

**TITLE 11  
ZONING REGULATIONS**

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CHAPTER 1

**TITLE**

SECTION:

- 11-1-1: Short Title
- 11-1-2: Minimum Requirements

11-1-1: **SHORT TITLE:** This title shall be known and cited as the ZONING ORDINANCE OF THE CITY OF BIG TIMBER and referred to as Zoning Chapter of the Big Timber city codes. (Ord. 454, 6-19-2000)

11-1-2 **MINIMUM REQUIREMENTS:** In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the health, safety, morals and general welfare of the community. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules and regulations, the most restrictive, or that imposing the higher standards, shall govern. (Ord. 454, 6-19-2000)



## CHAPTER 2

**DEFINITIONS**

## SECTION:

11-2-1: Construction of Words

11-2-2: General Definitions

11-2-1: **CONSTRUCTION OF WORDS:** For the purpose of this title, certain terms and words are defined as follows: words used in the present tense shall also include the future; words or phrases used in the plural shall also include the singular, the word "building" includes structure, and "structure" includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied". The word "person" shall include corporation, partnership or other legal entity. Where other definitions are necessary and are not defined herein, the City Council may define such terms. (Ord. 454, 6-19-2000)

11-2-2: **GENERAL DEFINITIONS:****ABANDONMENT:**

The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ABANDONED SIGN:**

Is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. (Ord. 461, 7-16-2003)

**ACCESS OR DRIVEWAY:**

A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY APARTMENT:**

A dwelling unit that has been added onto, or created within, a single-family house.

<b>ACCESSORY USE OR BUILDING:</b>	The use of land or a subordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure. This does not include separate, additional dwelling units.
<b>ADULT ENTERTAINMENT:</b>	An establishment consisting of, including, or having the characteristics of any or all of the following:
<b>Adult Bookstore:</b>	An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
<b>Adult Cabaret:</b>	<b>(A)</b> An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas; <b>(B)</b> A cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
<b>Adult Mini Motion Picture Theater:</b>	An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
<b>Adult Motion Picture Theater:</b>	An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
<b>AREA OF SIGN:</b>	See subsection 11-25-2-5 of Chapter 25 --Permits and Fees.
<b>AGRICULTURE:</b>	The tilling of soil, the raising of crops, horticulture, apiculture, gardening, dairying or animal husbandry, including all uses customarily incidental thereto, but not including any agriculture industry or business such as fruit packing plants, fur farms, animal hospitals, commercial feed lots or similar use.

<b>APARTMENTS:</b>	A building or portion thereof designed with more than four individual dwelling units.
<b>AUTOMOBILE REPAIR:</b>	Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.
<b>AUTOMOBILE SERVICE STATION:</b>	Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
<b>AUTOMOBILE WRECKING:</b>	The dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or partially dismantled obsolete or wrecked vehicles or other parts.
<b>AWNING, CANOPY, OR MARQUEE:</b>	Is a roof-like shelter extending from part or all of a building face. (Ord. 461, 7-16-2003)
<b>BANNER:</b>	Is a sign of light weight material including flags, that is mounted to a pole or a building at one or more edges. National, state, municipal or other official flags shall not be considered banners. (Ord. 461, 7-16-2003)
<b>BARS, TAVERNS &amp; COCKTAIL LOUNGES:</b>	Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food or packaged liquors may be served or sold only as accessory to the primary use.
<b>BASEMENT:</b>	A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet.
<b>BED &amp; BREAKFAST INNS:</b>	Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. The facility must be owner occupied.
<b>BLOCK:</b>	A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of way, waterways, or any other barrier to the continuity of development.

<b>BOARD OF ADJUSTMENT:</b>	An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance.
<b>BOARDING HOUSE:</b>	A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.
<b>BUILDING:</b>	Any structure built for support, shelter or enclosure of persons, animals, chattels, or property of any kind.
<b>BUILDING FRONTAGE:</b>	Is the linear length of a building facing the public access or right of way. (Ord. 461, 7-16-2003)
<b>BUILDING HEIGHT:</b>	The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
<b>BUILDING LINE:</b>	A line parallel to the street line touching that part of a building closest to the street.
<b>BUSINESS DISTRICT:</b>	Means an area in which the purchase, sale, offering for sale or other transaction is conducted. Business involves the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of the office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services.
<b>CAMPGROUND, PUBLIC OR PRIVATE:</b>	Any area or tract or land used or designed to accommodate two or more camping parties, including cabins, tents, trailers or other camping outfits.
<b>CARETAKER'S RESIDENCE:</b>	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.

