

TITLE 13
ZONING ORDINANCE

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SECTION 34 OPEN SPACE RESIDENTIAL (OSR):

NOT CURRENTLY USED BUT RESERVED FOR FUTURE USE

CITY OF TOWNSEND ZONING ORDINANCE

ORDINANCE FOR PROMOTING THE PUBLIC HEALTH, SAFETY, AND THE GENERAL WELFARE OF TOWNSEND, MONTANA, AND TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND PROVIDING FOR METHOD OF ALTERING ZONING REGULATIONS.

WHEREAS, Title 76, Chapter 2, Part 3, MCA, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City council deems it necessary for the purpose of promoting the health, safety or general welfare of the City to enact such an ordinance, and

WHEREAS, the City council, pursuant to the provisions of Section 76-2-307, MCA, has appointed a Zoning Commission to recommend the boundaries of the zoning districts and appropriate regulations to be enforced therein, and

WHEREAS, the Zoning Commission has recommended dividing the City into districts and has prepared regulations pertaining to such districts, and

WHEREAS, the City council, pursuant to the provisions of Title 76, Chapter 1, Part 6, MCA, has adopted a comprehensive plan for the jurisdictional area and the regulations have been prepared in accordance with the plan, and

WHEREAS, all requirements of Title 76, Chapter 2, Part 3, MCA, with regard to the preparation of a zoning ordinance and subsequent action of the City council have been met;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOWNSEND, MONTANA, AS FOLLOWS:

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

SECTION 1. TITLE: This ordinance shall be known and cited as the "ZONING ORDINANCE OF THE CITY OF TOWNSEND, MONTANA."

SECTION 2. AUTHORITY: This zoning ordinance is adopted under the authority of the Municipal Zoning Enabling Act (76-2-301 through 76-2-328, MCA).

SECTION 3. PURPOSE AND INTENT OF ZONING ORDINANCE:

A. The purpose of this zoning ordinance is to promulgate and adopt such regulations that:

1. Are designed in accordance with the comprehensive plan.
2. Are designed to lessen congestion in the streets.
3. Will secure safety from fire, panic and other dangers.
4. Will promote health and the general welfare.
5. Will provide adequate light and air.
6. Will prevent the overcrowding of land.
7. Will avoid undue concentration of population.
8. Will facilitate the adequate provision of transportation, water, sewage, schools, parks and such other public requirements.
9. Give reasonable consideration to the character of the district.
10. Give reasonable consideration to the district's peculiar suitability for particular uses.
11. Give reasonable consideration to conserving the value of buildings.
12. Will encourage the most appropriate use of land throughout the jurisdictional area.

B. Further, the intent of this zoning ordinance is to:

1. Insure that the land uses of a community are properly situated in relation to one another, providing adequate space for each type of development, and preventing problems associated with incompatible uses.
2. Control the density of development in each area of the community so that property can be adequately serviced by such public facilities as streets, schools, and recreation and utility systems.
3. Direct new growth into appropriate areas.
4. Protect existing property by requiring that development afford adequate light, air and privacy for persons living and working within the municipality.
5. Improve the quality of the physical environment of the community. Protect and maintain property values.
6. Preserve and develop the economic base of the community.
7. Encourage the provision of affordable housing for families of all income levels.

SECTION 4. JURISDICTIONAL AREA: The zoning jurisdiction of the City of Townsend shall include the land within the boundaries established and shown on the "Official Zoning Map, Townsend, Montana.

SECTION 5. PERMIT REQUIRED:

A. Zoning Permit: A Zoning Permit must be obtained from the Zoning Administrator before any building, structure or land may be used or occupied, or before any building or structure permitted under this Ordinance may be erected, placed, moved, expanded or structurally altered. A Zoning Permit may be issued only when the proposed building, structure, parcel or use will meet the requirements of this Zoning Ordinance.

B. Conditional Use Permit: A Conditional Use Permit must be obtained before those uses specified as Conditional Uses within certain zoning districts may be established. A Conditional Use Permit may be issued only when the proposed use will meet both the requirements of the particular district involved and the conditions specified for the use.

C. Zoning Requirements Operate in Addition to Other Municipal Codes: The requirements of this Zoning Ordinance operate in addition to those requirements established under other City Municipal Codes; except that where conflicts with other City Municipal Codes may occur the more restrictive requirements shall govern.

D. Prohibited by Law: Any use, category of use, or accessory use provided for in this ordinance which is in conflict with any other local, state or federal laws is hereby prohibited.
(Emergency Ordinance Approved April 6, 2010)

SECTION 6. INCORPORATION OF OFFICIAL ZONING MAP:

A. Official Zoning Map a Part of Zoning Ordinance: The "Official Zoning Map of Townsend, Montana," and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Ordinance.

B. Maintaining and Changing the Official Zoning Map

1. The Official Zoning Map shall be kept in City Hall, and shall be the final authority as to the current status of zoning districts in the City of Townsend zoning jurisdictional area.

2. The Official Zoning Map shall bear the signature of the Mayor, attested by the City Clerk, and the date of adoption of this Ordinance.
3. The Official Zoning Map shall bear the seal of the City under the following words, "This is to certify that this is the Official Zoning Map of Townsend, Montana, referred to in Section - of Ordinance Number of the City of Townsend, Montana."
4. Whenever any changes are made to district boundaries in accordance with the procedures of this Ordinance, those changes approved by the City Council shall be promptly entered on the Official Zoning Map, and a signed and dated certification attached to the Map. No amendment to district boundaries shall become effective until those changes are presented to the City Council by the Zoning Administrator. If the City Council approves the changes, the changes shall be entered on the Official Zoning Map.
5. No changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures specified in this Ordinance.
6. A copy of the Official Zoning Map, duly certified by the Zoning Administrator or the Planning Board, shall be filed in the office of the Clerk and Recorder. Each change to the Official Zoning Map adopted by the City Council, duly certified by the Zoning Administrator or the Planning Board, shall likewise be filed in the office of the Clerk and Recorder. Any changes adopted by the City Council to the Official Zoning Map must be approved by resolution of the City Council in accordance with the amendment procedures specified in Section 13.

C. Loss, Damage, or Destruction of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new map shall be certified in the same manner as the original Official Zoning Map, noting that it supersedes the prior Map.

SECTION 7. DEFINITIONS:

A. Interpretation of Certain Words: For purposes of this Ordinance the following conditions and interpretations apply:

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural; words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
3. The word "person" includes a firm, association, corporation, trust, organization, partnership or company, as well as an individual.
4. The word "lot" includes the words "Parcel" or "tract."
5. The word "shall" is mandatory; the word "may" is permissive.

B. The following terms used in this Ordinance mean:

ACCESSORY STRUCTURE OR USE: The use or structure on the same lot with, and customarily secondary or subordinate to, the principal use or structure.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping or dismantling, of partially dismantled, obsolete or wrecked vehicles or their parts.

BARS, TAVERNS, LOUNGES, NIGHTCLUBS AND CASINOS: Any building or portion thereof where a liquor license is required and alcohol served and is intended to be consumed on the premises.

BOARDING HOUSE: A building, or portion thereof, where lodging for five or more persons is provided for compensation whether or not meals are provided.

BUILDING: Any structure erected for support, shelter or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT: The vertical distance from the highest point of a structure to the finished grade of the ground.

CARETAKER'S RESIDENCE: A single family dwelling located in conjunction with a residential, commercial or industrial land use that requires 24 hour care in order to protect or operate the use.

CHURCH: A building designed and used for public worship by a religious body.

COMMUNITY RESIDENTIAL FACILITY (76-2-411, MCA):

1. A community group home for developmentally, mentally, or severely disabled persons which does not provide skilled or intermediate nursing care;
2. A youth foster home or youth group home as defined in 41-3-1102, MCA);
3. A halfway house operated in accordance with regulations of the department of health and environmental sciences for the rehabilitation of alcoholics or drug dependent persons; or
4. A licensed adult foster family care home.

CONDITIONAL USE: A use that is allowed in a specific district if the use meets certain requirements in order to maintain and assure the health and safety of the community and to maintain the character of the district.

DISTRICT, ZONING: A geographical area designated in the zoning ordinance and delineated on the zoning map for which requirements for the use of land and structures and development standards are prescribed.

DRIVE-UP EATING ESTABLISHMENT: A building or structure from which persons are served food or beverages in their vehicles or at curbside, including establishments that serve customers outside of their vehicles.

DWELLING: A building or portion thereof used for occupancy by one unit.

DWELLING, MULTIPLE UNITS: A building or portion thereof designed for residential occupancy by two or more units living separately.

DWELLING, SINGLE UNIT: A building designed for residential occupancy by one unit.

DWELLING, TWO UNITS: A building designed for residential occupancy by two units living separately.

DWELLING UNIT: A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one unit.

ELECTRONIC MESSAGE CENTER: See definition of Sign Changeable, Electronically Activated.

GRADE: The point of elevation of the finished surface of ground at the exterior wall of the building.

HOME OCCUPATION: The use of a building or a portion of a building or a dwelling unit or accessory building for occupations at home by one or more persons residing in the dwelling unit. The activity must be clearly incidental and subordinate to the use of the building as a dwelling.

HOTEL/MOTEL: A building or buildings, containing six or more rooms designed and rented for sleeping purposes for transients, and where only a general kitchen and dining room may be provided within the building or in an accessory building.

LIVESTOCK: Horses, cattle, sheep, goats, swine, donkeys and mules or other animals kept or raised for use or pleasure, especially farm animals kept or raised for use or profit.

LOADING SPACE, OFF STREET: An off-street space conveniently located at a building to allow service pickups and deliveries by commercial vehicles.

LOT: A parcel or tract of land shown as an individual unit of ownership on a certificate of survey, subdivision plat, deed or other instrument of record.

LOT, CORNER: A lot located at the intersection of two or more streets.

LOT DEPTH: The mean distance between the front and rear lot lines.

LOT FRONTAGE: The portion of a lot nearest the street. For corner lots the front of a lot shall be the narrowest part of the lot having street frontage.

LOT, INTERIOR: A lot with only one frontage on a street.

LOT, LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The mean width of the lot measured at right angles to its depth, as measured at the building set back line.

MANUFACTURED HOME: A detached residential dwelling unit fabricated at a factory, not in accordance with the standards of the Uniform Building Code, and designed for transportation on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation.

MANUFACTURED HOME, CLASS A: A manufactured home fabricated after July 1, 1976, in compliance with the standards specified in 42 United States Code Sec 5401 (HUD Code), and that satisfies each of the following additional criteria:

1. The length does not exceed 4 times its width.
2. The pitch of the roof has a minimum vertical rise of 3 feet per 12 feet of horizontal run, and the roof is finished with a type of shingle commonly used in standard residential construction.

3. The exterior siding consists of wood, hardboard, vinyl or aluminum siding, or other materials comparable in composition, appearance and durability to the exterior materials used in standard residential construction.
4. The dwelling unit is secured to a permanent, continuous masonry foundation.
5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

MANUFACTURED HOME, CLASS B: A manufactured home fabricated after July 1, 1976, in compliance with the standards specified in 42 United States Code Sec 5401 (HUD Code), but that does not meet the additional criteria necessary to qualify as a Class A manufactured home.

MANUFACTURED HOME: CLASS C: A manufactured home constructed prior to July 1, 1976, and not meeting the HUD CODE.

MANUFACTURED HOME PARK: A tract of land providing two or more spaces for lease or rent to the general public for setting up manufactured homes.

MODULAR HOME: A dwelling constructed at a factory in accordance with the Uniform Building Code applicable to site-built homes, and transported to the site for final assembly on a permanent foundation.

NURSING HOME: A building used to house and care for ambulatory, aged, or infirm persons under the care and supervision of a professional staff.

OFFICE, PROFESSIONAL, BUSINESS, ADMINISTRATIVE AND GOVERNMENT: Offices occupied by accountants, architects, dentists, doctors, engineers, attorneys, insurance agents, real estate agents, public employees and other professions.

