

# Ronan Zoning Ordinance

Updated 6/23/08

## TITLE 3 APPOINTED CITIZEN BOARDS AND COMMISSIONS

### CHAPTER 1

#### 3-1-100 ZONING COMMISSION AND BOARD OF ADJUSTMENT

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3-1-101 APPOINTMENT: The Zoning Commission and Board of Adjustment, hereinafter called "the Board," shall consist of five members to be appointed by the Mayor subject to confirmation by the City Council. The members shall serve for terms of three years each, and shall be removable for cause.

3-1-102 POWERS: The Board shall have the following power:

- A. To hear and decide appeals where it is alleged there is error in order, requirement, decision or determination

made by an administrative official in the enforcement of the zoning ordinance;

B. To hear and decide special exceptions to the zoning ordinance;

C. To authorize upon appeal in specific cases such variance from the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of them shall be observed and substantial justice done;

D. The Board shall have the power to recommend to the City Council such changes in the district boundaries or ordinance as it deems necessary or desirable;

E. The Board may from time to time adopt such rules and regulations as may be deemed necessary to carry into effect the provisions of the zoning ordinance;

F. The Board shall recommend to the City Council the use, height and area districts in which each part of any annexation to the City shall be placed;

G. The Board shall fix a reasonable time for the hearing of appeals, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney.

H. When deciding appeals, special exceptions and variance requests, the Board may set conditions of approval intended to further the purpose of these regulations and lessen the impact of the proposed land use on neighboring landowners.

3-1-103 RULES AND REGULATIONS: The Board shall adopt rules in accordance with the provisions of any chapter adopted pursuant to this Chapter. Meetings of the Board shall be held at

the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

3-1-104 APPEALS: Appeals to the Board may be taken by any person aggrieved of any decision of the Zoning Officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

3-1-105 APPEAL STAYS ALL PROCEEDINGS: An appeal stays all proceedings in furtherance of the action appealed from, unless the Officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with her/him, that by reason of facts stated in the certificate a stay would, in her/his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the City Court or by a Court of Record on application on notice to the Officer from which the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney.

3-1-106 DETERMINING OF APPEAL: In exercising the above mentioned powers such Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the

Officer from whom the appeal is taken.

3-1-107 CONCURRING VOTE: The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Chapter, or to effect any variation in such Chapter.

3-1-108 AGGRIEVED PERSON MAY PRESENT PETITION TO COURT OF RECORD: Any person or persons, jointly or severally aggrieved by any decision of the Board, or any Officer, Department, Board or Bureau of the City 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 THIRTY (30) days after the filing of the decision in the office of the Board.

3-1-109 PRESENTATION OF PETITION: Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board of Adjustment 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 relator's attorney which shall not be less than TEN (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 due cause shown grant a restraining order.

3-1-110 COPIES OF ALL PAPERS: The Board shall not be required to return the original papers acted upon by it, but 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.

3-1-111 DETERMINATION OF COURT: If, upon the hearing, it shall appear to the Court that testimony is necessary for the

proper disposition of the matter, it may take evidence or appoint the referee to take such evidence as it may direct, and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

3-1-112 COSTS: Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

3-1-113 ENFORCEMENT AND REMEDIES: A violation of this Chapter is hereby declared to be a misdemeanor and punishable as provided in this Code. Civil penalties may be imposed for such violation. The power to enforce any provisions of this Chapter is expressly granted herein to the Council as well as the power to abate such violation, illegal act, conduct, business, or use in or about such premises within the City.

3-1-114 CONFLICT WITH OTHER LAWS: Any requirements of the Board which stipulate higher standards than provided elsewhere in this Code shall prevail. The provisions of this Code or State Statute requiring higher standards than provided for in this chapter shall prevail.

TITLE 9

PLANNING AND ZONING

CHAPTER 1, LAND USE REGULATIONS

9-1-100 ZONING

SECTIONS:

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9-1-101 DEFINITIONS: For the purpose of this Chapter, certain terms and words are hereby defined as follows: Words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; the word "building" includes the word "structure" and the word "person" includes a corporation or other organization; the term "used" includes the term "arranged" or "intended to be used", or "designed"; and the word "shall" is mandatory and not directory.

- "Accessory Use or Buildings" means a use or building that is customarily incidental to and accessory to the principal and ordinary use of a building, or premise, located on the same premises with such principal use or building. Accessory buildings are not inhabitable structures.
- “Adult oriented business” means a sexually oriented arcade, bookstore, video store, cabaret, motel, motion picture theater, escort agency or similar business.
- “Apartment,” See “Multiple Family Dwelling”.
- “Boarding House” means a building, other than a hotel or

club, where meals are regularly served for compensation or more than six (6) persons not members of the family there residing.

- “Community Garage” means a series of private garages of capacity of not more than one (1) automobile each, located jointly on a common lot, and having no public shop or service in connection therewith.
- “Condominium” means a form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project, with the land and other parts of the project held in common ownership or use with the owners of the other units, pursuant to Title 70, Chapter 23, MCA.
- “Dwelling, Single-Family” means a detached building designed for, or occupied exclusively, by one family and is distinct from a mobile, manufactured or modular home.
- “Dwelling, Two-Family” means a detached or semi-detached (via roof, wall or other means) building designed for, or occupied exclusively, by two families living independently of each other.
- “Dwelling, Multiple-Family” means a building, or portion thereof, designed for, or occupied as a temporary or permanent home of three (3) or more families living independently of each other, including apartment houses, condominiums and townhouses.
- “District” means a section of the City of Ronan for which the regulations governing the area, height and use of buildings and premises are the same.
- “Family” means one or more persons, living, sleeping, and usually cooking and eating on the premises, as a single housekeeping unit. A family may or may not be related by blood, marriage or adoption.
- “Filling Station” means a building and appurtenances located on a lot where gasoline or other liquids used in the operation of motor vehicles is retailed and usually delivered directly into such vehicles.
- “Front Yard” means an open space extending across the front of the lot (where the property is addressed) measured from the property line to the closest extension of the structure and occupied only by uncovered steps.