**CASINO:**

An establishment, whose primary use of activity is gambling, either in the form of gambling machines (video poker, keno, etc.) card games or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as ancillary uses. In all instances, an establishment will be considered a casino for the purpose of these regulations if any of the following characteristics apply:

- ❖ The establishment is referenced as a casino by signage or by name;
- ❖ More than one card table is on the premises;
- ❖ Fifteen or more gambling machines are on the premises;
- or
- ❖ The predominant source of income is from gambling revenue.

Generally, an establishment will not be considered a casino when the premise contains no live card games, or has less than six gambling devices that are clearly incidental to the primary use of the establishment.

**CHANGEABLE COPY SIGNS:**

Is a sign or portion thereof with characters, letters, illustrations that can be changed or rearranged without altering the face or surface of the sign. (Ord. 461, 7-16-2003)

**CHILD:**

A person under twelve years' of age.

**CHILD CARE FACILITY:****Day Care Center:**

An out-of-home place in which supplemental care and/or adult supervision is provided to 13 or more children on a regular basis and which may include nursery schools, private kindergartens or after school care and supervision.

**Family Day Care Home:**

A private residence in which supplemental parental day care is provided to 3 to 6 children from separate families on a regular basis. Such child care facility shall be licensed by the Montana Department of Social and Rehabilitation Services as required by law.

**Group Day Care Home:**

A private residence or other structure in which supplemental parental day care is provided for 7 to 12 children on a regular basis and which is licensed by the Montana Department of Social and Rehabilitation Services as required by law.

**CHURCH:**

A building designed for public worship by any religious body.

**CLINIC:**

A place used for the care, diagnosis and treatment of sick, ailing, infirmed or injured persons and those who are in need of medical or surgical attention, but who are not provided with board and room or kept overnight on the premises.

**CLUBS (FRATERNAL LODGES):**

Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit.

**CLUSTER:**

A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

**COMMUNITY RESIDENTIAL FACILITY:****Adult Foster Family Care Home:**

A private home licensed by the Montana Department of Social and Rehabilitation Services operated by one or more persons 18 years of age or older that offers light personal care or custodial care to a total of no more than four (4) disabled adults or aged persons who are not related to the operator by blood or marriage.

**Community Group Home:**

A family oriented residence or home licensed by the Montana Department of Social and Rehabilitation Services or the Montana Department of Health and Environmental Sciences designed to provide residential services and facilities for physically, developmentally or mentally disabled persons, but does not provide skilled or intermediate nursing care.

<b>Youth Foster Home:</b>	A youth care facility licensed by the Montana Department of Social and Rehabilitation Services in which substitute care is provided on a 24 hour a day basis for 1 to 6 foster children or youth to whom the foster parents are not related by blood, marriage, adoption or wardship. A Youth Foster Care Home consists of a total of no more than 6 children, including both the foster children and the foster parents' own children, stepchildren, or wards.
<b>Youth Foster Care Facility:</b>	A youth care facility licensed by the Montana Department of Social and Rehabilitation Services in which substitute care is provided on a 24 hour a day basis for 7 or more foster children or youth to whom the foster parents are not related by blood, marriage, adoption or wardship. A Youth Foster Care Home II consists of a total of 7 or more children, including both the foster children and the foster parents' own children, stepchildren, or wards.
<b>Youth Group Home:</b>	A youth care facility licensed by the Montana Department of Social and Rehabilitation Services in which substitute care is provided on a 24 hour a day basis for 7 to 12 children or youth.
<b>CONDITIONAL USE:</b>	See definition of Use, Conditional.
<b>CONDOMINIUM:</b>	A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
<b>CONTRACTOR'S YARD:</b>	Open spaces used for the storage of machinery, equipment, materials, and supplies used by the contractor in the pursuit of his business. This is intended to be a yard owned or leased by a contractor engaged in some kind of construction work.
<b>DAIRY</b>	Means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained.
<b>DENSITY:</b>	The total number of dwelling units allowed per gross acre.
<b>DWELLING:</b>	A building or portion thereof designed with living quarters for occupancy by one or more families.