PARKING SPACE, OFF STREET: A space located off any public right-of-way that is available for parking a motor vehicle.

PLANNED UNIT DEVELOPMENT: A land development project designed and planned as a single entity under a plan that offers a variety of land uses, housing types and densities, and design features in addition to those allowed by right or condition in the zoning district.

RESTAURANT: A public eating facility that does not provide curb side or drive-up automobile service.

RECREATIONAL VEHICLE PARK: A premise used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motor homes, travel trailers.

RETAIL SALES: An establishment selling goods, wares, or merchandise directly to a consumer.

SETBACK: The horizontal distance required between any structure and a lot line, measured at right angles to the lot line.

SET BACK, FRONT YARD: A required open space unoccupied by any structure or portion of a structure and extending across the full width of the lot between the front building line and the front lot line. See Appendix A, Figure 1.

SET BACK, REAR YARD: or portion of a structure and extending across the full width of the lot between the rear building line of the principal building and the rear lot line. See Appendix A, Figure 1.

SET BACK, SIDE YARD: A required open space unoccupied by any structure or portion of a structure and extending from the side building line to a side lot line running from the front to the rear of the lot. See Appendix A, Figure 1.

SEXUALLY ORIENTED BUSINESS: Any building or a portion thereof as defined by City Ordinance.

SHOPPING CENTER: One or more buildings containing at least three separate retail businesses that are planned, developed and managed as a unit, with off-street parking provided on the property.

SIGN: Any device designed to inform or attract attention of persons not on the premises on which the sign is located. For the purpose of determining number of signs, a sign will be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element will be considered to be a single sign.

SIGN, AREA OF: The following principles shall control the computation of sign area and sign height:

(A) Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including, any supporting framework,

bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display.

(B) Computation of Area of Multi-faced Sign: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are a part of the same sign structure, are not more than forty two inches (42") apart, and the angle between the two faces is 45 degrees or less, the sign area shall be computed by the measurement of one of the faces.

SIGN, CHANGEABLE: A sign whose informational content can be changed or altered by manual or electric, electromechanical, or electronic means. Changeable signs include the following types:

(A) Manually Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed, or altered by manual means.

(B) Electrically Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two (2) types:

1. Fixed Message Electronic Signs: Signs whose basic informational content has been programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

2. Computer Controlled Variable Message Electronic Signs: Signs whose informational content can be changed or altered by means of computer driven electronic impulses.

SIGN, COPY: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

SIGN, ELECTRONIC: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

SIGN, ILLUMINATED: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

SIGN, MOBILE OR PORTABLE: Signs designed and constructed so as to be readily and easily moved or transported from one location to another, such as:

A. Signs constructed on a trailer chassis, with a display area on two (2) sides thereof, which may be towed from location to location where they can then be situated and stabilized by the use of outriggers, blocking or other ridged supports; and

B. Signs which are: otherwise readily portable; placed on the surface of the ground; and, not supported by walls, buildings, poles or other permanent structures.

SIGN, OFF SITE: A sign other than an onsite sign.

SIGN, ONSITE: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business. Permitted on site signs include wall signs mounted on a building, roof signs, and freestanding signs.

SIGN, WINDOW: A sign installed inside a window and intended to be viewed from the outside.

STORAGE UNITS: A public facility for storage of personal, household, or business property which is serviced by the owner of the stored property or agent of the owner for periods of at least 60 days or greater. The term "storage units" includes all similar uses and terms but shall not be construed to mean warehouse. The self-storage facility must be constructed on a permanent foundation. A self-storage facility is not to be used for the transfer, shipping or receiving of products or goods in conjunction with a business operation.

STRUCTURAL ALTERATION: The modification of a structure that changes its exterior dimensions or its roof line(s).

STRUCTURE: That which is constructed or erected at a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include buildings, mobile homes, walls, fences, billboards or signs, and antennas. Free standing satellite dishes and antennas that do not exceed the maximum height for the appropriate building type to which it is adjacent does not require a building permit.

TEMPORARY BUILDINGS OR STRUCTURES: Buildings or structures placed on the lot for a period of not more than 90 days. Extensions of time may be granted after the initial period at the discretion of the Zoning Commission.

USE: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied in any legal activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

VARIANCE: The approved relaxation of the strict application of the terms of these regulations, where owing to special conditions a literal enforcement of the provisions of these regulations will result in an unnecessary hardship, where it will not be contrary to the public interest, and where the spirit of the ordinance will be observed and substantial justice done.

WHOLESALE: The sale of goods and merchandise for resale rather than for direct consumption.

SECTION 8. ZONING ADMINISTRATOR; DUTIES:

A. Designation of Zoning Administrator: The City Council shall designate a Zoning Administrator to administer and enforce this ordinance. The City Council may direct City personnel or departments to provide assistance as appropriate.

B. Duties of the Zoning Administrator

1. The Zoning Administrator shall receive applications for zoning permits, conditional use permits and variance requests; review applications and plans; issue zoning permits; and coordinate inspection of premises and properties.
2. Where the Zoning Administrator finds that any of the provisions of this ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal buildings or structures or of illegal additions, alterations, or structural changes; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
3. The Zoning Administrator shall:
 - a) Serve as an advisor to the Zoning Commission, Board of Adjustment and City Council on matters relating to administration and enforcement of this Zoning Ordinance.
 - b) Prepare staff reports as required under this Ordinance.
 - c) Prepare and maintain records of all proceedings required or authorized under this Ordinance.

SECTION 9. ZONING COMMISSION; RESPONSIBILITIES:

The City Council shall establish a Zoning Commission and appoint members to the Commission. The Zoning Commission shall have the following duties:

1. Review proposals and make recommendations to the City Council regarding proposals for the amendment of this ordinance and the Official Zoning Map.
2. Review and approve applications for conditional use permits under the procedures set forth in Section 11, Conditional Use Permits.
3. Assume the duties of the Zoning Administrator when required by the City Council.

SECTION 10. PROCEDURES FOR APPLICATION, REVIEWING & GRANTING PERMITS:A. Procedures for Applying for a Zoning Permit

1. A Zoning Permit must be obtained from the Zoning Administrator before any building, other structure, or land may be used or occupied, or before any building or other structure permitted under this Ordinance may be erected, placed, moved, expanded, or structurally altered. The Zoning Administrator may issue a Zoning Permit only when the proposed building, structure, parcel or use will meet the requirements of this zoning Ordinance.
2. Before conducting a use, or constructing, erecting, expanding, altering or modifying a building or structure, a person must submit a completed zoning application form to the Zoning Administrator, with all of the required information, including plans drawn to scale, showing the actual dimensions and shape of the lot, the exact sizes and location of existing and proposed buildings and other structures. The application shall include such other information as may be required by the Zoning Administrator, including uses of buildings and land; the number of families, dwelling units, or rental units proposed; conditions existing on the lot; and such other matters as may be necessary to determine conformance with this Ordinance.

B. Reviewing and Issuing a Zoning Permit

1. The Zoning Administrator shall review the application to ensure the required information is submitted and is complete. When the application and submitted information are complete, the Zoning Administrator shall determine whether the proposed building, structure, alteration, or use is permitted at the proposed location, and whether the proposal will comply with the requirements of the applicable district and these regulations.
2. Should the Zoning Administrator find that the proposal is permitted in the applicable district and will conform to all requirements, he/she shall issue the applicant a Zoning Permit.
3. Should the Zoning Administrator find that the proposal either is not permitted in the applicable district or will not conform to all requirements of this Ordinance, he/she shall deny the application and state in writing that the application is denied, and explain the reasons for denial. The statement accompanied by one copy of the application shall be sent to the applicant.
4. Construction, installation, alteration, placement or use must comply with the plans approved by the Zoning Administrator.
5. A Zoning Permit shall be in effect for one year from the date of approval.

SECTION 11. CONDITIONAL USE PERMITS:

A. Purpose: The purpose of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions. The conditional use permitting process is intended to provide a detailed and comprehensive review of proposed developments that potentially could have significant adverse impacts on the community.

B. Conditional Uses: Requirements

1. No structure or land may be used for any purpose in any district where the use is not permitted, unless the use is listed as a conditional use within that district and the approval for the use is obtained through these procedures.
2. Conditional uses and the required conditions are listed as part of the requirements for each district.
3. Conditional uses also must comply with any additional conditions prescribed by the Zoning Commission relating to the following:
 - Adequate ingress and egress to property and proposed structures with particular concern for automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - Adequate off-street parking and loading areas, where required, with particular attention to access, traffic flow and vehicular and pedestrian safety.
 - Location of garbage containers and garbage pickup with respect to traffic flow and access, odor, and vehicular and pedestrian safety.
 - Availability and compatibility of utilities in suitable locations.
 - Adequate screening and buffering, with attention to type, dimensions and character.
 - Signs, with attention to preventing glare and promoting traffic safety and harmony with adjacent properties.
 - Required yards and open space.
 - General compatibility with adjacent and other properties.

C. Procedures for a Conditional Use Permit: The following procedures must be followed before the Zoning Commission may grant a Conditional Use Permit:

1. The applicant must submit an accurate and complete written application for a conditional use to the Zoning Commission through the Zoning Administrator. All applications for conditional use permits must be accompanied by plans drawn to approximate scale, showing the approximate dimensions and shape of the lot to be built upon; the approximate sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed buildings or alterations; and information which clearly states how the conditions for the use will be met.
2. The application must include any other information as may be required by the Zoning Administrator, including descriptions of proposed buildings and alterations; existing or proposed uses of land and buildings; the number of families, dwelling units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.
3. Notice shall be published at least 7 days in advance of a public hearing before the Zoning Commission. The owner of the property for which a conditional use is sought or his/her agent shall be notified of the hearing by mail.
4. At the public hearing any party may appear in person, or through an agent or attorney.
5. Before granting a conditional use permit, the Zoning Commission shall make a written finding that the proposed use will comply with the specific conditions governing the use and the other requirements of this Ordinance, and that the conditional use will not adversely affect the character of the district.
6. Where the proposed conditional use is subject to review as a subdivision under the Montana Subdivision and Platting Act (76-3-101 et seq., MCA), the Zoning Commission and Planning Board shall hold joint and concurrent review, including a joint public hearing(s). Notice of each hearing shall be given in the manner prescribed by this Ordinance and the municipality's subdivision regulations.
7. The Zoning Commission shall respond with an approval or disapproval within 45 days of receipt of the application.

SECTION 12. BOARD OF ADJUSTMENT:

A. Board of Adjustment Established: A Board of Adjustment (herein after referred as "the Board") is hereby established in accordance with Sections 76-2-321 through 76-2-328, MCA. The City Council shall appoint five members to the Board each for a term of three years except that in the initial appointment, one member shall be appointed for a term of one year, two members for a term of two years, and two members for a term of three years. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies on the Board shall be filled by resolution of the City Council for the unexpired term of the member affected.

B. Powers of the Board of Adjustment: The Board shall have the following powers:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
2. To grant variances from the standards of this Ordinance where the Board determines (1) that granting the variance will not be contrary to the public interest, (2) where owing to special conditions a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and (3) where spirit of the ordinance will be observed and substantial justice done. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for zoning purposes.

More specifically, the Board may, approve, conditionally approve, or deny any request to modify the following requirements of this ordinance:

- a) setback requirements
- b) yard requirements
- c) area requirements
- d) height and width requirements
- e) parking requirements
- f) loading requirements

C. Proceedings of the Board of Adjustment

1. The Board shall select one of its members as chairman and shall adopt rules necessary to conduct its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Meetings shall be open to the public.

2. The Board shall keep minutes of its proceedings and shall keep records of its examinations and other official actions and immediately file in the office of the Board. The Board shall make its records and minutes available for public inspection.

