provisions outlined within this section. In addition, the following uses may be permitted by Unclassified Use Permits except for any use, including a power generating plant, which utilizes coal, coke, or other coal-based fuel as an industrial fuel source.

Unclassified uses are hereby said to possess characteristics of such unique and special forms that each use shall be considered as an individual case regardless of their underlying zone district.

An Unclassified 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 an Unclassified Use Permit" as provided in this section. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Unclassified Use Permit. A separate Unclassified Use Permit shall be required per each tract of land. The Unclassified Use Permit fee shall be $450.00.

18.1 USES PERMITTED UPON ISSUANCE OF AN UNCLASSIFIED USE PERMIT

(1) Airport.

(2) Cemeteries.

(3) Civic Use Facility.

(4) Commercial propagation, boarding, grazing or butchering of small livestock and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.

(5) Community Residential Facilities.

(6) Hospitals.

(7) Indoor Sports and Recreation.

(8) Outdoor Sports and Recreation.

(9) Power Plant.

(10) Public Entity.

(11) Public Institution.

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Public Information Request
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(12) Public Safety Facility.

(13) Public Uses.

18.2 PUBLIC NOTIFICATION

A public hearing shall be required for all Unclassified Use permit applications heard by the Cascade County Zoning Board of Adjustment. 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, their agent, and all adjacent land owners for which an Unclassified Use permit is sought shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and opponents of the Unclassified Use permit application. After the public hearing is closed, the Zoning Board of Adjustment may approve, deny, approve with conditions, or table for further consideration until the next Zoning Board of Adjustment meeting, the Unclassified Use permit.

18.3 EXPIRATION

The Zoning Board Of Adjustment approval of the Unclassified 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 Zoning Board Of Adjustment approval.

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

18.4 EXISTING VIOLATIONS

No permit shall be issued for an unclassified 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.

18.5 STANDARDS APPLICABLE TO ALL UNCLASSIFIED USES

Before the Board of Adjustment can approve any Unclassified Use Permit, it must first reach each of the following conclusions: (Conditions may be required that the Zoning Board of Adjustment determines, if implemented will mitigate potential conflicts in order to reach these conclusions.)

(1) The proposed development will not materially endanger the public health or safety.

Cascade County Planning Division
Public Information Request
Scanned Documents
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Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.

b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

c. Soil erosion, sedimentation, and stormwater run-off

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

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.

(3) The proposed development will be in harmony with the area in which it is located.

Considerations:

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.

(4) The proposed development will be consistent with the Cascade County Growth Policy.

Cascade County Planning Division
Public Information Request
Scanned Documents
(Unofficial Copy)

Considerations:

a. Consistency with the Growth Policy objectives for the various planning areas.
b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

18.6 OPERATIONS

Operations in connection with the Unclassified 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.

18.7 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 Cascade County Zoning Board of Adjustment.

18.8 ZONING BOARD OF ADJUSTMENT REVIEW

In reviewing Unclassified Use Permit Applications, the Zoning Board of Adjustment 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 Unclassified Use Permit or table the review process until the next Zoning Board of Adjustment 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 Unclassified Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Staff will issue the Unclassified Use Permit.

Cascade County Planning Division
Public Information Request
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18.9 APPEALING ZONING BOARD OF ADJUSTMENT DECISION

Appeals of the Zoning Board of Adjustment decision shall follow the process as outlined in Section 12 of these regulations.

18.10 REVOCABILITY

A violation of an Unclassified Use permit will be treated as any other violation under Section 13 of these regulations.

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