<b>DECK:</b>	A platform or floor attached to a building.
<b>DWELLING, DUPLEX:</b>	A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.
<b>DWELLING, GROUP:</b>	In general, a building in which several unrelated individuals or families permanently reside but in which individual cooking facilities are not provided for the individual persons or families. Specifically, "group dwelling" shall include rooming house, fraternity house, sorority house and private club in which one or more members have a permanent residence. "Group Dwelling" shall not be deemed to include a hotel, motel, tourist home, manufactured home park, or any use included in the "health-medical group".
<b>DWELLING, MULTI-FAMILY:</b>	A building designed with two to four dwelling units.
<b>DWELLING, SINGLE-FAMILY:</b>	A building designed with accommodations for and occupied by one family only.
<b>DWELLING UNIT:</b>	A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.
<b>EASEMENT:</b>	A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
<b>ELDERLY HOUSING:</b>	Multifamily housing designed for older people.
<b>ESTABLISHED GRADE:</b>	The sidewalk line grade at the front lot line or as established by an engineer for the City Public Works Department.
<b>FAMILY:</b>	Any individual, two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together as a single, non-profit housekeeping unit.
<b>FENCE:</b>	An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

<b>FLOODPLAIN, 100 YEAR:</b>	The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater, officially designated by FEMA.
<b>FLOODPLAIN ZONE:</b>	A separate and distinct portion of the floodplain maps and regulations governing those lands affected by a 100-year floodplain classification.
<b>FLOODWAY:</b>	The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flow of any natural stream or river.
<b>FLOOR AREA:</b>	The total number of square feet of floor space within the exterior walls of a building (floor areas of basements shall not apply as a part of the required minimum floor area of buildings).
<b>FOUNDATION:</b>	The support structure for buildings; including footings installed below frost line, foundation walls or piers.
<b>FREESTANDING SIGN:</b>	Is a sign erected on a freestanding frame, mast, or pole and independent from any building or structure. (Ord. 461, 7-16-2003)
<b>FRONTAGE:</b>	That side of a lot abutting on a street; the front lot line.
<b>GARAGE:</b>	A deck, building, or parking structure or part thereof, used or intended to be used for the parking and storage of vehicles.
<b>GARAGE, AUTOMOTIVE REPAIR:</b>	Any building or premises used for major repair of vehicles, but not including auto wrecking or storage or wrecked cars. Repair activity shall be conducted in enclosed places or screened from public view.
<b>GASOLINE SERVICE STATIONS:</b>	Any building or portion thereof and the land upon which it is situated, used for supplying fuel and/or oil for motor vehicles at retail direct to the consumer and/or making minor vehicle repairs.
<b>GROUND SIGN:</b>	Is a sign which rests on the ground and which is not securely (permanently) affixed to the ground or any structure. (Ord. 461, 7-16-2003)

<b>HEIGHT:</b>	See BUILDING HEIGHT
<b>HEIGHT OF SIGN:</b>	Refer to subsection 11-25-2-5 - Computations of Signs. (Ord. 461, 7-16-2003)
<b>HOME OCCUPATION:</b>	The use of a portion of a dwelling as an office, studio or workroom for occupations at home by one or more persons residing in the dwelling unit. No home occupation shall occupy more than 20 percent of the gross floor area or more than 400 square feet of gross floor area. The activity must be clearly incidental to the use of the dwelling for dwelling purposes, shall not change the character or appearance thereof, and shall not produce any offensive noise, vibration, smoke, dust, odor, heat or glare. No parking of customers' vehicles shall be permitted in a manner or frequency so as to cause a disturbance or inconvenience to neighboring residents. No exterior display occupation sign shall be permitted except that one nameplate or home occupation sign shall be permitted, however, the sign shall not exceed two square feet in area and shall not exceed twenty-four inches in length. Such sign or nameplate shall not be illuminated and shall be placed flat against the dwelling unit or suspended in a window. (Ord. 434, Eff. 1/20/1994).
<b>HOSPITAL:</b>	An institute providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including outpatient departments, training facilities, central service facilities and staff offices.
<b>HOTEL:</b>	A building containing six or more rooms designed and rented out for sleeping purposes for transients, and where only a general kitchen and dining room are provided in the building or in an accessory building.
<b>INCIDENTIAL SIGN:</b>	Is a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. (Ord. 461, 7-16-2003)