- “Height of Building” means the vertical distance from the ground in front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, to the junction of the wall and the eaves of a building with a gable or a hip roof.
- “Hotel” means a building in which lodging is provided, with or without meals, and open to transient guests.
- “Lot” means a parcel, plot, tract or other land area created by platting, subdivision for sale, rent or lease or other duly recognized means in compliance with state and local requirements.
- “Lot, Corner” means a lot having at least two sides that abut for their full length upon streets. Such lots have one front yard abutting a street and one side yard abutting a street, in accordance with the development setback distance pattern that exists on developed lots for two blocks along the street frontages.
- “Lot coverage” means the area of a lot with pavement, concrete, roof and other surfaces that does not allow water to infiltrate the ground.
- “Mobile Home” means a detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, “trailer homes,” “house trailers,” and “manufactured homes” whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards and does not include “park models.”
- “Mobile Home Park” means any park or court, site, block, parcel or contiguous tracts of land, designed, maintained or intended for the purpose of supplying the permanent location or accommodation for mobile homes, and upon which mobile homes are parked and shall include all buildings used or intended for use as part of the purpose thereof whether a charge is made for that use of the mobile home park and its facilities or not.

- “Modular Home” means a single-family dwelling, built off-site at a factory on or after January 1, 1990, that is placed on a permanent foundation without a chasis used as a means of support, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development.
- "Non-Conforming Use" means a building or premises that does not conform with the regulations of the district in which it is situated and/or other standards contained in this Code.
- “Private Garage” means a garage with capacity of not more than four motor-driven vehicles, and having no public shop or service in connection therewith.
- “Public Garage” means any premises used for housing or care of more than four motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale, including show rooms or exhibition for modern cars.
- “Rear Yard” means an open, unoccupied space measured from the farthest extension of a building to the rear lot line, for the full width of the lot, and unoccupied except by accessory buildings.
- “Recreational Vehicle” (RV) means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use that either has its own motor power or is mounted on or drawn by another vehicle and has a gross trailer area not exceeding 400 square feet in the set-up mode.
- “Recreational Vehicle Park or Court” (RV Park or RV Court) means a tract of land available to and principally used by the public for camping, where persons can park recreational vehicles for camping and sleeping purposes.
- “Retail” means establishments selling goods directly to the consumer.
- “Side Yard” means an open, unoccupied space on the same lot with a building, measured from the closest extent

of a building to the side line of the lot, and extending through from the front yard to the rear yard.

- “Special Exception” means a land use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location, design, buffering, relation to the neighborhood and/or other factors, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance prosperity or general welfare.
- “Structural Alteration” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; except such alterations as may be required for the safety of the building.
- “Townhouse” means an arrangement under which units share a common wall, and individuals own their own units and hold separate title to the land beneath the unit.
- “Vehicle Trip” means a movement by one or more person in a motor vehicle that begins or ends at a particular location.
- “Wireless Communication Facility” means commercial radio and television antenna, unlicensed wireless service antenna/tower, common carrier wireless exchange structure(s)/antenna/tower(s), commonly referred to as cellular communications.
- “Yard” means the open space not occupied by one or more permanent structures located between a building and property line. It is the landowner’s responsibility to identify property lines for yard measurement purposes.

9-1-102 PURPOSE AND INTERPRETATION: This Zoning Chapter has been made for the purpose of promoting the health, safety, morals and general welfare of the citizens of Ronan. It has been made in accordance with the Ronan Growth Policy and is designed to lessen congestion in the streets; secure from fire, panic and other dangers; promote health and general welfare, provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements. Furthermore, these

regulations have been made with reasonable consideration to the character of the districts and their peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Ronan.

In their interpretation and application, the provisions of this Zoning Chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, welfare and protection of the public. Where conflicts with adopted building codes or other ordinances exist, the more stringent shall prevail.

9-1-103 DISTRICTS: For the purpose of regulating, classifying and restricting the location and impacts of trades, industries and enterprises, and the location of the buildings designed, erected or altered for specified uses, and limiting the height and size of such buildings, and the use of lot areas and regulating the density of population in the City of Ronan, and regulating and determining the areas of the yards and other open spaces surrounding buildings hereafter erected, and preventing additions to and alterations or remodeling of, existing buildings or structures in such a manner as to avoid the restrictions and limitations in this article contained, the City of Ronan is hereby divided into Seven districts termed respectively as follows:

1. "A" Residential
2. "B" Residential
3. "C" Residential
4. Mixed Commercial and Residential
5. Mixed Commercial and Industrial
6. Highway Commercial
7. Public/Recreation

LIMITATIONS: Except as hereinafter provided, no building shall be erected or structurally altered to exceed in height the limit herein established for the district in which such building is located. No lot shall be so reduced or diminished, that the yard or other open spaces, shall be smaller than prescribed by this article, nor shall the lot area per family be reduced except in conformity

with the regulations hereby established for the district in which such building is located. No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than that permitted in the district in which such building or premises are located.

**WATER AND SEWER CONNECTIONS REQUIRED:** On any property within the City limits, all inhabited buildings must be property connected to the sewer system unless otherwise authorized by City Council. For the purposes of these regulations, each residential unit shall be served by a separate, metered water and sewer hookup.

**9-1-104 “A” RESIDENTIAL DISTRICT:**

This is intended for larger lot single-family and two-family dwellings with the potential for parks and home occupations that generate very little vehicle traffic.

- A. **HEIGHT:** No building shall exceed 40 feet or 3 stories.
- B. **FRONT YARD:** There shall be a front yard having a depth of not less than 30 feet; provided, however, that where 40% or more of the developed lots within 150 feet on both sides of the subject property having an average front yard variation of not more than 6 feet, no building hereafter erected or altered shall project beyond the average front yard line so established; provided further that this regulation shall not require a front yard of more than 40 feet in depth.
- C. **REAR YARD:** There shall be a rear yard having a depth of not less than 25 feet, except where a garage is located in the rear yard, the rear yard may be reduced to 10 feet.
- D. **SIDE YARD:** There shall be a side yard on each side of the building having a width of not less than 10 feet.
- E. **OBSTRUCTION TO VIEW:** On any corner lot in which a front yard is required by this ordinance, no wall, fence, or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained at a height of 4 feet or greater within a distance of 30 feet or less of the property line abutting an intersection, or in such location between such front yard line and the street line as to cause danger to

traffic by obscuring the view.

- F. USE: No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:
1. Single-family dwellings.
  2. Two-family dwellings.
  3. Churches and similar places of worship.
  4. Libraries.
  5. Schools.
  6. Public and private parks and playgrounds.
  7. Fire station, telephone exchange where no public business office and no repair or storage facilities are maintained, or any necessary public utility building and/or structure, provided that such building be constructed to resemble the appearance of a residential building.
  8. Accessory buildings incidental to the above uses located on the same lot including one private garage per dwelling.
  9. Occupations engaged in by the occupants of a dwelling. Home occupations within this district shall not involve the conduct of a retail business on the premises, and may include the office of an engineer, musician, artist, writer or similar profession when situated in the dwelling or an accessory building not larger than  $\frac{1}{2}$  the square footage of the dwelling, provided that traffic generated by the home occupation shall not exceed four vehicle trips per day and customer parking shall be on the property. Signs identifying the home occupation shall not exceed 6 square feet in area. No other signs advertising a business, except those pertaining to the lease or sale of a building or premises, shall be permitted in this district; except that bulletin boards not exceeding 12 square feet in area may be permitted on premises occupied by churches, temples, libraries, schools, colleges and playgrounds.
  10. Foster and group homes.