D. Procedures for Variance Requests

1. Any person may submit an application for a variance to the Board of Adjustment as provided by the rules of the Board by filing the application with the Zoning Administrator.
2. The Application for Variance must specifically set forth the grounds for requesting the variance, as indicated on the Application form.
3. The Board shall fix a reasonable time for the hearing on the variance request, publish notice of the hearing in a newspaper of general circulation at least 7 days prior to holding a public hearing, and shall notify by mail the person requesting the variance.
4. At the hearing any party may appear in person, or be represented by an agent or attorney.

E. Requirements Governing Granting of Variances

1. To grant a variance the Board must make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, will not be injurious to the neighborhood, is the minimum variance that will make possible the reasonable use of the land, building or structure, and will not be detrimental to the public welfare.
2. In addition the Board must determine:
 - a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) That the special conditions and circumstances do not result from the action of the applicant;
 - d) That granting the requested variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
3. Under no circumstances may the Board of Adjustment grant a variance, nor the City Council grant an appeal, that would allow a use not permissible under the terms of this ordinance in the district involved, or any use

expressly or by implication prohibited by the terms of this ordinance in the district.

4. Neither the non-conforming use of neighboring lands, structures or buildings in the same district, nor the permitted or non-conforming use of lands, structures or buildings in other districts are grounds for the issuance of a variance.

F. Procedures for Hearing and Acting on Appeals from Actions of Zoning Administrator

1. The Board of Adjustment shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by any administrative official or body in the enforcement of this Ordinance.
2. Any person or any officer of the municipal government may file a notice of appeal of any decision made by an administrative person or body within 60 days of date the subject decision was made. The notice of appeal, submitted to the Zoning Administrator, must comply with the rules adopted by the Board of Adjustment.
3. The Zoning Administrator shall promptly transmit to the Board of Adjustment the notice of appeal and all papers constituting the record of the subject decision.
4. The Board of Adjustment shall fix a reasonable time, not to exceed 45 days, for a hearing of the appeal, give public notice and notify the affected parties. At the hearing, any party may appear in person or be represented by agent or attorney.
5. The Board of Adjustment, in conformity with the provisions of this ordinance, may reverse, affirm, wholly or in part, or modify the order, decision or action appealed and may make such order, decision, or action as deemed necessary, and to that end shall have the powers of the administrative official whose decision is appealed.

G. Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be ordered by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and for due cause.

H. Appeals from Decisions of the Board of Adjustment: Appeals from decisions of the Board of Adjustment may be made in accordance with 76-2327 and 76-2-328, MCA.

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, or any officer or department of the municipality may present to a court of record 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 after the filing of the decision of the Board.
2. Upon presentation of such petition the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which may not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
3. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.
4. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law. Such evidence shall constitute a part of the proceedings upon which the determination of the court will be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
5. Costs shall not be allowed against the Board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

SECTION 13. AMENDMENTS:

A. Initiation: Proposals to amend, supplement, modify or repeal any of the provisions or the district boundaries established by this ordinance or hereafter established, may be initiated by the City Council, the Zoning Commission, or by petition of any interested resident or property owner. Such a petition shall be submitted to the City Council through the Zoning Commission, which shall review the petition, consider its merits and make a recommendation to the City Council.

B. Requirements for Map Amendments

1. In addition to an accurate and completed amendment application any petition to amend a zoning classification shall include a current map drawn to scale showing all parcels of land included in the petition and the name of the owner of each parcel certified by the County Tax Assessor from the records of that office.
2. A legal description of the property for which a petition to amend a zoning classification is requested shall be included in such petition.

C. Public Hearings Required

1. The Zoning Commission shall hold public hearings on proposed amendments, and interested parties and citizens shall have an opportunity to comment at the hearing. Notice of the time and place of the hearing shall be published in the local newspaper at least 15 days prior to the hearing.
2. If the proposed change involves an amendment to the Official Zoning Map notice of the hearing shall be mailed to all property owners within the affected area and all owners of property within 150 feet of the affected area.
3. After the hearing(s) the Zoning Commission shall make a recommendation to the City Council.
4. After the Zoning Commission makes its recommendation, the City Council shall hold a public hearing on the issue after giving notice in accordance with the procedures above.
5. When a proposed amendment affects the zoning classification of property, and a protest against such change is signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots, then such amendments may not become effective except by the favorable vote of three-fourths of the City Council.

SECTION 14. SCHEDULE OF FEES:

1. The City Council shall establish a schedule of fees and charges and a collection procedure for zoning permits, conditional use permits, variances and zoning amendments.
2. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.
3. A schedule of fees can be obtained at the City Office.

SECTION 15. VIOLATION OF ORDINANCE; PENALTIES:

A. Filing a Complaint: Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis of the violation, shall be filed with the Zoning Administrator. The Zoning Administrator shall properly record the complaint and immediately investigate and take action as provided by this Ordinance.

B. Penalties

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the City Council, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each offense or imprisoned not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and be punishable as such (76-2-315, MCA).
2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense and suffer the penalties specified above.
3. Nothing set forth in this section shall prevent the City from taking other lawful action as is necessary to prevent or remedy any violation.

SECTION 16. SEPARABILITY CLAUSE:

Should any section or provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

ARTICLE II. GENERAL REQUIREMENTS

The provisions of this Article shall apply to all lands, uses and structures subject to this Ordinance.

SECTION 17. NONCONFORMING LOTS, USES AND STRUCTURES:A. Purpose

1. Within the districts established by this Ordinance, lots, structures, and uses of land and structures may exist which were lawful at the time this Ordinance was adopted or amended, but which would be prohibited or regulated under the terms of this Ordinance or future amendment. The intent of this Section is to permit these nonconformities to continue until they are removed, but not to encourage their survival. This Ordinance further intends that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the same district. However, to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Record

1. In any district, notwithstanding other limitations imposed by this Ordinance, structures permitted in a district may be established on any single lot of record on the effective date of this Ordinance. The lot must be in separate ownership and not of contiguous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must meet all other requirements of the district.
2. If two or more nonconforming lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if any of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of

this ordinance, and no portion of this parcel shall be used or sold in a manner which diminishes compliance; nor shall any division of any parcel be made which creates a lot with width or area that fails to meet the requirements stated in this ordinance.

C. Nonconforming Uses of Land and Structures: Where, at the time of passage of this ordinance, a lawful use of land or a structure exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued where it remains otherwise lawful, provided:

1. A nonconforming use may not be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied on the effective date of adoption or amendment of this ordinance;
2. No nonconforming use may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of adoption or amendment of this ordinance;
3. Should any nonconforming use cease for any reason for a period of more than one year, any subsequent use of the land or structure shall conform to the regulations specified by this ordinance for the district in which such land is located;
4. No additional nonconforming structure shall be erected in connection with such nonconforming use of land or structures.

D. Nonconforming Structures: Where a lawful structure exists on the effective date of adoption or amendment of this ordinance but becomes nonconforming under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued, provided it remains otherwise lawful, subject to the following provisions:

1. A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in compliance with the provisions of this ordinance.
3. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Nothing in this ordinance shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.

5. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any officials charged with protecting the public safety, upon order of such official.

SECTION 18. HOME OCCUPATIONS:

A. Requirements for Permitted Home Occupations: A home occupation may be conducted as a secondary use in a dwelling, provided that:

1. The use of the dwelling for the home occupation clearly must be incidental and subordinate to its use for residential purposes, and not more than 25 percent of the floor area of the dwelling may be used in the conduct of the home occupation.
2. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding 6 square feet in area, non-illuminated, and mounted flat against the wall of the principal structure.
3. No traffic may be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street. No home occupation, or any required parking for the home occupation, shall use the parking space required for the residence.
4. No vehicles, except those normally used as passenger vehicles, will be used for the home occupation unless stored or parked elsewhere.
5. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable by normal senses off the lot.
6. Any equipment or materials used in connection with a home occupation shall be stored within the principal structure or in an enclosed space outside of the principal structure.

B. Procedures for Permitting a Home Occupation: Any person considering the establishment of a home occupation must submit an application to the Zoning Administrator under the procedures specified in Section 10 Procedures for Application, Reviewing and Granting Permits.

C. Home Occupations Allowed as Conditional Uses: Where a proposed home occupation would not conform to any one of the conditions specified in A. above, the home occupation must be reviewed as a conditional use under the procedures of Section 11, Conditional Use Permits.

SECTION 19. FLOOD HAZARD AREAS:

No building or structure may be built or located within any area identified by the City Council as presenting a flood hazard. Any construction or location of buildings or other structures within a 100-year flood plain officially designated by the Montana Department of Natural Resources and Conservation must conform to the City or county flood plain management regulations.

SECTION 20. SUPPLEMENTAL DISTRICT REGULATIONS:

A. Purpose: Supplementary district regulations are intended to govern miscellaneous issues related to uses or conditions that occur in more than one zoning district.

B. Visibility at Intersections: On a corner lot in any district, for a distance of 40 feet from the point of intersection along each street, or 20' from the property line whichever is greater, nothing may be erected, placed, planted, or allowed to grow in a manner that would impede the visibility of vehicles entering the intersection. See Appendix A, Figure 2.

C. Fences. Walls and Hedges: Unless other provisions of this Ordinance specify otherwise, fences, walls and hedges are permitted in any required yard, provided that no fence, wall or hedge in or along the edge of a front yard shall be no more than 6 feet in height, subject, however to the restrictions of B, Visibility at Intersections, above.

D. Structures to Have Legal and Physical Access: Every principal building erected or placed on a lot shall have legal and physical access to a public street, other than an alley, or an approved private street, and all structures shall be so located on lots as to provide required off-street parking and safe and convenient access for emergency vehicles.

E. Exceptions to Height Regulations: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy and usually required to be placed above the roof level.

F. Number of Principal Structures on Lot: In any district, more than one structure housing a permitted or conditional principal use may be erected on a single lot, provided that minimum yard areas and other requirements of this ordinance are met for each structure as though it were located on an individual lot.

G. Parking or Storage of Certain Vehicles: No more than one automotive vehicle without current license plates may be parked

or stored on any residentially zoned property, except those in completely enclosed buildings.

H. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials must be entirely enclosed with protective fencing at least 6 feet in height and be protected by adequate fire-fighting and fire prevention equipment and by normal safety devices. The activities must be set back not less than 100 feet from all lot lines. Such activities will be subject to the fire safety standards prescribed by the City Fire Marshall, Building Department or other appropriate authority.

I. Livestock: Livestock, as defined in Section 7, Definitions, shall not be maintained in any district within the corporate boundaries of the municipality.

J. Bars. Taverns. Lounges. Night Clubs: No building, structure or premises shall be used as a bar, tavern, lounge, night club or any commercial, establishment that serves alcoholic beverages within 600 feet radius of any building used exclusively as a school, church, synagogue or other place of worship. The distance shall be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the proposed establishment. This distance restriction does not apply to establishments where sale of table wine and beer is solely in the original package for off premise consumption.

K. Site Grading and Clean-up: Within 180 days of completion of construction, all debris shall be removed and the area graded to drain away from the structure.

SECTION 21. OFF-STREET PARKING:

A. Purpose: The intent of off-street parking requirements is to provide convenient and safe access to property, reduce the need for on-street parking and thus congestion on streets, alleviate hazards associated with access to traffic generating business and industrial uses, provide adequate and safe parking for residents and business customers, protect residential uses from the undesirable effects of abutting traffic, and maintain the traffic carrying capacity of the road system serving the jurisdiction.