<b>INDUSTRY:</b>	Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.
<b>INDUSTRIAL DISTRICT:</b>	Shall mean any light industrial or heavy industrial districts.
<b>INSTITUTION:</b>	Means a building occupied by a nonprofit corporation or nonprofit establishment for public or semipublic use.
<b>JUNK YARD:</b>	Primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off salvage material of any sort in any other than the original form in which it was manufactured and/or assembled; thus, not including reconditioned, second-hand furniture, fixtures, or antiques sold from within a walled building.
<b>JURISDICTIONAL AREA:</b>	Means the area included within the incorporated area, and a distance up to four and one-half miles in all directions from the city limits. -- refer to Statue 76.2.310 (2) (a)
<b>LABORATORY:</b>	A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not included in this definition.
<b>LANDSCAPING:</b>	The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative planting of trees, shrubs, grass, flowers, etc. This definition shall also include the designing of the placement of such materials.
<b>LOADING BERTH, OFF-STREET:</b>	An off-street space or berth on the same lot with a principal building for the parking of a commercial vehicle while loading or unloading merchandise and which has direct access from a public street or alley.
<b>LOT:</b>	A parcel or plot of land shown as an individual unit of ownership on the most recent plat or record of subdivision. Different lot types are shown in Figure 2.1.
<b>LOT, CORNER:</b>	A lot situated on the junction of or abutting on two or more streets.

- LOT, COVERAGE:** The total area of a lot covered by the principal and accessory buildings.
- LOT DEPTH:** The mean distance between the front and rear lot lines.
- LOT, INTERIOR:** A lot with only one frontage on a street.
- LOT LINES:** The lines bounding a lot as defined herein.
- LOT WIDTH:** The width of a lot along a line parallel to the frontage thereof and lying a distance back from the frontage equal to the required front yard setback on such lot.