- 11. Guest and servant quarters.
- 12. Bed and breakfast establishments of not more than four rooms for rent.
- 13. Day care (registered home, up to 12 individuals).
- G. FENCE REGULATIONS: No fence shall exceed 8 feet in height where the fence faces an alley, 6 feet on side yard boundary line, and 6 feet in height on a front yard boundary line. Provided further that no fence shall exceed 4 feet in height within 30 feet of a curb line of an intersection.
- H. MAXIMUM LOT COVERAGE AREA: 35 percent.
- I. LOT AREA PER FAMILY: Every dwelling hereafter erected, altered, or maintained shall be upon a lot of not less than 7,500 square feet. Two family dwellings shall have a lot area of not less than 10,000 square feet.

9-1-105 “B” RESIDENTIAL DISTRICT:

This district is intended to provide areas for detached, single- and two-family dwellings and modular homes as well as apartments, condominiums and townhouses. This area is also appropriate for group homes such as retirement communities.

- A. HEIGHT: No building shall exceed 40 feet or 3 stories in height.
- B. FRONT YARD: There shall be a front yard having a depth of not less than 20 FEET; provided, however, that where 40% or more of the developed lots within 150 feet on both sides of the subject property having an average front yard variation of not more than 6 feet, no building hereafter erected or altered shall project beyond the average front yard line so established; provided further that this regulation shall not require a front yard of more than 30 feet in depth.
- C. REAR YARD: There shall be a rear yard having a depth of not less than 20 FEET, except where a garage is located in the rear yard, the rear yard may be reduced to 10 feet.
- D. SIDE YARD: There shall be a side yard on each side of the building, having a width of not less than 5 FEET.
- E. OBSTRUCTION TO VIEW: On any corner lot in which a front yard is required by this ordinance, no wall, fence, or

other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained at a height of 4 feet or greater within a distance of 30 feet or less of the property line abutting an intersection, or in such location between such front yard line and the street line as to cause danger to traffic by obscuring the view.

F. USE: No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:

1. Any use permitted in the “A” Residence District according to the stipulations therein (if any).
2. Modular homes.
3. Apartments of up to eight units per building with or without a community garage. All apartment buildings shall provide: all required vehicle parking preferably at the rear of the structures; stormwater management in compliance with Montana Department of Environmental Quality Circular 8; internal access road(s) built to City standards, paved bicycle/pedestrian facilities a minimum of 6 feet wide with suitable subgrade materials and compaction connecting to all adjacent streets; landscaped buffers a minimum of 10 feet in width surrounding the exterior boundaries of the property consisting of a minimum of one large canopy tree (min. 15 feet in height), two small ornamental trees and four shrubs (min. 6 inches in height), including irrigation, for each 40 lineal feet. Such landscaping may be clustered to provide a “natural” look; at least 200 square feet of usable open park area per unit developed with benches, picnic facilities, landscaping, playground equipment or similar improvements; and architectural design that includes visual variety among structures in the neighborhood in terms of color, orientation on the site, roofline, design, height and form and that breaks structural planes by including multiple roof lines, bays, and similar features.

4. Condominiums subject to the standards listed under “Apartments” above.
  5. Townhouses subject to the standards listed under “Apartments” above.
  6. Hospitals and clinics
  7. Institutions of a philanthropic nature
  8. Undertaking parlors
  9. Accessory buildings incidental to the above uses located on the same lot including one private garage per dwelling.
- G. FENCE REGULATIONS: No fence shall exceed 8 feet in height where the fence faces an alley, 6 feet on side yard boundary line, and 6 feet in height on a front yard boundary line. Provided further that no fence shall exceed 4 feet in height within 30 feet of a curb line of an intersection.
- H. LOT AREA PER FAMILY: Every single family dwelling hereafter erected, altered or maintained shall be upon a lot area of not less than 7,500 square feet. Every single story multiple dwelling building shall be upon a lot area of not less than 4,000 square feet per family unit and every multiple story multi-dwelling building shall be upon a lot area of not less than 3,000 square feet per family unit.
- I. MAXIMUM LOT COVERAGE AREA: 50 percent.

9-1-106 “C” RESIDENTIAL DISTRICT:

This district is intended to provide locations for mobile and manufactured homes. This section is intended to compliment City Ordinance #05-01. Where conflicts occur the more stringent shall prevail.

- A. FRONT YARD: There shall be a front yard having a depth of not less than 20 feet.
- B. REAR YARD: There shall be a rear yard having a depth of not less than 10 feet.
- D. SIDE YARD: There shall be a side yard on each side of all buildings having a width of not less than 10 feet.
- E. LOT AREA: Each mobile or manufactured home lot shall have a minimum of 4 square feet of lot area for each 1 square foot of home and accessory building floor area;

however, in no case shall a lot or space be less than 2,000 square feet in area.

- F. LOT WIDTH: Each mobile or manufactured home lot shall have a minimum width at any point of 30 feet.
- G. NUMBER OF STRUCTURES: One mobile or manufactured home may be placed on any lot or space if located within a mobile home park.
- H. TIE DOWNS REQUIRED FOR MOBILE HOMES: Each mobile home must be tied or otherwise secured to the site within 10 days of installation.
- I. OBSTRUCTION TO VIEW: On any corner lot in which a front yard is required by this ordinance, no wall, fence, or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained at a height of 4 feet or greater within a distance of 30 feet or less of the property line abutting an intersection, or in such location between such front yard line and the street line as to cause danger to traffic by obscuring the view.
- J. GENERAL PROVISIONS APPLYING TO ALL MOBILE HOMES:
  - 1. It shall be unlawful within the City of Ronan for any persons to park any mobile home upon any street, avenue or highway upon any tract of land owned by any person, occupied, or unoccupied, except as provided in this Section 9-1-108 and in the following paragraphs:
    - (i) Storage of only one unoccupied mobile home recreational vehicle in an accessory private garage building or in the rear yard is permitted providing that no living quarters shall be maintained or any business practiced in said mobile home while such mobile home is so parked and stored.
    - (ii) The erection and maintenance of structures accessory to a mobile home, including additional living space, storage, carports and awnings shall be regulated by the Zoning Officer. All such structures shall satisfy all applicable setback, building, health, and sanitation code requirements.