B. Design

1. An off-street parking space shall be at least 9 feet in width and 18 feet long.
2. Off-street parking areas must be accessible from a public street.
3. The access to an off-street parking area must be at least 24 feet wide, or 12 feet wide where one-way drives are used.
4. Off-street parking spaces serving residential uses must be located on the same lot as the dwelling, and may not be located in any front yard except in the driveway.
5. Off-street parking areas serving commercial, industrial, public or institutional uses must be located within 500 feet of the use, and may not be located in required front yards.
6. Off-street parking areas serving multi-family residential developments of more than 10 units, commercial, industrial and institutional uses must comply with the following provisions:
 - a) Grading and Drainage: Off-street parking areas shall be graded and any needed swales, culverts or other drainage facilities installed to remove surface run-off in a manner that does not adversely affect adjacent properties, public streets or surface waters.
 - b) Surfacing: Off-street parking areas shall be surfaced with gravel or equivalent material. Parking areas containing 20 or more spaces shall be surfaced with asphalt or concrete.
 - c) Screening: Where an off-street parking area abuts a residential use or zoning district, the parking area shall be effectively screened at the property line(s) by an acceptably designed sight-obscuring wall, fence or planting screen.
 - d) Lighting: No lighting used to illuminate a parking area shall face, or have its light source directly visible from any residential use or residential zoning district.

C. Number of Spaces

The following number of off-street parking spaces are required:

1. Residential
 - Single family and mobile home -- 2 per dwelling unit
 - Multiple-family -- 1 1/2 per dwelling unit
 - Senior/Low income housing -- 1 per dwelling unit
 - Boarding houses, rooming houses -- 1 per room for rent

2. Commercial
 - Auto repair, body shops -- 2 per service bay
 - Banks, financial institutions -- 2 per 1,000 square feet of gross floor area;
 - Bowling alleys -- 2 per lane
 - Drive-in restaurants -- 1 per 50 feet of floor area or a minimum of 10, whichever is greater
 - Funeral homes, mortuaries -- 1 one per 4 seats
 - Hotels, motels -- 1 one per rental unit
 - Medical, dental clinics -- 4 per 1,000 square feet of gross floor area
 - Offices: business, professional, governmental -- 2 per 1,000 square feet of gross floor area
 - Restaurants, taverns -- 1 per 8 seats of customer seating
 - Service station -- 1 per 2 gasoline pumps and 2 per service bay
 - Theater -- 1 per 8 seats
 - All other commercial uses -- 2 per 1,000 square feet of gross floor area

3. Institutions
 - Churches -- 1 per 4 seats
 - Community centers -- 4 per 1,000 square feet of gross floor area
 - Hospitals and nursing homes -- 1 per 2 beds, also provide parking and loading spaces suitable for vehicles such as (1) handicap vans, (2) ambulance, (3) delivery vans, and (4) 1 space for each 2 workers at the home.
 - Libraries, museums -- 2 per 1,000 square feet of gross floor area
 - Schools -- 1 per classroom, plus 1 per 8 seats in auditorium
 - Other institutions -- 2 per 1,000 square feet of gross floor area

4. Industrial
 - Motor freight -- 1 per 1,000 square feet of gross floor area
 - Production and manufacturing -- 2 per 1,000 square feet of gross floor area

- Warehousing -- 1 per 1,000 square feet of gross floor area

D. Joint Use of Off-street Parking Facilities: The applicant for a proposed use may apply to the Zoning Commission to use the off-street parking facility of another use. The Zoning Commission may approve an application for joint use, provided:

1. The parking facility is within 500 feet of the proposed use.
2. There will be no substantial conflict between the parking facilities is proposed, and no conflicting demands for parking by employees, customers or clients.
3. Where necessary, the applicant shall present an appropriate and enforceable lease or agreement, executed by the parties for the joint use. The term of the lease or agreement shall be for the duration of time that each use exists at the said location.

SECTION 22. OFF-STREET LOADING:

A. Purpose: The intent of off-street loading requirements is to avoid traffic hazards and minimize congestion of streets by requiring that off-street loading areas be provided on the same lot as the building served by delivery trucks, and that such areas be adequate in size and number to provide the service needed without affecting adjacent properties.

B. Design of Loading Spaces

1. Off-street loading spaces shall be provided on the same lot as the use they serve, and shall not occupy the front yard of the lot.
2. Each loading space shall be designed to have access to a street or alley in a manner that does not interfere with traffic movement.
3. Each loading space shall be at least 10 feet by 25 feet in size or designed to accommodate the largest service trucks expected to serve the use.
4. All or part of the off-street loading requirements may be met by loading facilities within buildings.

C. Number of Off-Street Loading Spaces: One (1) off-street loading space shall be provided for every industrial, institutional and commercial use having a gross floor area of 5,000 square feet, plus one additional loading space for each additional 10,000 square feet of floor space.

SECTION 23. SIGNS:

A. Purpose: Sign regulations are intended to promote and protect the public safety and welfare by regulating existing and proposed outdoor advertising signs and signs of all types. The purpose of this section is to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development. Nothing in this regulation is intended to interfere with constitutional rights related to free speech.

B. Signs Permitted in All Districts Without a Permit: The following signs are permitted in all zoning districts and do not require a permit:

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, and which do not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than 6 square feet.
2. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
3. Flags and insignia of any government except when displayed in connection with commercial promotion.
4. Legal notices; identification, information or directional signs erected or required by governmental bodies.
5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
7. One (1) Bulletin board or sign not to exceed 32 square feet for churches, schools, or other public, religious or educational institution provided the sign is located a minimum of 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.
8. Political or campaign signs erected temporarily and removed no later than 15 days following the election.
9. Window Signs

C. Regulations for On-Site Signs Requiring a Permit: All on-site signs permitted as accessory uses in business and industrial

districts require a permit and are subject to the following provisions:

1. **Projection:** Projection of wall signs may not exceed 4 feet measured from the face of the building. No wall sign may project above the highest point of the roof structure of the building to which it is attached. Awnings are not considered signs for the purposes of this section. Where the Montana Department of Highways has adjacent right-of-way, the MDOT requirements restricting the length of signs to 2/3 the width of the adjacent sidewalk and 9' minimum above the sidewalk will apply.
2. **Set back:** No on-site free standing sign may be set closer to the lot line adjacent to a street than the required minimum set back for the principal uses permitted in the district. No sign may be erected or placed closer than 50 feet from a side or rear lot line abutting a residential district. Any on-site free standing sign must be located at least ten feet (10') from any lot line or street right of way.
3. **Moving devices:** No sign or part thereof may contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Devices such as strings of lights may not be used for the purpose of advertising or attracting attention.
4. **Illuminated Signs:**
 - a. An illuminated sign or lighting device may not be placed so that the beams and illumination there from cause glare or reflection that may constitute a traffic hazard or nuisance.
 - b. All wiring, fittings and materials used in the construction, connection and operation of electric signs shall be in accordance with the provisions of the state electrical code.
 - c. Changeable copy signs shall not change the sign copy more than 30 times per minute.
 - d. Illuminated signs may not be located within 100 feet of a residential use, measured from the nearest lot line of the residential use.
5. **Height:** No free standing sign shall exceed 30 feet in height.
6. **Height Clearance:** Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least 9 feet.
7. **Number of signs permitted:**
 - a. One (1) roof sign is permitted for each building, regardless of the number of businesses or industrial uses conducted in the building.
 - b. One (1) free standing sign is permitted for each building, regardless of the number of businesses or industrial uses conducted in the building.

- c. The number of wall signs is not limited, provided the total sign area conforms to the requirements of 23.C.
 - d. A comprehensive sign plan is required for all businesses or industrial centers consisting of two or more tenant spaces per building. The signage plan shall be designed for equitable distribution of the permitted total signage area.
8. Permitted surface area:
- a. Roof Signs: The total surface area of roof signs shall not exceed four (4) square feet of sign per lineal foot of building front width, with a maximum allowed total area of 400 square feet.
 - b. Free Standing Signs: The total surface area of free standing signs shall not exceed two (2) square feet of sign per lineal foot of building front width, with a maximum allowed total area of 200 square feet.
 - c. Wall Signs: The total surface area of wall signs shall not exceed twenty five percent (25%) of the aggregate square footage of the wall area upon which they are installed.

D. Regulation of Off-Site Signs Requiring a Permit

- 1. Set Back: Off-site free standing sign must be located according to the yard setbacks of the district where the sign is located. No off-site sign may be erected or placed closer than 50 feet from a side or rear lot line abutting a residential district. Offsite signs may not project into public right-of-way beyond the curb line.
- 2. Illuminated Signs:
 - a. An illuminated sign or lighting device may not be placed or directed so that the beams and illumination there from cause glare or reflection that may constitute a traffic hazard or nuisance.
 - b. All wiring, fittings and materials used in the construction, connection and operation of electric signs shall be in accordance with the provisions of the state electrical code.
 - c. Changeable copy signs shall not change the sign copy more than 30 times per minute.
 - d. Illuminated signs may not be located within 100 feet of a residential use, measured from the nearest lot line of the residential use.

E. Regulations for Temporary Sidewalk, and Portable Signs:

- 1. Temporary and portable signs not exceeding 32 square feet in area and not displayed for a period of more than 60 days are allowed in business, commercial, and industrial districts without a zoning permit.

2. Temporary or portable signs greater than 32 square feet of area for construction projects shall require zoning approval.
3. Sidewalk signs are allowed in business and commercial districts without a zoning permit, if not illuminated and if displayed only during business hours of the establishment displaying the sign. The area of a sidewalk sign shall not exceed six (6) square feet.
4. Temporary, portable, and sidewalk signs shall be properly and adequately located and secured to avoid any inadvertent movement thereof by the elements or otherwise which would result in an encroachment on public ways or which may cause any injury or inconvenience to those using such public ways.

F. Variances Prohibited: Variances from any provisions of Section 23 shall not be allowed.

SECTION 24. SCREENING AND BUFFERING:

Whenever a non-residential use or off-street parking area abuts a residential use, the use shall be effectively screened at the property line on all sides which adjoin or face the residential district or institutional use by an acceptably designed, sight obscuring wall, fence or planting screen. The fence, wall, or planting screen shall be not less than 4 feet nor more than 8 feet in height and shall be maintained in good condition. Where terrain or other natural features effectively serve as a screen, no wall, fence or planting screen is required.

SECTION 25. YARD SET BACK MEASUREMENTS:

A. Front Yard: Depth of required front yards is measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, will be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines will be parallel or conform to the direction of established right of way or easement lines.

B. Side Yard: Width of a required side yard is measured in such a manner that the yard established is a strip of the minimum

width required by the district regulations with its inner edge parallel with the side lot line.

C. Rear Yard: Depth of a required rear yard is measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

SECTION 26. PLANNED UNIT DEVELOPMENTS (PUD):

A. Purpose: The purpose of this section is allow, with adequate review, flexibility in design of developments that do at least several of the following:

1. Encourage development with mixed uses, particularly a variety of housing types and densities.
2. Create or preserve usable open space and recreation areas.
3. Preserve the natural characteristics of the land including topography, native vegetation and scenic views.
4. Avoid construction in unsuitable areas.
5. Encourage creativity in design, including flexibility in residential siting to achieve energy conservation.
6. Allow efficient provision of streets, utilities and other services.
7. Provide lower-cost housing affordable by low- and moderate-income families within the community.

B. Definition: A planned unit development (PUD) is a land development project designed and planned as a single entity under a plan that offers a variety of land uses, housing types and densities, and design features in addition to those allowed by right or condition in the zoning district.