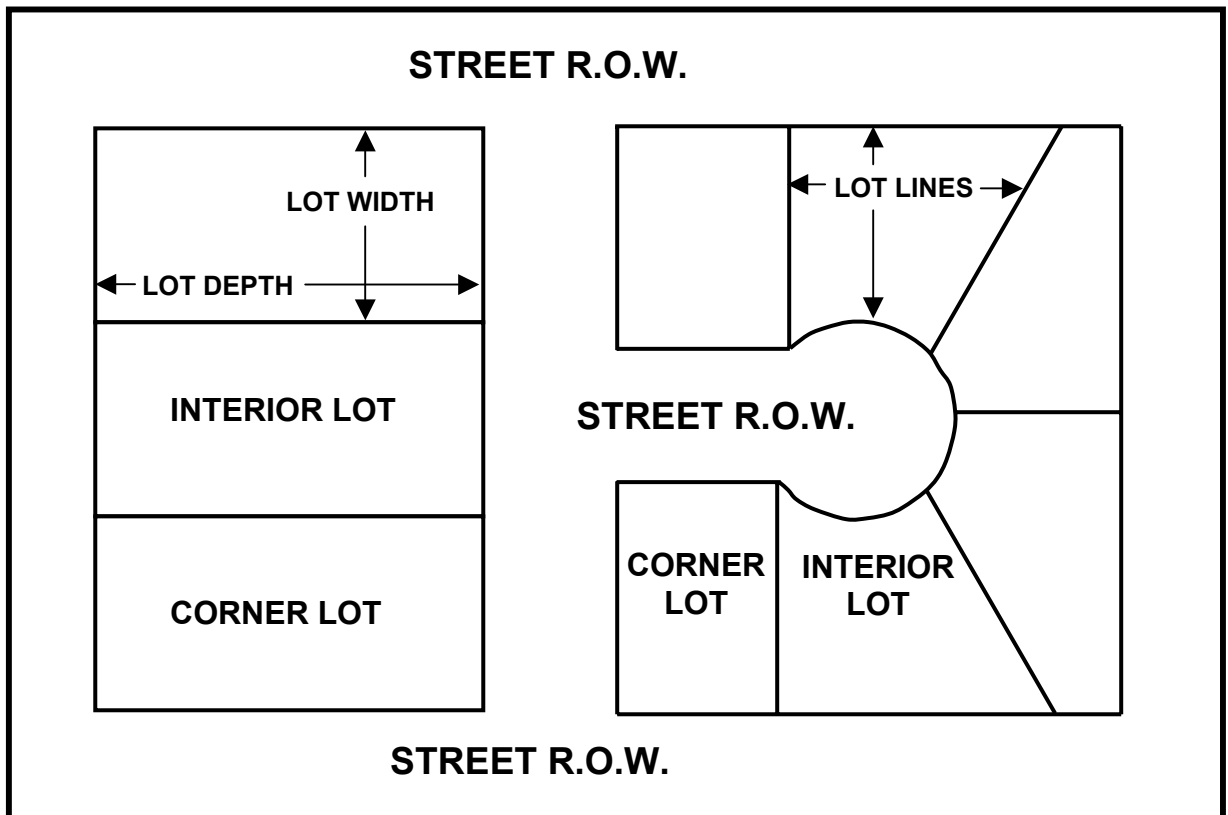


Figure 2.1 Illustration of lot dimensions and lot types.

- MASTER PLAN (GROWTH POLICY PLAN):** Master Plan shall include any document or portion of any document duly adopted by the City Council, which is intended to guide the growth and development of the area.
- MOBILE HOME:** See Manufactured Homes

**MANUFACTURED HOMES**

The following definitions apply to manufactured homes in this zoning ordinance:

**Manufactured Home, Class A:**

A manufactured home means a single-family dwelling, built off site in a factory on or after January 1, 1990, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production and that satisfies each of the following additional criteria: (amd 2002 code)

- A. Has a length not exceeding four times its width, and is at least one thousand (1,000) square feet in size;
- B. The pitch of the roof has a minimum vertical rise of one foot for each four feet of horizontal run; and the roof is finished with a type of shingle that is commonly used in standard residential construction; and has siding materials that are customarily used on site-built homes;
- C. Is placed on a permanent masonry foundation; the tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.

**Manufactured Home, Class B:**

A manufactured home built on a chassis off-site in a factory on or after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- A. The home has a length not exceeding four times its width;
- B. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- C. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

- D. A permanent foundation, unpierced except for required ventilation and access, is installed under the home; and the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy. (amd. 2002 code)
- E. All Class B Manufactured Homes constructed after June 15, 1976 are required to have a red HUD sticker on the structure.

**Manufactured Home, Class C:**

A factory assembled mobile structure equipped with the necessary connections and made so as to be readily movable and constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not meet the definitional criteria of a Class A & B Manufactured Home. The Manufactured Home shall be skirted within 60 days of occupancy. All Manufactured Class C homes constructed after June 15, 1976 are also required to have a red HUD sticker on the structure. (amd. 2002 code)

**Permanent Foundation** – means a foundation that is designed for safety and long term performance and must be constructed on durable materials, i.e., concrete, mortared masonry, or treated wood that have attachment points to anchor and stabilize a manufactured home. The base of the footings must be below the frost line and must enclose a basement or crawl space with a bearing or non-bearing wall to separate the space beneath the home from backfill, vermin, and water. (amd. 2002 code)

**MODULAR HOME:**

A dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code standards applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site. A "Modular Home" shall be considered a "dwelling" under this Title 11.