(iii) All mobile home parks are must comply with applicable local and state regulations and laws and be licensed by the State of Montana.

- K. FENCE REGULATIONS: No fence constructed within 5 feet of the boundary line of each lot shall exceed 8 feet in height where the fence faces an alley, 6 feet on a side yard boundary line, and 6 feet in height on front yard boundary. Provided further that no fence is to exceed 4 feet in height within five of neighbor's residence and provided further that no fence shall be more than 4 feet high within 30 feet of curb line of an intersection.
- L. MAXIMIM LOT COVERAGE AREA: 40 percent

9-1-107 MIXED COMMERCIAL/RESIDENTIAL DISTRICT:

This provides area for a compatible mixture of business and residential land uses.

- A. HEIGHT: Buildings shall not be more than 50 feet.
- B. FRONT YARD: No front yard in this district shall be required for commercial buildings, but for residential buildings, the front yard regulation for the “B” Residential District shall govern.
- C. REAR YARD: No rear yard in this district shall be required for commercial buildings, but for residential buildings, the rear yard regulations for “B” Residential District shall govern.
- D. SIDE YARD: No side yard in this district shall be required for commercial buildings, but, for residential buildings, the side yard regulations for “B” Residential Districts shall govern.
- E. LOT AREA PER FAMILY: Every building hereafter erected, structurally altered or maintained for residential purposes shall provide a lot area of not less than 7,500 square feet per family.
- F. USE: No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the uses listed below. No business, trade or industry shall be permitted in this district

which is noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property

1. Adult oriented businesses located not less than 500 feet from a church or similar place of worship or a school.
2. Any use permitted in the “B” Residential District along with any specific requirements therein unless otherwise indicated in this Section 9-1-106.
3. Apartments, condominiums and townhouses. Apartments or condominiums may or may not be located above retail or business operations. The minimum lot area per family in subsection E above and the design standards located in the “B” residential district do not apply when located above retail or business operations. The minimum living area per family unit is 750 square feet. When one or more residences is located above a business, one off-street parking space per unit is required.
4. Amusement arcade providing games of skill to patrons at a cost where wholly within the building
5. Art galleries and studios
6. Assembly hall
7. Automobile repair shops, garages and sales
8. Bakery
9. Bank
10. Bar
11. Barber shop/Beauty parlor
12. Boarding house
13. Bowling alley
14. Building supply store
15. Business or professional office
16. Car wash
17. Casino
18. Coffee shop, café, espresso stand
19. Computer services
20. Dry cleaning and dyeing
21. Electronics service and repair
22. Florist shop

23. Feed store
24. Food products or preparation, except such uses as are involved in handling live animals or fowls to finished products.
25. Furniture store
26. Gasoline or oil retail supply station, including filling station
27. Gift store
28. Grocery store
29. Governmental, cultural and institutional facilities
30. Hardware store
31. Health studio, gym
32. Hospitals, clinics and related medical goods and services
33. Hotels, motels and other hospitality and entertainment uses.
34. Ice plant or ice storage for less than 5 tons
35. Laundry
36. Light manufacturing in connection with uses herein permitted, provided that no more than 25% of the total floor space of the building or structure in this district is not used for manufacturing
37. Machine shop
38. Motor vehicle sales
39. Music and video studio
40. Public or private garage or parking area
41. Newspaper publishing, printing and bookbinding
42. Radio or television broadcasting station
43. Recreational vehicle park
44. Retail sales and service
45. Restaurant
46. Senior citizen center
47. Sheet-metal working
48. Shoeshining or shoe repairing
49. Signs
50. Sporting good store
51. Storage facility
52. Theater
53. Upholstery and drapery shops
54. Veterinarian office, small animal

- 55. Wireless communication facility with one or all antennae located on an existing tower or monopole or attached to an existing building or structure, camouflaged and/or hidden to the extent possible, collocated to the extent possible and not greater than 70 feet in height.
  - 56. Wholesale business
- G. FENCE REGULATIONS: No fence shall exceed 8 feet in height where the fence faces an alley, 6 feet on side yard boundary line, and 6 feet in height on a front yard boundary line. Provided further that no fence shall exceed 4 feet in height within 30 feet of a curb line of an intersection.
- H. MAXIMUM LOT COVERAGE AREA: 75 percent

9-1-108 MIXED COMMERCIAL/INDUSTRIAL DISTRICT:

*Note: There is no mixed commercial/industrial area within the Ronan City Limits as of June 23, 2008. This text is intended to be applied to the mixed commercial and industrial areas shown on the Future Land Use Map of the Ronan Growth Policy as those areas are annexed into the City.*

This district provides for commercial and industrial uses that generate noise, dust, odor and other impacts and require substantial amounts of space while having a reasonable degree of control that is desirable for the general well being of the community.

- A. HEIGHT: Buildings shall not be more than 50 feet in height.
- B. FRONT YARD: There shall be a front yard having a depth of not less than 30 feet.
- C. REAR YARD: There shall be a rear yard of at least 5 feet when abutting an alley, 30 feet when abutting a public street and 30 feet when abutting a residential or mixed commercial/ residential district.
- D. VISUAL BUFFERING: When abutting a public street, a residential or a commercial/residential district, within the required setback there shall be a fenced and landscaped visual screen suitable to buffer the visual impact of the

land use. The visual screen shall contain a minimum of two large canopy trees (min. 15 feet in height), four small ornamental trees and 10 shrubs (min. 6 inches in height), including irrigation, for each 40 lineal feet. Such landscaping may be clustered to provide a “natural” look. Fencing shall generally be made of wood but shall be designed to visually screen the land use and provide for safety where appropriate.

E. USE: Buildings and premises may be used for any purpose whatsoever unless otherwise indicated below; the following industrial operations as hereinafter defined shall be permitted with Zone “D” Mixed Commercial/Industrial of the City of Ronan zoning area:

1. The construction, maintenance and operation of wood product manufacturing plants.
2. The loading and unloading of unprocessed logs by railroad and truck.
3. The storage of unprocessed logs and finished timber products and the movement thereof.
4. The processing of logs into manufactured products.
5. The construction, maintenance and operation of machinery and physical plant for such manufacturing purposes.
6. The construction, maintenance and operation of waste and by-product disposal facilities and processing equipment, including but not limited to storage bins, conveyors, de-barkers, chippers, saws and related equipment together with needed utility installation for use in connection therewith.
7. Wireless communication facility with one or all antennae located on an existing tower or monopole or attached to an existing building or structure, camouflaged and/or hidden to the extent possible, collocated to the extent possible and not greater than 70 feet in height.