C. Application and Review

1. Any person requesting approval of a planned unit development shall submit an application for conditional use under the provisions of Section 11, Conditional Uses of this Ordinance. The application shall be accompanied by the required review fees and a PUD plan, described below.
2. The PUD plan shall provide the following:
 - a) A vicinity map showing the location of the site in relationship to surrounding areas and showing the existing land uses and zoning of the site and surrounding properties.
 - b) A map drawn to approximate scale showing:
 - location, types and heights of existing and proposed buildings and other structures, including density and number of dwelling units or other uses of each structure
 - existing and proposed streets, alleys, bikeways, pedestrian walkways, and vehicle circulation patterns, off-street parking areas
 - locations, dimensions and sizes of common and open space areas, and a landscaping plan showing areas to be landscaped and those that will be left in a natural state
 - physical features such as streams, ponds, canals, rights-of-way, utilities
 - c) A written statement describing:
 - a schedule for installing improvements, developing lots and constructing structures
 - proposed types of ownership of dwelling units and other uses, and restrictive covenants, if any
 - means of providing maintenance of common facilities and open space areas
3. A PUD will be reviewed and approved under the procedures for conditional uses pursuant to Section 11, Conditional Use Permits, of this Ordinance. Where the proposed PUD is subject to review as a subdivision under the Montana Subdivision and Platting Act, the Zoning Commission and Planning Board shall hold joint and concurrent review, including a joint public hearing(s). Notice of each hearing shall be given in the manner prescribed by this Ordinance and the municipality's subdivision regulations.
4. A PUD must conform to the conditions prescribed by the Zoning Commission pursuant to Section 11, B, 3, of this Ordinance.

SECTION 27. WIRELESS TELECOMMUNICATIONS FACILITIES

A. Intent, Purpose and Applicability: The City Council finds that:

1. It is the duty of the City to protect the public health, safety and welfare and the City has the authority to regulate the placement, construction and modification of wireless telecommunications facilities in the advancement of that duty.
2. Wireless telecommunications facilities are often visually obtrusive due to their necessary height, support equipment and interruption of the viewscape, and can have substantial impacts on the character of Townsend and its surrounding view sheds that negatively affect the character of the City.
3. The impacts of wireless telecommunications facilities can be reduced by establishing standards for location, structural integrity, compatibility and co-location.
4. The City desires to support the ability of wireless telecommunication service providers to deliver such services to the community consistent with other community objectives.
5. It is necessary to determine the locations and circumstances most appropriate for placement of wireless telecommunication facilities to serve the community.
6. The City seeks to protect against potential health and safety hazards to citizens and prevent damage to adjacent properties.
7. The City recognizes the certain sole authority the Federal Communication Commission exercises in the licensing and other regulation of wireless telecommunications services.

B. General Application: All uses listed herein shall be subject to the specific standards described for each use, in addition to all other applicable standards which may apply, and are limited to those districts specified. The provisions herein apply to development and modification of wireless telecommunication facilities and their accessory equipment.

1. The provisions herein only apply to facilities which meet the definition of a wireless telecommunication facility or that are otherwise specifically brought under the authority of this Section.
2. Additional definitions applicable to wireless telecommunication facilities (facility) are found below.

C. Authorized Uses within Districts: The purpose of this section is to describe the situations under which certain uses may be authorized as principal, conditional or accessory uses in specific districts.

1. Districts.

Low Density Residential (R-1), Section 29**AUTHORIZED USES.**

D. Accessory uses.

1. Micro (10') facility in compliance with maximum height
2. Micro (10') facility located on top of a building is exempt from the maximum height limitation
3. Facility, when stealth located within another structure - light pole, flag pole, cupola, water tower, etc, and in compliance with maximum height

Medium Density Residential (R-2), Section 30**AUTHORIZED USES.**

D. Accessory uses.

1. Micro (10') facility on community center property, located on top of a building in compliance with maximum height
2. Micro (10') facility on public property, located on top of a building is exempt from the maximum height limitation
3. Facility on public or community center property, stealth located within another structure - light pole, flag pole, cupola, water tower, etc, and in compliance with maximum height

CENTRAL BUSINESS DISTRICT (CBD), Section 31**AUTHORIZED USES.**

D. Accessory uses.

1. Micro (10') facility on community center property, located on top of a building in compliance with maximum height
2. Micro (10') facility on public property, located on top of a building is exempt from the maximum height limitation
3. Facility on public or community center property, stealth located within another structure - light pole, flag pole, cupola, water tower, etc, and in compliance with maximum height

COMMERCIAL LIGHT MANUFACTURING (CLM), Section 32**AUTHORIZED USES**

D. Accessory uses.

1. Micro (10') facility on community center property, located on top of a building in compliance with maximum height
2. Micro (10') facility on public property, located on top of a building is exempt from the maximum height limitation
3. Facility on public or community center property, stealth located within another structure - light

pole, flag pole, cupola, water tower, etc, and in compliance with maximum height

GENERAL INDUSTRIAL DISTRICT (I), Section 33

AUTHORIZED USES

- A. Principal uses.
 - 1. Facility up to 45 feet in height
- B. Conditional uses.
 - 2. Facility up to 100 feet in height
 - 3. Facility 100 feet in height must be designed to accommodate co-location
- C. Accessory uses.
 - 1. Micro (10') facility in compliance with maximum height
 - 2. Micro (10') facility located on top of a building is exempt from the maximum height limitation
 - 3. Facility, stealth located within another structure - light pole, flag pole, cupola, water tower, etc, and in compliance with maximum height

D. Required Review Procedures: The purpose of this section is to describe the procedures under which certain uses may be permitted as principal, conditional or accessory uses in specific districts. Unless specifically exempted by this chapter, all other standards and procedures of this title shall apply.

- 1. No facility may be permitted except in accordance with the applicable zoning district and development review processes.
- 2. All applications are subject to the review processes, submittal requirements and other requirements of Section 10 of this title as may be applicable.
- 3. Pre-Application. Prior to submitting an application for a facility, the applicant must request in writing a pre-application conference with the City staff. The purpose of the pre-application conference is to acquaint the participants with the applicable requirements of this section and title, as well as any preliminary concerns of the City staff. The applicant's written request for a pre-application conference must include the following information with regard to the proposed facility:
 - a. Location
 - b. Overall height
 - c. Number of antennas proposed, including those of other providers to be collocated
 - d. Type(s) of wireless telecommunication services to be provided
 - e. Coordination of accessory ground equipment shelter(s)
 - f. Documentation of service coverage and/or capacity gaps

necessitates the re-establishment of services for the public benefit are subject to the following:

(1) Application for sketch plan review within two (2) days of placement; and

(2) The emergency use of the facility shall not exceed a period of one (1) year commencing when transmissions or receiving begins. The facility must be removed within 30 days after they are no longer used, unless land use approval is obtained through the appropriate procedure to allow their continued use in accordance with all applicable requirements.

5. All applications for a facility shall be reviewed per the requirements of Section 10.
6. Conditional Use. In addition to the requirements of Section 10 and conditional use criteria described in Section 11, the Zoning Commission shall, in approving a conditional use permit for a facility, determine favorably as follows:
 - a. That the applicant has clearly demonstrated a service coverage and/or capacity gap.
 - b. That no existing or approved facility within the city meets the applicant's engineering requirements.
 - c. That no existing or approved facility within the city meets the applicant's height requirements.
 - d. That no existing or approved structure within the city has sufficient structural strength to support the applicant's proposed antenna, and can not be reinforced to provide sufficient structural strength.
 - e. That verifiable limiting factors render collocation unsuitable or unreasonable, such as:
 - Proposed antennae would cause electromagnetic interference;
 - Existing or approved antenna would cause interference with proposed antenna;
 - Owners are unwilling to accommodate the applicant's needs.
 - f. That the service may not be provided by a higher ranking preference in Subsection E.7 at the proposed site, or that verifiable limiting factors otherwise render higher ranking preferences unsuitable or unreasonable.
 - g. That the maximum building height limitation of the district will be exceeded by the least amount necessary to provide service.
 - h. That the service may not be provided at an alternative site at a higher elevation within the municipal limits or that verifiable limiting factors otherwise render an alternative site at a higher elevation unsuitable or unreasonable.

- i. That the facility is built to the minimum height necessary to provide service.
7. Adequate review of applications may require the City to retain consultants or other third party assistance to review an application. In such event the applicant shall reimburse the City for the actual costs incurred prior to issuance of a building permit.
8. The provisions of Chapter 9, Townsend Zoning Ordinance shall apply for all nonconforming facilities subject to this section.
9. Any expansion of existing facilities or sites may only occur in compliance with the review procedures required in this section.

E. Special Standards: All facilities shall meet the following special standards:

1. Safety. All facilities shall meet the following standards:
 - a. The structural design for all facilities greater than 10 feet in height or which have more than 4 square feet of total antenna area shall be certified by a professional structural engineer licensed to practice in the State of Montana. A building permit shall be obtained prior to the installation of any facility.
 - b. All facilities shall meet or exceed current standards and regulations of the FCC, FAA and any other agency with the authority to regulate facilities. If such standards are changed, the owner shall modify the installation to comply with the new standards within six months of the effective date of the new standards or regulations unless a different implementation schedule is required by the issuing agency.
 - c. Facilities with a base located at grade shall be enclosed within a secure fence not less than 6 feet in height or the facility shall be equipped with an appropriate anti-climbing device.
2. Aesthetics. All facilities shall meet the following standards:
 - a. All installations shall be as visually unobtrusive as is feasible. Facilities and equipment mounted on existing structures shall be visually incorporated into the structure or background by the use of architectural elements, color, screening or other methods.
 - b. No signage is permitted, except for identification and warning signs and other signs required by the building code or FCC.
 - c. All structures shall be constructed in conformance with the standards of the City's adopted International Building Code.

- d. Visual screening of ground mounted equipment shall be provided in all residential areas and where a facility is located within a nonresidential area which is visible, from a viewpoint 6 feet above grade, from a residential area. Screening shall provide an opaque screen within eighteen months of establishment and be a minimum of 6 feet in height. The screening may be of landscape materials or a fence which otherwise complies with this title.
 - e. Exterior facade materials and the character of equipment shelters used in residential areas shall be of materials commonly used in the immediate area. The architectural design of the exterior of the shelter shall be compatible with surrounding residential structures. The intent of the requirements of this paragraph may be met by providing opaque fencing or other visual screening compatible with the neighborhood, in compliance with this title, which will obscure the entire equipment shelter. The screening shall be in place prior to the commencement of operations of the facility.
3. Setbacks. Special setbacks for facilities shall be provided and/or a design for internal structural collapse to avoid damage or injury to adjoining property or users shall be provided.
 - a. Residential district setbacks shall be 100 percent of facility height which may be reduced to no less than 75 percent upon the provision and approval of an engineered design, stamped by a professional structural engineer licensed to practice in the State of Montana, establishing a smaller collapse area.
 - b. A facility in nonresidential districts shall provide a minimum setback from the property lines of 75 percent of facility height which may be reduced to no less than 30 percent of facility height upon the provision and approval of an engineered design, stamped by a professional structural engineer licensed to practice in the State of Montana, establishing a smaller collapse area.
 - c. Facilities located within nonresidential districts, but adjacent to a residential district or residentially developed areas, shall maintain a minimum setback from residential zoning or residential property boundaries of 100 percent of facility height which may be reduced to no less than 75 percent upon the provision and approval of an engineered design, stamped by a professional structural engineer licensed to practice in the State of Montana, establishing a smaller collapse

- area. All accessory equipment related to said facility shall maintain the minimum residential zoning district setbacks.
- d. All accessory equipment related to a facility shall maintain the minimum zoning district setbacks.
4. Stealth.
- a. The proposed stealth structure should be appropriate for the context of its surroundings. For example, a silo structure appropriate in a farming area would be inappropriate in a more urban setting.
- b. The proposed stealth structure should blend the technology into whatever the surrounding environment has to offer.
- c. True stealth should mean people can't readily spot an antenna installation.
- d. The accessory equipment should be integrated into the site, or buried underground.
- e. Color does not achieve stealth against the sky or distant views but can achieve stealth for building mounted antenna. For example, building mounted antennas that are painted to match the brick facade.
5. Co-location. If co-location is required, the owner of the facility shall certify in writing, prior to final permit approval, that the owner will accept for co-location any FCC licensed or licensing exempt provider using compatible technology at reasonable and customary rates and terms up to the structural capacity to accommodate additional antennae. Co-location may be denied based on verifiable expectations of interference from additional users. Later failure to comply with the requirements supporting collocation may result in the revocation of City approvals or other penalties provided by the municipal code as the requirements of the title will have been violated.
6. Preferences. In order to justify the construction of a facility, the applicant must demonstrate that higher ranking alternatives in the following hierarchy do not constitute feasible alternatives. The order of preference, from most preferred to least preferred and based on technical feasibility, for new facilities is:
- a. Stealth micro (10') facility or co-location on existing facility.
- b. Micro (10') facility.
- c. Stealth facility 30 feet or less in height.
- d. Facility 30 feet or less in height or stealth facility 45 feet or less in height.
- e. Facility 45 feet or less in height or stealth facility 70 feet or less in height.
- f. Facility in excess of 70 feet in height.