<b>MOVED-ON STRUCTURE:</b>	Any building or structure other than a manufactured home as defined herein in excess of 144 square feet that has been moved off its foundation in order to be placed on another foundation in a different location.
<b>MANUFACTURED HOME PARK:</b>	A parcel of land that has been planned and improved for the placement of two or more mobile homes for residential use.
<b>MORTUARY:</b>	A place for the storage of human bodies prior to their burial or cremation.
<b>MOTEL:</b>	An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
<b>NONCONFORMING SIGN:</b>	Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the title and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this title. (Ord. 461, 7-16-2003)
<b>NONCONFORMING USE OR STRUCTURE:</b>	A use or activity, structure or building that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
<b>NURSING HOME:</b>	A building or portion thereof used for the housing of and caring for the non-ambulatory, aged or infirmed by professional staff.
<b>OFF-PREMISE OR OFF-SITE SIGNS:</b>	Any sign, which directs attention to a business, commodity, service or entertainment not located on the zone lot upon which the sign is located. (Ord. 461, 7-16-2003)
<b>ORDINARY MAINTENANCE:</b>	The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, size, height, placement or structure of the sign. (Ord. 461, 7-16-2003)
<b>PARK:</b>	A tract of land, designated and used by the public for active and/or passive recreation.

<b>PARKING LOTS:</b>	A structure or an area, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation or an accommodation for customers or clients.
<b>PARKING SPACE – OFF-STREET:</b>	A space located off any public right-of-way which is at least 9' x 20' in size for parking of any motor vehicles, with room to get out of either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.
<b>PERMANENT SIGNS:</b>	Is a durable sign securely affixed to the ground or to a structure. (Ord. 461, 7-16-2003)
<b>PLANNING BOARD:</b>	The duly designated planning board of the City-County jurisdiction.
<b>PLANNED UNIT DEVELOPMENT:</b>	An area of a minimum contiguous size, as specified by title, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters; appropriate commercial, public, or quasi-public uses may be included if such uses are primarily for the benefit of the residential development.
<b>PLAYGROUNDS:</b>	An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.
<b>PORCH:</b>	A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.
<b>PORTABLE SIGN:</b>	Is a sign not permanently affixed to the ground, structure, or building and that is designed to be moved easily. (Ord. 461, 7-16-2003)
<b>PREMISES:</b>	Any area of land with its appurtenances and buildings which, because of its unity and use, may be regarded as the smallest conveyable unit of real estate.
<b>PRINCIPAL USE:</b>	The primary or predominant use of any lot or parcel.
<b>PRINCIPAL STRUCTURE:</b>	A building in which is conducted the principal use of the lot on which it is located.
<b>PROHIBITED USE:</b>	A use that is not permitted in a zone district.

**PROJECTING SIGN:**

Is a sign which is attached to, suspended from, or supported by a building and which projects more than sixteen (16) inches from the building. (Ord. 461, 7-16-2003)

**PROFESSIONAL (BUSINESS) OFFICES:**

Offices to be occupied by accountants, architects, planners, dentists, doctors, engineers, lawyers, insurance agents, real estate agents, or other professionals which are of a similar nature.

**PUBLIC BULLETIN BOARD:**

An enclosed area for temporary posting of community information or events.

**PUBLIC UTILITY:**

A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

**RECREATIONAL AREA – COMMERCIAL AND NON-COMMERCIAL:**

**COMMERCIAL:**

An area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, skiing, horseback riding, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee or service charge.

**NONCOMMERCIAL:**

An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubs and other similar uses maintained and operated by a non-profit club, homeowner's association or other corporate structure and whose membership is limited to the residents within the area.