F. NON-PERMITTED USES: No building or occupancy permit shall be issued for any of the following uses, until and unless, the location of such uses shall have been approved by the Council:

1. Wood pulp or paper processing plant
2. Acid manufacture
3. Distillation of bones, coal or wood
4. Explosive manufacture or storage
5. Fat rendering
6. Fertilizer manufacture
7. Garbage, offal or dead animal reduction
8. Petroleum refining
9. Smelting of tin, copper, zinc or iron ores
10. Stock yards or slaughter of animals
11. Any residences such as would be permitted under 1-6-104 or 1-6-105

When the Council or Zoning Commission is to consider the above land uses, it shall conduct a public hearing after collecting a required fee, notifying all property owners within 300 feet of the subject property and publishing notice in a newspaper of general circulation for a period of at least 15 days prior to the hearing. At the hearing the council will consider the land use's potential impacts related to noise, smell, air quality, light, public health and safety and other appropriate factors. Where residences are proposed, the Council will consider the compatibility of such use in relation to nearby land uses. The Council may place reasonable conditions on any such use.

- G. **MAXIMUM LOT COVERAGE AREA:** 60 percent.

9-1-109 HIGHWAY COMMERCIAL DISTRICT: This district provides area for commercial development that residents and visitors use for quick stops, overnight stays and convenience as well as those land uses that require large spaces for vehicle parking.

- A. **HEIGHT:** No restriction as to height of buildings.
- B. **FRONT YARD:** The front yard in this district shall be a minimum 20 foot wide landscaped area between the highway right-of-way and pavement with a landscaped buffer intended to soften the visual impact of the land use. The visual screen shall contain a minimum of two large canopy trees (min. 15 feet in height), two small ornamental

trees and 10 shrubs (min. 6 inches in height), including irrigation, for each 40 lineal feet of frontage. Such landscaping may be clustered to provide a “natural” look. Attractive fencing, boulders, rockwork and other items are strongly encouraged.

- C. REAR YARD: A 15-foot rear yard shall be required that meets the landscape requirements in subsection B above.
- D. SIDE YARD: A 15-foot side yard shall be required that meets the landscape requirements in subsection B above except that roads and driveways may penetrate the side yards in order to connect businesses along the highway frontage so to minimize highway use to get from one business to another.
- E. USE: No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the uses listed below.
  - 1. Automobile repair shops, garages
  - 2. Bank
  - 3. Gasoline or oil retail supply station, including filling station
  - 4. Hotels, motels and other hospitality and entertainment uses.
  - 5. Motor vehicle, recreational vehicle and boat sales
  - 6. Recreational vehicle park
  - 7. Restaurant
  - 8. Signs
- F. MAXIMUM LOT COVERAGE AREA: 75 percent

9-1-110 PUBLIC/RECREATION DISTRICT: This district provides area for public facilities as well as outdoor and combination outdoor/indoor recreation areas.

- A. HEIGHT: No restriction as to height of buildings.
- B. FRONT YARD: The front yard in this district shall be a minimum 30-foot wide landscaped area containing a minimum of two large canopy trees (min. 15 feet in height), two small ornamental trees and five shrubs (min. 6 inches in height), including irrigation, for each 40 lineal

feet of frontage. Such landscaping may be clustered to provide a “natural” look. Attractive fencing, boulders, rockwork and other items are strongly encouraged.

- C. REAR YARD: A 30-foot rear yard shall be required that meets the landscape requirements in subsection B above.
- D. SIDE YARD: A 30-foot side yard shall be required that meets the landscape requirements in subsection B above except that roads and driveways may penetrate the side yards in order to connect businesses along the highway frontage so to minimize highway use to get from one business to another.
- E. USE: No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the uses listed below.
  - 1. Accessory uses and buildings
  - 2. Arena
  - 3. Camping
  - 4. Concert area
  - 5. Fair
  - 6. Golf course
  - 7. Governmental and cultural facilities
  - 8. Pow-wow ground
  - 9. Recreational vehicle park
  - 10. School
  - 11. Senior citizen center
  - 12. Signs not to exceed 144 square feet in area, 10 feet in height and externally lit.
  - 13. Sports fields
  - 14. Park, playground
  - 15. Skate and bicycle park
  - 16. Skating rink
  - 17. Swimming pool
  - 18. Vending
  - 19. Youth camps and facilities
- F. MAXIMUM LOT COVERAGE AREA: 50 percent

9-1-111 NON-CONFORMING USES:

- A. The lawful uses of land, existing at the time of the adoption of this ordinance, although such use does not

conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for a period of 6 months, any future use of said premises shall be in conformity with the provisions of this article. A landowner may seek to extend this 6-month time period where an undue hardship exists through an appeal to the Board of Adjustment.

- B. A variance may be granted to allow development on a lot that exists at the time of adoption or revision of this ordinance where reasonable development cannot conform to yard setback or lot coverage requirements due to substandard size of the lot.
- C. When a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued.

9-1-112 EXCEPTIONS TO HEIGHT REGULATIONS:

- A. **ORDINARY EXCEPTIONS:** This article shall not be deemed to limit or restrict the height of belfries, chimneys, church steeples, clock towers, cooling towers, elevators, stacks, water towers, or any similar appurtenances to buildings, but these structures shall be subject to such restrictions and regulations as may be imposed by other ordinances.
- B. **RESTRICTED EXCEPTIONS:** Churches, public or semi-public buildings, hospitals, schools, colleges, and private clubs may exceed the height restrictions of the district in which they are constructed, provided such structures shall have side yards on both sides, complying with the area regulations of the district, and in addition, the side yards shall be increased 1 foot in width for each 5 feet that the height of the building exceeds the height regulation of the district.

9-1-113 EXCEPTIONS TO AREA REGULATIONS:

- A. **CONDITIONAL EXCEPTIONS:** Where churches, schools, hospitals, or colleges are located in any "A" or "B" Residential District and have no portion used as a place for habitation, the depth of the rear yard may be reduced to SIX FEET (6'). The front, side, and rear yards

shall be waived where dwellings are erected above stores, shops, or other commercial uses. No lot area shall at any time be so reduced or diminished that the front, rear or side yards shall be smaller than prescribed by the ordinance.