In order to demonstrated that preferable facilities do not constitute feasible alternatives, such demonstration must be made by submission of a statement of position, qualifications and experience by a professional engineer (electrical or radio frequency) licensed to practice in the State of Montana and address the required findings that no existing or proposed structures adequate to accommodate the proposed antennae are located within the city that meet the applicant's engineering and service requirements.

F. Administrative:

1. The applicant must provide an inventory of existing and approved facilities within one (1) mile of the city boundaries. The inventories shall note the feasibility of accommodating other users. The City may share this information with other applicants or interested parties to encourage co-location.
2. The public land and agencies exemption from full compliance with zoning in §76-2-402, MCA does not apply to private entities utilizing publicly owned lands.
3. Any antennae or antenna support structures that are not utilized for the provision of wireless services for a continuous period of six months shall be considered abandoned. All facilities shall be removed within six months of the cessation of operations. If a facility is not removed within six months the City shall remove the facility at the facility or land owner's expense. Where multiple users share a facility, the non-operational antennae and associated ground mounted equipment shall be removed but any common equipment may be retained until all users have terminated the utilization of the site.
4. Failure to comply with the terms of the zoning ordinance shall be grounds for facilities to be removed by action of the City at the facility or landowner's expense.
5. Denial of an application shall be made only after the review body has determined that specific criteria of this title can not be met. Said determination shall be made in writing and shall include the reasons for the denial and the evidence which supports those reasons. The stated reasons for the denial must be based on substantial evidence, not generalized public opposition.

G. Exemptions:

1. The following wireless communication facilities that are regulated by the Federal Communications Commission (FCC) pursuant to the Code of Federal Regulations as may be amended:
 - a. Industrial, scientific, and medical equipment;

- b. Military and government radar antennas and associated communication and broadcast towers used for aviation services; and
 - c. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication and broadcast towers.
2. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, watercraft, or aircraft, including cellular phone or mobile broadcast studio.
 3. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys; or is in storage, shipment, or on display for sale, provided such machines are not operated except for demonstration purposes.
 4. Temporary telecommunication facilities used solely for emergency communications by public officials in the event of a natural disaster, emergency preparedness or public health or safety purposes.
 5. Two-way transmitting antennas used on a temporary basis by "911" emergency services, including fire and rescue, medical, and law enforcement, as well as essential public utility providers, including but not limited to water and sanitary and storm sewer providers.

ARTICLE III. DISTRICTS ESTABLISHED

Within the jurisdictional area specified in Section 4 of this Ordinance, zoning districts are hereby established and are shown on the Official Zoning Map described in Section 6. Sections 28 through 35 of this Ordinance set forth the specific requirements which must be met by any proposed building, structure or use located within each district.

SECTION 28. INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty may exist as to the location of district boundaries as shown on the Official Zoning Map, the following rules shall apply in interpreting the nearest logical line to that shown:

1. Boundaries shall be construed as following the centerline of streets, highways or alleys.
2. Boundaries shall be construed as following the centerline of streams, rivers, canals or ditches.
3. Boundaries shall be construed as following a line midway between the main tracks of a railroad right-of-way.
4. Boundaries shall be construed as following platted lot lines.
5. Boundaries shall follow the boundaries of the incorporated City limits.
6. Where physical or cultural features existing on the ground are different from those shown on the Official Zoning Map, or where circumstances arise not covered by the rules above, the Board of Adjustment shall interpret the district boundaries.

SECTION 29. LOW DENSITY RESIDENTIAL DISTRICT (R-1):

A. Purpose: This district is intended to provide for the development of single-family residences and two-family residences at a density compatible with existing residential development. This district also accommodates those institutional and public uses compatible with residential neighborhoods.

B. Permitted Principal Uses: The following uses are permitted within this district:

1. Single-family dwellings: constructed on site or assembled as modular homes, but not including manufactured homes
2. Two-family dwellings
3. Churches
4. Libraries, museums, schools: public or private
5. Parks, playgrounds, recreational facilities
6. Where licensed by the Montana Department of Health and Environmental Sciences or Department of Family Services - group homes serving disabled persons, half-way houses providing drug or alcohol rehabilitation, adult foster family day-care facilities, and group day-care homes serving 12 or fewer children
7. Youth foster homes, or youth group homes
8. Institutional and public uses compatible with residential neighborhoods.

C. Conditional Uses: The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 11, Conditional Use Permits.

USES

1. Manufactured homes, Class A

2. Nursing Homes; 24-hour-per-day care facilities

CONDITIONS

1. Is generally compatible with architectural style of the residences in the neighborhood.

1. Conform to off-street parking requirements specified in Section 21.

2. Provide safe Ingress/egress onto public streets.

3. Lot will be of adequate size and width to accommodate the proposed use, and the yard and parking requirements

3. Planned unit developments that seek waivers from district requirements, in accordance with the requirements of Section 27, Planned Unit Developments

1. For PUD's containing residences, the development plan provides for (a) placement of housing units and street and residents, (b) safe entry from lots onto public streets, (c) usable yard areas, (d) adequate off-street parking, (e) proper installation of utilities, and (f) access by emergency vehicles.

2. Placement of structures shall take into consideration topography, privacy, building height and orientation, drainage and aesthetics.

4. Home Occupations not conforming to Section 18, A

1. Conditions as specified by the Zoning Commission pursuant to Section 11, B, 3.

D. Accessory And Temporary Uses Permitted: The following accessory and temporary uses are permitted in this district:

1. Accessory buildings and uses incidental to the above principal uses.
2. Temporary buildings for and during construction only.
3. Home occupations under the requirements of Section 18A.

E. Lot Area And Width: Except for existing lots of record which, because of ownership, cannot be reassembled to conform to this requirement, the following lot areas and widths are required:

1. Single-family dwelling -- Each lot shall contain a minimum of 12,500 square feet, and be at least 100 feet wide.
2. Two-family dwellings -- Each lot shall contain a minimum of 15,000 square feet, and be at least 100 feet wide.
3. Where either or both water supply and sewage treatment determined by the Montana Department of Health and Environmental Sciences.

F. Yard Requirements: Every lot shall have the following yard requirements as measured from the farthest extension of the structure:

1. Front Yard -- A 25-foot yard shall be provided on all street frontages. Corner lots shall be construed as having two frontages, each of which shall require a 25-foot yard.

2. Side Yard -- Side yards abutting interior lot lines shall not be less than 10 feet.
3. A rear yard of at least 15 feet shall be provided, except where a garage is located within the rear yard, the rear yard may be reduced to 3 feet.

G. Building Height: Maximum height for all buildings and other structures shall be 30 feet.

H. Satellite Dishes And Radio Antennas (Towers)

1. Satellite dishes and radio antennas or towers may be placed in the rear yard.
2. In the event that a usable signal cannot be obtained from the rear yard, the dish, antenna or tower may be located on the side or front, provided that no dish, antenna or tower may be placed in a required front or side yard.

I. Off-Street Parking

1. Single-family dwellings -- Two off-street parking spaces are required per dwelling unit.
2. Two-family dwellings -- 1 1/2 off-street parking space is required per dwelling unit.
3. Numbers of non-residential parking spaces and all off-street parking requirements shall comply with Section 21 of these regulations.

J. Signs: The following signs are permitted in this district:

1. For residential uses, non-illuminated signs a maximum of 8 square feet in area.
2. For all other uses, non-illuminated signs, including bulletin boards at schools and churches, not exceeding 16 square feet in area, provided the sign is located at least 10 feet from any road right-of-way and does not obstruct traffic visibility.

SECTION 30. MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2):

A. Purpose: The purpose of this district is to recognize the existing residential neighborhoods of the community as well as those areas which are deemed appropriate for residential expansions. A variety of residential types and densities, including multiple family and mobile homes, will be accommodated to provide a balance of housing types within the community. It is intended that this district be maintained and expanded to preserve the residential attractiveness in a mixed use atmosphere. This district also will accommodate those institutional and public uses compatible with residential neighborhoods.

B. Permitted Principal Uses: The following uses are permitted within this district:

1. Single-family dwellings: constructed on site, assembled as modular homes, and Class A manufactured homes
2. Class A and Class B manufactured homes in manufactured home parks
3. Multiple-family dwellings
4. Boarding houses
5. Public or private schools
6. Churches and other places of worship
7. Libraries; museums
8. Parks and recreation facilities
9. Where licensed by the Montana Department of Health and Environmental Sciences or Department of Family Services - group homes serving disabled persons, half-way houses providing drug or alcohol rehabilitation, adult foster family day-care facilities, and group day-care homes that serve 12 or fewer children
10. Youth foster homes, or youth group homes
11. Institutional and public uses compatible with residential neighborhoods.

C. Conditional Uses: The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 11, Conditional Use Permits.

USES

1. Manufactured home parks
2. Class B manufactured homes

CONDITIONS

1. Conform to Manufactured (mobile) home parks requirements in local subdivision regulations
2. Subject to special provisions of Subsection E below

3. Nursing homes; hospitals 24-hour per-day care facilities

1. Conform to off-street parking requirements specified in Section 22.

2. Provide safe ingress/egress onto public streets.

3. Lot is of sufficient size and width to accommodate the proposed use, and yard and parking requirements.

4. Planned unit developments that seek waivers from district requirements, in accordance with the requirements of Section 27, Planned Unit Developments

1. For PUD's containing residences, the development plan provides for placement of housing units and street and open space design and layout that ensures (a) privacy for residents, (b) safe entry from lots onto public streets, (c) usable yard areas, (d) adequate off-street parking, (e) proper installation of utilities, and (f) access by emergency vehicles.

2. Placement of housing units shall take into consideration topography, privacy, building height and orientation, drainage and aesthetics.

5. Home Occupations not conforming to Section 18, A.

1. Conditions as specified by the Zoning Commission pursuant to Section 11, B, 3.

D. Accessory And Temporary Uses Permitted: The following accessory and temporary uses are permitted in this district:

1. Accessory buildings and uses incidental to the above uses.
2. Temporary buildings for and during construction only.
3. Home occupations under the requirements of Section 18.

E. Special Provisions For Class B Manufactured Homes

1. Each manufactured home must be placed on a permanent masonry foundation, or
 - a) provided with anchors and cable tie downs for securing the manufactured home, and
 - b) skirted, entirely enclosing the bottom section within 60 days after placement. Skirting must be of materials compatible with siding of manufactured home.

2. Each manufactured home shall have siding material of a type customarily used on site-constructed residences.
3. The tongue, wheels, transporting lights and removable towing apparatus must be removed after placement on the lot and before occupancy.
4. Only one manufactured home is permitted on an individual lot.

F. Yard Setback Requirements: Every lot shall have the following yard requirements as measured from the farthest extension of the structure:

1. Front Yard -- A 20-foot yard shall be provided on all street frontages. Corner lots shall be construed as having two frontages, each of which shall allow a 20-foot yard. Exception: All corner lots within this district with a width of 50 feet or less shall have a side setback of 10 feet outside of the 20 foot sight distance triangle (Amended July 15, 2008).
2. Side Yard -- Side yards abutting interior lot lines shall not be less than 5 feet for multi-family dwellings and 3 feet for single family dwellings. This requirement will not apply to the common wall for townhouses located on adjoining lots.
3. Rear Yard -- A rear yard of at least 15 feet shall be provided, except where a garage is located within the rear yard, the rear yard may be reduced to 3 feet.