9-1-114 DISTRICT BOUNDARIES:

- A. **BUILDING IN DISTRICT BOUNDARIES:** The boundaries of districts are shown on the map on display in the office of the City Clerk and of the Zoning Officer. All changes in zoning will be shown on revised map on display in the office of the City Clerk and of the Zoning Officer. Such map is hereby adopted and made a part of this code.
- B. **CHANGE IN DISTRICT BOUNDARIES, REGULATIONS AND RESTRICTIONS:** Changes in the boundaries of any district or part thereof or changes of regulations or restrictions within any such district may be made by the City Council. The City Council shall use the following procedure when altering or establishing zoning district regulations and/or boundaries:
1. A petition requesting such change shall first be presented to the City Council, duly signed by the owners of 35 percent or more, either of the area of the lots included within such change or of the lots immediately adjacent in the area thereof, extending 300 feet from the street frontage of such opposite lots. In the case of corner lots, the petitioners may be owners of property along each street frontage.
  2. Such petition shall be referred to the Board of Adjustment which shall make a careful investigation of such proposed change and file a written report thereon within 30 days after the same has been referred. The City Council shall thereupon cause notice to be published twice in a paper of general circulation within the City of the time and place set for the hearing upon such petition and report. The publication of such notice shall be made at least 15 days prior to the time of such hearing. At such hearing the City Council shall hear all persons and all objections and recommendations relative to such

proposed change and thereupon, action shall be taken upon such petition by said City Council and such action shall be final and conclusive as to all matters and things involved in said petition.

3. Provided, however, that if written protest against such change signed by the owners of 25 percent or more, either of the area of the lots included in such proposed change, or, of those within 300 feet of the area proposed for change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.
4. When such proposed amendment has been rejected by the City Council, neither it nor one involving only the same property shall be offered for adoption within one year after such rejection.
5. Changes in the regulations and restrictions in any district may be made from time to time by the City Council in the same manner as is prescribed in the preceding paragraphs of this section for making changes in the boundaries, except that, such action may be initiated without the presentation of a petition requesting it.

#### 9-1-113 ENFORCEMENT:

- A. **ENFORCEMENT:** This ordinance shall be enforced by the Zoning Officer, her/his assistants or other duly appointed officer of the City, subject to such variations and interpretations which may be made by the Board of Adjustment. Appeal of any decision of the enforcing officer may be made to the Board of Adjustment as provided in the laws of the State of Montana.

A zoning conformance permit shall be issued by the enforcing officer before any building, or premises, or part thereof may hereafter be created, erected, changed or converted, wholly or in part, in its use or structure, to the effect that such building and use proposed therefor conform to the provisions of this ordinance. These certificates shall be applied for and issued at the same time, or before, the Building Inspector grants a building permit

for the premises.

It shall be unlawful to allow any basement excavations upon which a building is not constructed to be left unfilled, uncovered, if construction of intended building is not started upon said excavation within 60 days of excavation, and worked on continuously until completed. If construction on said excavation is not completed within 180 days of excavation, the City Zoning Officer shall order the excavation to be filled in.

No person shall move or demolish a building within the City limits without first obtaining a permit from the Zoning Officer. Where buildings have been removed or demolished, the ground shall be leveled and all debris removed.

- B. **PENALTY FOR VIOLATION:** Any person, firm or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed, or there exists anything in violation to the provisions of this ordinance; or any person, firm or corporation who shall assist in the commission of any violation of this ordinance, or who shall build contrary to the plans and specifications submitted to, and approved by, the Zoning Officer; or any person, firm or corporation who shall omit, neglect or refuse to do any act required in this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$250, nor more than \$500 for each offense, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. **PROCEDURE IN THE CASE OF NON-CONFORMITY:** If on any inspection, the use of a premises is found not to conform to the requirements of this ordinance, or the conditions of an existing certificate therefore, the Zoning Officer or other duly appointed official shall at once issue written notice to the owner, specifying the manner in

which the use of the premises fails to so conform and the owner shall at once take steps to make it so conform or file a written notice of appeal specifying the grounds thereof, both with the Zoning Officer and the Board of Adjustment, within 48 hours following receipt of notice of non-conforming use by the Zoning Officer. If necessary for the proper protection of the occupants, he shall order the use or premises vacated until its condition is made satisfactory and in conformity with the requirements of this ordinance, at which time a certificate will be issued as herein provided for new buildings, or for the use of premises.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as issue notice to the parties in interest, and decide the same within 15 DAYS following the date notice of appeal was filed.

- D. **INTERPRETATION AND PURPOSE:** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

It is not intended by this Chapter to interfere with, or abrogate or annul rules or permits previously adopted or issued according to the law relating to the use of buildings or premises, nor to interfere with, abrogate or annul any easement, covenants, or agreements between parties; provided, however, that where this ordinance imposes greater restrictions as to use, or requires larger open spaces or less height than are required by such rules or permits or by easements, covenants or agreements, the provisions of the ordinance shall control.

- E. **ENFORCEMENT AND REMEDIES:** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the City Council, in addition to other remedies,

may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

- F. **VALIDITY OF REGULATIONS:** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof, other than the part so decided to be invalid or unconstitutional.

## 9-1-400 RECREATION VEHICLE COURTS

SECTIONS:	9-1-401	Definitions
	9-1-402	General regulations
	9-1-403	Site requirements generally
	9-1-404	Trailer coach spaces
	9-1-405	Parking
	9-1-406	Service buildings
	9-1-407	Toilet facilities
	9-1-408	Lavatories
	9-1-409	Laundry facilities
	9-1-410	Refuse disposal
	9-1-411	Electricity
	9-1-412	Fuel
	9-1-413	Alterations or additions to coaches
	9-1-414	Registration of occupants
	9-1-415	Reporting of communicable diseases
	9-1-416	Enforcement authority

9-1-401 DEFINITIONS: The following words and phrases, when used in this Chapter, shall have the following meanings ascribed to them by this Section:

- “Dependent trailer coach” means a trailer coach which does not have a toilet and a bath or shower.
- “Independent trailer coach” means a trailer coach which has a toilet and a bath or shower.
- “Service building” means a building housing separate toilet and bathing facilities for men and women and also having laundry facilities and a slop sink.
- “Trailer coach” means any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or as a sleeping place for one or more persons.

- “Trailer coach space” means a plot of ground within a trailer court designed for the accommodation of one trailer coach.
- “Trailer court” means any plot or ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

9-1-402 GENERAL REGULATIONS: All trailer courts within the City shall be constructed, maintained and operated in accordance with the regulation provided in this chapter.

9-1-403 SITE REQUIREMENTS GENERALLY: Every trailer court shall be on a well-drained site, so located that its drainage will not endanger any water supply. All trailer courts shall be in areas free from marshes, swamps or other potential breeding places for insects or rodents.

9-1-404 TRAILER COACH SPACES: Each trailer coach space shall contain a minimum of 1,000 square feet, shall be at least 25 feet wide, and shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and trailer coaches shall be parked in such spaces so that there is a minimum of 15 feet between trailer coaches, and so that no trailer coach is less than 10 feet from the exterior boundary of the trailer court.

9-1-405 PARKING: No trailer coach shall be parked closer than 25 feet from any street or highway, or so that any part of such trailer coach obstructs any roadway or walkway. No trailer coach shall be allowed in a trailer court unless there is a trailer coach space available. Sufficient area shall be provided for the parking of at least one motor vehicle for each trailer coach space.

9-1-406 SERVICE BUILDINGS:

- A. Each trailer court shall be provided with one or more service buildings adequately equipped with flush-type fixtures. No service building shall contain less than two toilets for women, one toilet for men, two lavatories and

one shower for each sex, a urinal for men, a laundry tray and a slop sink. These minimum fixtures will be adequate to serve up to 20 dependent trailer coaches and any number of independent trailer coaches. Additional fixtures shall be provided in the ratios set forth in this chapter.

- B. Every service building shall meet the following requirements:
1. Be located not more than 200 feet from any dependent trailer coach, nor less than 15 feet from any trailer coach;
  2. Be of permanent construction and be provided with adequate light, heat and ventilation;
  3. The interior to be of moisture-resistant material to permit frequent washing and leaning;
  4. All rooms to be well ventilated with all openings screened.

9-1-407 TOILET FACILITIES: Toilet facilities for women shall consist of at least one flush-type water closet for every 10 dependent trailer coaches and toilet facilities for men shall consist of one flush-type water closet or urinal for every ten dependent trailer coaches. Urinals shall be substituted for not more than one-third of the toilet fixtures required for men. A one and one-half foot length of trough-type urinal shall be considered as one urinal. Each water closet shall be in a private compartment. Toilet facilities for men and women shall be separated if in the same building by a sound-resistant wall.

9-1-408 LAVATORIES: A lavatory for each sex shall be provided for every 10 dependent trailer coaches, and a bath or shower for each sex shall be provided for every 20 dependent trailer coaches. Each bath or shower shall be provided in a private compartment.

9-1-409 LAUNDRY FACILITIES: Laundry facilities shall be provided in the ratio of 1 unit for every 20 trailer coach spaces. Drying space in the ratio of 50 feet to each coach space or other clothes-drying facilities shall be provided to accommodate the

laundry of the trailer court occupants. A slop sink shall be provided in the service building.

9-1-410 REFUSE DISPOSAL: The storage, collection and disposal of refuse in the court shall be in a manner so as not to create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, and such containers shall be provided of a number and capacity to prevent any refuse from overflowing onto the ground. Satisfactory container racks or holders shall be provided and located not more than 150 feet from any trailer coach.

9-1-411 ELECTRICITY: An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space, and the installation shall be in compliance with all state and local electrical codes. Such electrical outlets shall be weatherproofed, and no power line shall be permitted to lie on the ground or be suspended less than 10 feet above the ground.

9-1-412 FUEL:

- A. Bottled gas for cooking purposes shall not be used at individual trailer coach spaces unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place and adequately protected from the weather.
- B. No cylinder containing bottled gas shall be located in a trailer coach or within 5 feet of a door to a trailer coach.

9-1-413 ALTERATIONS OR ADDITIONS TO COACHES:

- A. No permanent additions of any kind shall be built onto or become a part of any trailer coach.
- B. Skirting of coaches is permissible, but such skirting shall not permanently attach the coach to the grounds, provide a harborage for rodents, or create a fire hazard.

- C. The wheels of the coach shall not be removed except temporarily for repairs.
- D. Jacks or stabilizers may be placed under the frame of the coach to prevent movement on the springs while the coach is parked or occupied.

9-1-414 REGISTRATION OF OCCUPANTS: Every trailer court owner or operator shall maintain a register containing a record of all trailer coaches and occupants using the trailer court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for the period required by the health officer. The register shall contain:

- A. The names and addresses of all trailer coach occupants stopping in the court;
- B. The make, model, and license number of each motor vehicle and trailer coach;
- C. The state, territory or county issuing registration to the vehicle and trailer coach;
- D. The dates of arrival and departure of each trailer coach.

9-1-415 REPORTING A COMMUNICABLE DISEASE: Every owner, operator attendant or other person operating a trailer court shall notify immediately the local health officer of any suspected communicable or contagious disease within the trailer court. In the case of quarantinable diseases so diagnosed by a physician, such owner, operator, attendant or other person operating a trailer court shall not permit the departure of a trailer coach or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection, without the approval of the health officer.

9-1-416 ENFORCEMENT AUTHORITY: It shall be the duty of the Police Chief to enforce the regulations of this Chapter, and for the purpose of securing enforcement of them, the Police Chief, or any person duly authorized by her or him, shall have the right to enter upon the premises of any trailer or recreational vehicle court within the City, to inspect the court and all accommodations connected to it.

## 9-1-500 OFF-STREET PARKING

SECTIONS:	9-1-501	Definitions
	9-1-502	Parking requirement
	9-1-503	Permit required
	9-1-504	Plan requirement
	9-1-505	Plan review
	9-1-506	Off-street parking design standards
	9-1-507	Expanded building or land use
	9-1-508	Employee parking
	9-1-509	Minimum number of spaces required

9-1-501 DEFINITIONS: For the purpose of these sections, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- “Gross floor area” shall mean gross useable floor area of the building.
- “Gross leasable area” shall mean gross leasable area of a building.
- “Multi-family, efficiency unit” shall mean a living unit without a separate bedroom.
- “Parking space” shall mean an area sufficient to park one automobile. Parking area shall be used for automobile and bicycle parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind being permitted there.
- “Lodging, rooming and boarding houses” shall include any dwelling in which one or more rooms is rented to a person or persons.
- “Reservoir space requirements” shall mean space required for automobiles waiting to enter a facility.

### 9-1-502 PARKING REQUIREMENT:

A. GENERAL REQUIREMENTS. Adequate off-street parking shall be provided for various types of land use or business establishments. Land uses, either new or modified, or

buildings, either remodeled so as to increase parking needs or new structures, shall meet the off-street parking requirements and standards as herein provided. Off-street parking requirements shall be provided, within the property lines of the property to be developed or modified, and shall not be located within the public rights-of-way of streets or alleys. In cases where this ordinance does not prescribe a specific number of parking spaces for a proposed land use, the Zoning Administrator shall determine the appropriate number of spaces based on (1) the most similar land use described herein, (2) parking requirements from other jurisdictions and (3) published sources of parking information such as those produced by the Institute of Transportation Engineers and the American Planning Association.