G. Satellite Dishes And Radio Antennas (Towers)

1. Satellite dishes and radio antennas or towers may be placed in the rear yard.
2. In the event that a usable signal cannot be obtained from the rear yard, the dish, antenna or tower may be located on the side or front, provided that no dish, antenna or tower may be placed in a required front or side yard.

H. Lot Area And Width: Except for existing lots of record which, because of ownership, cannot be reassembled to conform to this requirement, the following lot areas and widths are required:

1. Single-family dwelling -- Each lot shall contain a minimum of 7,000 square feet, and be at least 50 feet wide.
2. Multiple-family dwellings -- Each lot shall contain a minimum of 4,000 square feet per dwelling unit, and be at least 50 feet wide.

I. Building Height: Maximum height for buildings and other structures shall be 30 feet for single family dwellings and 40 feet for multiple family dwellings consisting of two or more units.

J. Off-Street Parking

1. Single-family dwellings -- 2 off-street parking spaces required per dwelling unit.

2. Multiple-family dwellings -- 1 1/2 off-street parking space required per dwelling unit.
3. Numbers of non-residential parking spaces and all off-street parking requirements shall comply with Section 21 of these regulations.

K. Signs: The following signs are permitted in this district:

1. For residential uses, non-illuminated signs less than 8 square feet in area.
2. For all other uses, non-illuminated signs, churches, not exceeding 16 square feet in area, provided the sign is located at least 10 feet from any street right-of-way.

SECTION 31. CENTRAL BUSINESS DISTRICT (CBD) :

A. Purpose: The Central Business District is intended to be the central focus of the City's business, government, service and cultural activities. The uses in this district should be those that are appropriate in a high density, intensively developed commercial center. Appropriate area should be provided for the logical and planned expansion of the present District. The area should be developed as an attractive, functional and convenient commercial environment, and to provide the mix of activities necessary to maintain the downtown character.

B. Permitted Principal Uses: The following uses are permitted within this district:

1. Amusement centers, recreational facilities located in an enclosed building
2. All uses pertaining to automobile and truck sales, service and repair, including service stations and car washes
3. Beverage bottling and distributing
4. Apartments, located on the main floor at the rear of the building and above the first floor
5. Auditoriums, theaters
6. Building equipment and materials -- wholesale and retail, including storage yards
7. Clubs and lodges
8. Electric equipment -- assembly, repair and sales
9. Financial institutions
10. Funeral homes
11. Government, educational and institutional uses including hospitals
12. Hotels, motels
13. Laundry and dry cleaning establishments
14. Medical and dentist offices, clinics and laboratories
15. Meeting halls, auditoriums, arenas, indoor theaters
16. Museums and art galleries
17. Nursing homes
18. Offices: professional, business, administrative, government, and services
19. Outdoor advertising
20. Parking areas
21. Police and fire stations
22. Libraries
23. Parks and recreational facilities
24. Restaurants and drive-in eating establishments
25. Bars, taverns, lounges, night clubs - in accordance with Section 20, J.
26. Retail businesses or services, whose activities primarily are conducted within an enclosed building
27. Retail and wholesale sales, service and repair,

- agricultural products, products serving agriculture, farm implements, heavy machinery, mobile homes, travel trailers, recreational vehicles
28. All uses pertaining to automobile and truck sales. Service and repair, including service stations and car washes but excluding agricultural implements, equipment and materials sales
 29. Senior citizen centers
 30. Storage yards
 31. Utilities, public or private
 32. Veterinary office, clinic, hospital
 33. Wholesale storage or sales
 34. Warehouses
 35. Other uses commensurate with the above uses and compatible with the purpose of this District

C. Conditional Uses: The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 11, Conditional Use Permits.

USESCONDITIONS

Recreational Vehicle Park

1. R-V Parks must meet standards included in the local subdivision regulations
2. Streets and R-V lots shall be designed to permit safe placement and removal of trailers and vehicles.
3. All parks shall provide for safe and convenient access from public roads or streets.
4. The park shall be equipped at all times with fire control equipment in good working order, and be of a type prescribed by local fire authority.
5. Gas and electric utilities shall be installed in accordance with the appropriate codes.
6. R-V vehicles shall be separated from each other and from other structures by at least 15 feet.
7. All R-V spaces shall be located at least 25 feet from a public street or highway right-

of-way.

8. The density shall not exceed 25 R-V spaces per acre.

9. Additional requirements specified by the Zoning Commission pursuant to Section 11, B, 3.

Shopping Center

1. Conditions as specified by the Zoning Commission pursuant to Section 11, B, 3.

D. Accessory And Temporary Uses

1. Accessory buildings and uses incidental to the principal uses.
2. Temporary buildings or structures used for and during + construction or grading.
3. Temporary signs.
4. Temporary use of open land for meetings, circuses, c carnivals.
5. Sale of Christmas trees, baked goods, clothing or like products where no permanent structure is erected.

E. Lot Area And Width

1. Where public water and sewer service is available, no minimum lot size is required.
2. Where Montana Department of Health and Environmental Sciences approval of water or sewer facilities is required, that agency shall determine the lot size.
3. Where neither of the above conditions apply, the minimum lot size shall be one acre.

F. Building Height: Maximum building height shall be 50 feet.

G. Yard Requirements:

1. Any new structures within this District shall be required to comply with the yard requirements, unless granted a variance in accordance with Section 12. All existing structures within this district are not required to comply with the yard requirements, unless additions are proposed. If additions to an existing structure are proposed, than the addition must comply with the yard requirements of this District, unless a variance is granted in accordance with Section 12.
 - a. Front Yard -- Any building or structure must be set back at least 8 feet from the curb or street pavement.
 - b. Side Yard -- No side yards are required.
 - c. Rear Yard -- Any building or structure must be at least 10 feet from the rear property line.

H. Off-Street Parking Off Street Loading

1. Off-street parking requirements of Section 21 must be met, excluding the requirements of Section 21.B.6C.
2. Off-street loading requirements of Section 22 must be met.

I. Signs: All signs must comply with requirements of Section 23.

J. Access Onto Public Roads

1. Approaches onto public roads and highways shall be at least 32 feet wide.
2. Approaches onto public roads and highways shall have a grade of 6 percent or less.
3. Approaches onto public roads or highways shall be at least 125 feet apart. Approaches onto a primary highway require permits from MDT. The centerline of approaches from properties on opposite sides of a public road shall be aligned at the same point on the public road.

K. Grading And Drainage

1. The site shall be graded and appropriate drainage facilities installed to remove surface run-off waters in a manner that will not affect adjacent or nearby properties, rivers or public roads.
2. Culverts, curbs, gutters, ditches, swales and other drainage facilities shall be installed to assure that approaches, parking areas and other traffic facilities do not obstruct drainage facilities or adversely affect public road and traffic facilities.
3. Culverts and bridges shall be large enough to accommodate potential run-off from upstream drainage areas.
4. Curbs and gutters shall be required.

L. Screening And Buffering: Where a non-residential use in this district abuts a residential use or district, the screening and buffering provisions of Section 24 must be met.

M. Fencing: The following uses must be protected by a fence not less than 6 feet in height

1. Outdoor storage of materials or equipment
2. Above ground storage of flammable liquids, gases, or other materials
3. Electrical substations, gas regulator stations, and microwave reflectors.

N. Lighting: Lighting must be shielded to avoid casting direct light on adjacent residential uses or institutional uses providing human care.

SECTION 32 COMMERCIAL - LIGHT MANUFACTURING DISTRICT (CLM) :

A. Purpose: This district is intended to provide for the Community's needs for assembly or production of a marketable commodity and related or compatible business or office use which would be inclined to locate in an area characterized by a relatively clean and pristine environment. Such uses should be related to the City's major transportation facilities and be so organized that they can be efficiently operated, yet create a minimum of traffic or other adverse effects to the residential neighborhoods of the City. Therefore such uses should be screened from any residential area, and no residence should be permitted in this District. The area should be developed as a clean, attractive, functional and convenient commercial development.

B. Permitted Principal Uses

The following uses are permitted within this district:

1. Electronics assembly
2. Research and development laboratories
3. Apparel and accessories
4. Camping and outdoor sporting goods
5. Office computing and accounting machines
6. Leather goods
7. Glass, Pottery, and cut stone made or purchased products
8. Bakery products
9. Candy and other confectionery products
10. Toys and amusement sporting and athletic goods
11. Brooms and Brushes
12. Office and artist materials
13. Other uses commensurate with the above uses and compatible with the purpose of this District

C. Conditional Uses: The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 11, Conditional Use Permits.

USES

Fabricated metal products

CONDITIONS

1. Conditions as specified by the Zoning Commission pursuant to Section 11, B, 3

D. Accessory And Temporary Uses

1. Accessory buildings and uses incidental to the principal uses.
2. Temporary buildings or structures used for and during construction or grading
3. Temporary signs.

E. Lot Area

1. Where public water and sewer service is available, no minimum lot size is required.
2. Where Montana Department of Health and Environmental Sciences approval is required, that agency shall determine the lot size.
3. Where neither of the above conditions apply, the minimum lot size shall be one acre.

F. Height Requirements: No building or structure may exceed 50 feet in height.

G. Yard Requirements

1. Front Yard -- a front yard of at least 20 feet shall be on all road frontages.
2. Side Yard -- side yards abutting interior lot lines shall be at least 10 feet.
3. Rear Yard -- a rear yard of at least 10 feet shall be provided.

H. Off-Street Parking: Off-Street Loading

1. Off street parking facilities must comply with the provisions of Section 21
2. Off street loading areas must comply with the provisions of Section 22.

I. Signs: Signs within this district shall comply with the provisions of Section 23.

J. Access Onto Public Roads

1. Approaches onto public roads and highways shall be at least 32 feet wide.
2. Approaches onto public roads and highways shall have a grade of 6 percent or less.
3. Approaches onto public roads or highways shall be at least 125 feet apart. Approaches onto a primary highway require permits from MDT. The centerline of approaches from properties on opposite sides of a public road shall be aligned at the same point on the public road.

K. Grading And Drainage

1. The site shall be graded and appropriate drainage facilities installed to remove surface run-off waters in a manner that will not affect adjacent or nearby properties, rivers or public roads.
2. Culverts, curbs, gutters, ditches, swales and other drainage facilities shall be installed to assure that approaches, parking areas and other traffic facilities do not obstruct drainage facilities or adversely affect public road and traffic facilities.

3. Culverts and bridges shall be large enough to accommodate potential run-off from upstream drainage areas.
4. Curbs and gutters or swales shall be required according to the character of the area, density of development, and nature of adjoining properties and public streets.

L. Screening And Buffering: Where a non-residential use in this district abuts a residential use or agricultural use, the screening and buffering provisions of Section 24 must be met.

M. Fencing: The following uses must be protected by a fence not less than 6 feet in height: (1) outdoor storage of materials or equipment, (2) above ground storage of flammable liquids, gases, or other material, and (3) electrical substations, gas regulator stations and microwave reflectors.

N. Lighting: Lighting must be shielded to avoid casting direct light on adjacent residential uses or institutional uses providing human care.

SECTION 33. GENERAL INDUSTRIAL DISTRICT (I):

A. Purpose: This district is intended to provide for efficient and functional operation of heavy commercial, manufacturing, processing, and other industrial uses in appropriate locations. Industrial uses which produce noise, smoke, dirt, vibration, glare or similarly obtrusive nuisances shall be regulated to minimize the impact on the public health and safety. These activities generally require reasonable access to major transportation facilities, need extensive open storage and service areas and generate heavy traffic. To help ensure efficiency and function of industrial uses, protection from incompatible residential and commercial uses is necessary.