**B. MAIN STREET EXCEPTION.** Commercial land uses in buildings constructed along Main Street SW from Highway 93 to 5<sup>th</sup> Avenue SW are exempt from the parking requirements of this Chapter unless, at the determination of the Zoning Officer, a change in land use would require a major increase in vehicle parking. In such a case, the applicant and Zoning Officer shall make presentations to the Board of Adjustment at a duly noticed public hearing specifying the appropriate number and location of additional parking that, based on studies, ordinances from other jurisdictions and other credible information, should be provided and the Board shall be the final decision maker.

**9-1-503 PERMIT REQUIRED:** New or remodeled work shall require permits for grading or paving of the off-street parking areas. The permit may be part of the zoning compliance or a separate permit. The applicant for the permit, shall provide plans of the proposed parking area and receive approval for such plans prior to commencing any construction.

**9-1-504 PLAN REQUIREMENTS:** 2 copies of the plans of the proposed parking area shall be submitted to the Zoning Officer at the time of the application for building permit for which the parking area is required. Said plans shall be drawn to a scale of not less than 1 inch equal to 50 feet, showing locations of all pertinent buildings, driveways, streets, parking

arrangements, circulation patterns, traffic signs and markings, lighting, landscaping, pedestrian walks, curbing, drainage and other pertinent features.

9-1-505 PLAN REVIEW: Prior to the issuance of a zoning permit the proposed plans will be reviewed by the Zoning Officer to insure conformity to the parking requirements and standards as herein provided. The Public Works Director shall also review and approve the proposed traffic control for the off-street parking areas and its impact to City street traffic prior to the issuance of a permit.

9-1-506 OFF-STREET PARKING DESIGN STANDARDS: The following standards shall be taken into consideration as minimum requirements for off-street parking areas.

- A. Off-street parking shall be located as herein specified: Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.
  - 1. For one and two-family dwellings: On the same building site with the building they are required to serve.
  - 2. For multiple-family dwellings: on the same building site with the building they are required to serve.
  - 3. For uses other than those above: Not more than 200 feet.
  
- B. A standard off-street parking space shall be at least 9 feet in width and at least 18 ½ feet in length, exclusive of access drives or yard area. Such spaces shall have a minimum vertical clearance of at least 8 feet. A compact parking space shall be at least 8 feet in width and at least 16 feet in length. Compact parking spaces shall not make up more than 20% of the total off-street parking required and shall be suitably marked.

- C. All off-street parking areas and access drives shall be paved or made of concrete. No such surfaces shall be permitted between the curb and the property line, except for access drives.
- D. Adequate drainage structures shall be provided within the off-street parking area to handle surface water in compliance with Montana Department of Environmental Quality Circular 8.
- E. All open areas containing 4 or more spaces shall be effectively screened by a wall, fence or landscaping from grounds of an institutional or public property or from any residential property.
- F. No lighting shall be used to illuminate a parking area or sign shall face or have its source directly visible from any residential district and shall not be a nuisance or hazard to passing traffic.
- G. Any uses having more than 3,500 square feet of required parking shall have 6% of the gross required parking area landscaped with trees and shrubs. This landscaping shall be properly maintained and shall be of a profile so as not to interfere with street traffic.
- H. All traffic control devices, such as parking stripes designating vehicle stalls, directional arrows or signs, pin-down curbs, curbing and other developments shall be installed and completed as shown on the approved plan.
- I. Where exclusive pedestrian walks are used in the parking lots, they shall be protected by a physical barrier, such as, raised or pin-down curbs.
- J. All traffic signs shall conform to the Manual on Uniform Traffic Control Devices.

K. Bicycle parking facilities (bike racks) may be substituted for no more than 5% of the total parking spaces required for non-residential land uses.

9-1-507 EXPANDED BUILDING OR LAND USE:

Whenever any building is enlarged in height and/or ground coverage, the off-street parking shall be provided for said expansion or enlargement in accordance with the requirements as stated in the schedule provided in this Section. However, no parking space need be provided, in the case of enlargement or expansion, where the number of parking spaces required for such enlargement or expansion is less than 10 % of the parking spaces specified in the schedule for the building. Nothing herein shall be construed to require off-street parking spaces for the portion of such buildings existing at the time of passage of this ordinance.

9-1-508 EMPLOYEE PARKING: The parking requirements provided herein shall take into consideration employee parking and the employer shall make the off-street area available to employees.

9-1-509 MINIMUM NUMBER OF SPACES REQUIRED:

The required off-street spaces shall be in conformance with the following schedule and where alternative standards prevail, the greater applies in conflicting computations. Where 2 or more uses (mixed occupancy) apply, the total of the activities computed separately shall prevail, except as provided for in the Joint Use Subsection (above).

A. To-wit uses:

USE

PARKING SPACES  
AVAILABLE

**Residential**

If the required parking spaces for one or two-family dwellings is not provided in a covered garage, then such space(s) shall be located and/or constructed

that it (they) may at some later date be covered by a garage structure.

**Single-Family**

Two per dwelling unit.

**Multi-Family  
Efficiency Unit**

One per dwelling unit.

**Commercial**

**Lodging/Rooming/Boarding  
Houses**

One per rooming unit plus two per resident manager.

**Hotels and Motels**

One per rentable room plus one for each four employees.

**Hospitals**

One for each four beds, plus one per each staff doctor and one per each two employees.

**Medical and Dental Offices**

One for each 200 square feet of gross floor area.

**Convalescent Homes**

One per each five beds.

**Mortuaries**

One per seventy five square feet of gross floor area used for assembly.

**Theatres**

One per each four seats.

**Churches, Auditoriums and  
Similar Enclosed Places of  
Assembly**

One per each four seats or 60 lineal inches of pew, or four square feet of gross floor area used for assembly purposes.

**Stadiums, Sports Arenas  
and Similar Open Places of  
Assembly**

One per each eight seats and /or one per each 100 square feet of assembly space without fixed seats.

Other Retail Outlets	One for each 750 square feet of retail floor area.
Day Care	One per employee plus one per 10 pupils.
Bed and Breakfast	One per room plus one for the principal residence.
Foster Home	One per each employee or caregiver.
Group Home	One per four residents, plus one per employee
Automobile Repair	Two spaces for each service bay
Bank	One per 300 feet of gross floor area. If a drive-through window is provided, parking may be reduced to 1 space for each 400 feet of gross floor area.
Bar	One per three persons in designed capacity plus one per employee on a typical shift.
Barber/Beauty Parlor	One per chair plus one per employee.
Casino	One per 30 square feet of gaming and seating area.
Professional Office	One per 250 feet of gross floor area.
Restaurant (not drive-through)	One per four seats.

Restaurant (with drive-through) One per 100 feet of gross floor area plus three stacked in drive-through.