B. Permitted Uses

1. All uses associated with operations of railroads
2. Automobile, truck, farm machinery, heavy equipment repair
3. Agricultural products processing, storage, loading; grain elevators
4. Cement, concrete and paving products, including mixing plants
5. Freight terminals -- truck or rail
6. Industrial laboratories
7. Manufacturing or processing:
 - a) products from organic material, chemicals, glass, metal, minerals, stones or earth
 - b) foodstuffs, textiles, electrical components, wood, leather, paper, or plastic
8. Fabrication or assembly of products from pre-structured materials or compounds
9. Signs -- billboards
10. Storage yards
11. Utilities
12. Welding or sheet metal shops
13. Warehousing and storage facilities
14. Service and repair of travel trailers and recreational vehicles

C. Conditional Uses: The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 11, Conditional Use Permits.

USES

1. Auto wrecking, scrap, salvage yards
2. Bulk storage of flammable liquids or gases or other hazardous materials above ground

CONDITIONS

1. A solid fence at least 8 feet high must enclose the use, or a screen of evergreen shrubs or trees at least 8 feet high at maturity must be planted. The fence or screen must be maintained.
1. All uses set back at least 300 feet from all lot lines.
2. All uses shall conform with the provisions set forth in the Uniform Fire Code and Regulations administered by the Fire Marshall for the State of Montana.

D. Accessory And Temporary Uses Permitted

1. Accommodations for caretakers, watchmen and custodians.
2. Outdoor storage of merchandise or inventory.
3. Temporary buildings of other structures for and during construction or grading;
4. Use of open land for meetings, circuses or carnivals.
5. Sale of Christmas trees, baked goods, clothes or like products where no permanent structure is erected.

E. Lot Area

1. Where public water and sewer service is available, no minimum lot size is required.
2. Where Montana Department of Health and Environmental Sciences approval is required, that agency shall determine the lot size.
3. Where neither of the above conditions apply, the minimum lot size shall be one acre.

F. Yard Requirements

1. Front yard -- a 30-foot front yard must be provided along any street frontage.
2. Side Yard -- side yards abutting interior lot lines must be at least 25 feet.
3. Rear Yard -- rear yards must be at least 20 feet.

G. Height Requirement: There is no maximum height limitation.

H. Off-Street Parking: Of Street Loading

1. Off-street parking facilities must comply with the provisions of Section 21
2. Off-street loading areas must comply with provisions of Section 22

I. Signs: All signs shall conform to the provisions prescribed in Section 23.

J. Access Onto Public Roads

1. Approaches onto public roads and highways shall be at least 32 feet wide.
2. Approaches onto public roads and highways shall have a grade of 6 percent or less.
3. Approaches onto public roads or highways shall be at least 125 feet apart. Approaches to State Primary Highways are required to obtain approach permits from MDT. Centerline of approaches from properties on opposite sides of a public road shall be aligned at the same point on the public road.

K. Grading And Drainage

1. The site shall be graded and appropriate drainage facilities installed to remove surface run-off waters in a manner that will not affect adjacent or nearby properties, rivers or public roads.
2. Culverts, curbs, gutters, ditches, swales and other drainage facilities shall be installed to assure that approaches, parking areas and other traffic facilities do not obstruct drainage facilities or adversely affect public road and traffic facilities.
3. Culverts and bridges shall be large enough to accommodate potential run-off from upstream drainage areas.
4. Curbs and gutters or swales shall be required according to the character of the area, density of development, and nature of adjoining properties and public streets.

L. Screening And Buffering: Where a non-residential use in this district abuts a residential use, the screening and buffering provisions of Section 24 must be met.

M. Fencing: The following uses must be protected by a fence not less than 6 feet in height: (1) outdoor storage of materials or equipment, (2) above ground storage of flammable liquids, gases, or other material, and (3) electrical substations, gas regulator stations and microwave reflectors.

N. Lighting: Lighting must be shielded to avoid casting direct light on adjacent residential uses or institutional uses providing human care.

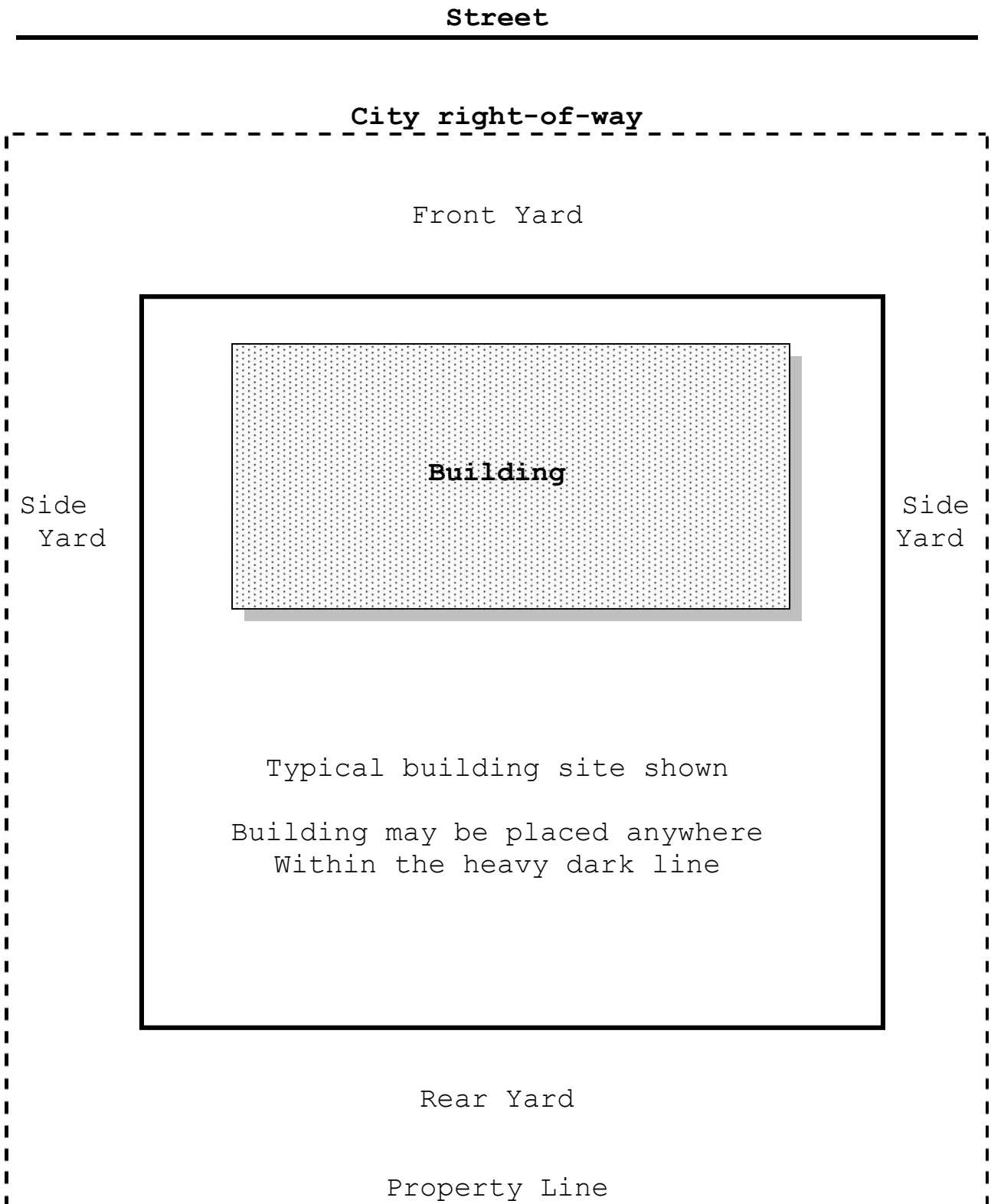
SECTION 34. OPEN SPACE / RESIDENTIAL DISTRICT (OSR) :

(NOT CURRENTLY USED BUT RESERVED FOR FUTURE USE.)

APPENDIX A

FIGURE 1

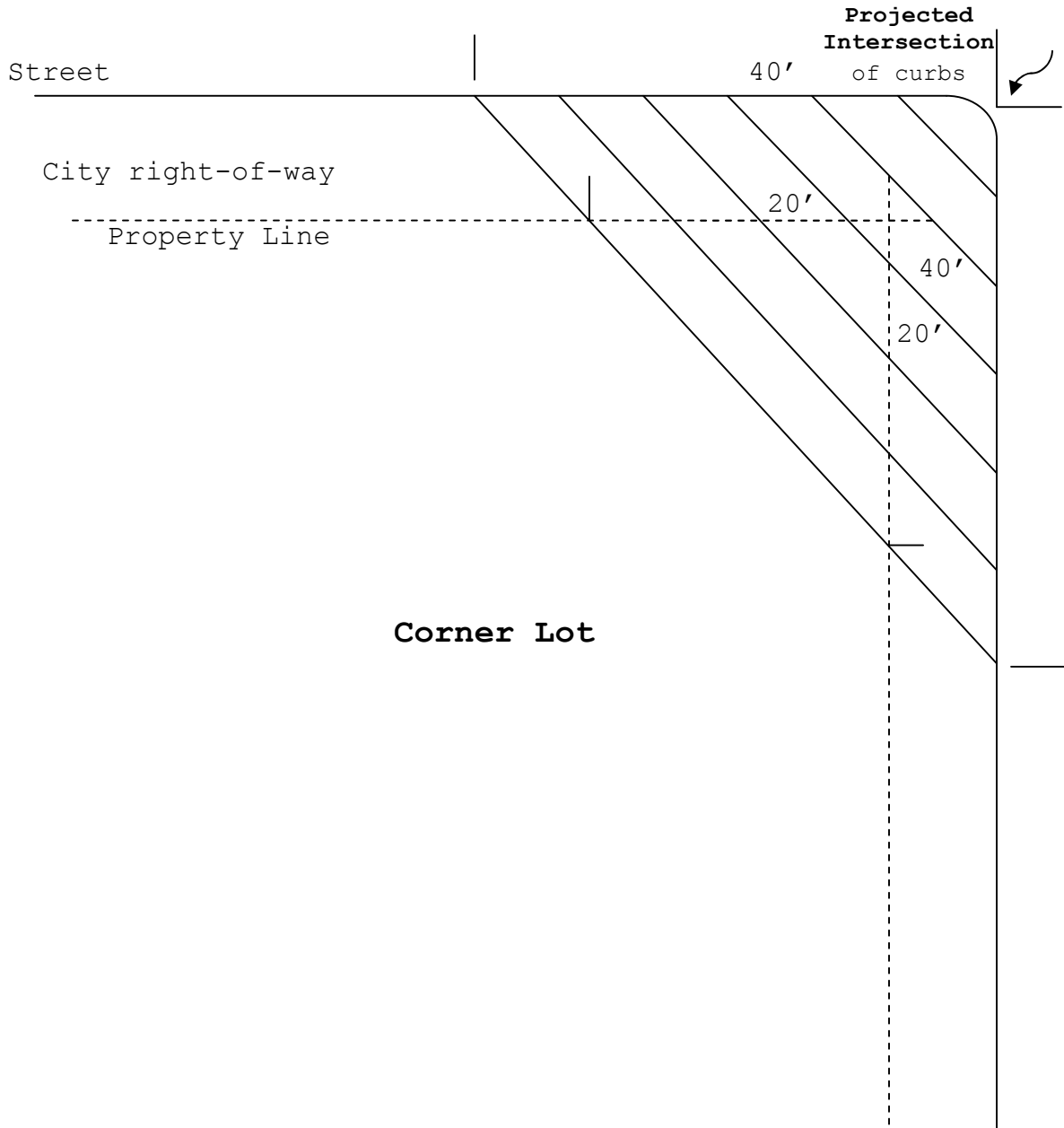
LOCATION OF YARDS ON A PROPERTY



APPENDIX A

FIGURE 2

CORNER LOT RESTRICTION-SITE DISTANCE TRIANGLE



No structure, fence, wall, or landscaping shall impede vision from one street to another within the triangular area shown above.