**RECREATION VEHICLE:**

A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

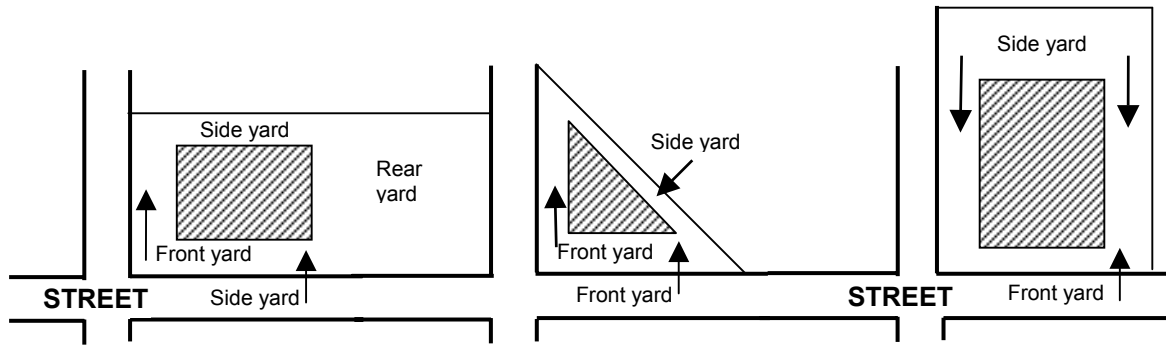
<b>RECREATION VEHICLE PARK:</b>	Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
<b>RESIDENTIAL DISTRICT:</b>	Shall mean any residential single family, multi-family, or manufactured home.
<b>RESIDENTIAL SIGN:</b>	Is as sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such services at such location conforms with all requirements of the zoning ordinance in the respectable zoning districts. (Ord. 461, 7-16-2003)
<b>RESTAURANT:</b>	A public eating-house which does not provide curbside or automobile service.
<b>RESTAURANT, DRIVE-IN:</b>	A public eating-house which provides curbside or automobile service.
<b>RETAIL SALES:</b>	An establishment selling goods, wares or merchandise directly to the ultimate consumer.
<b>ROOF SIGN:</b>	Is a sign erected upon, against or directly above a roof or on top of or above the parapet of a building. (Ord. 461, 7-16-2003)
<b>SATELLITE DISH:</b>	A parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.
<b>SCREENED:</b>	Concealed or cut off from direct visual contact.
<b>SECONDHAND STORE:</b>	A retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new.
<b>SETBACK:</b>	The horizontal distance required between any structure and a lot lines. This distance to be measured at right angles to the lot line. The setback line shall be parallel with the lot line.

<b>SHOPPING CENTER:</b>	One or more buildings containing at least three separate retail businesses planned, developed and managed as a unit, with off-street parking provided on the property.
<b>SIGN:</b>	Is any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods or service. (Ord. 461, 7-16-2003)
<b>SCHOOL, COMMERCIAL:</b>	A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.
<b>SCHOOL, ELEMENTARY, JUNIOR, OR SENIOR (PUBLIC OR PRIVATE):</b>	Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.
<b>STREET:</b>	Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.
<b>STREET FRONT:</b>	A street abutting the predominantly narrow sides of the lots within a block. This is the street that homes within a block shall normally face and shall be the street that addresses are normally assigned to.
<b>STREET SIDE:</b>	A street paralleling or nearly paralleling the predominantly long sides of the lots within a block and intersecting at right angles or nearly right angles the front street. Addresses are not normally assigned along a side street.
<b>STREET EDGE</b>	The line between the usable street and the adjoining lawn, sidewalk, or gutter as sighted the length of the block in question.

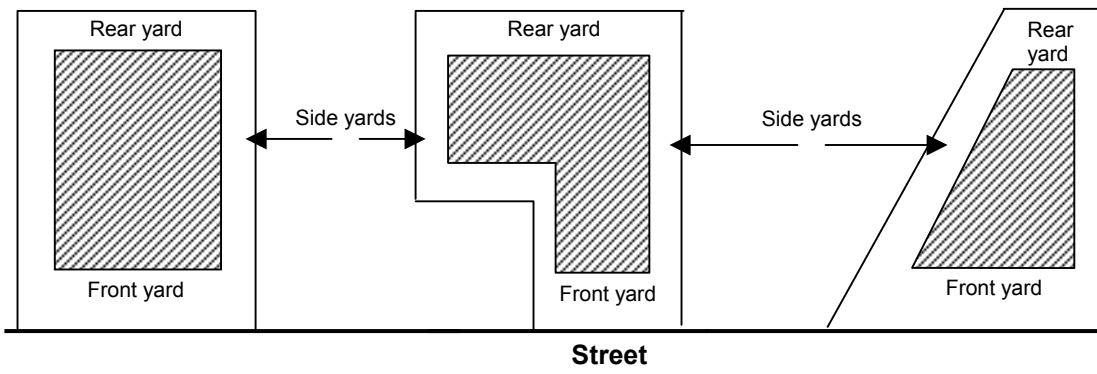
<b>STRUCTURE:</b>	That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
<b>STRUCTURE ALTERATION:</b>	Any change in the shape or size of any portion of a building or of the supporting members of the girders, floor joist or roof joist.
<b>SUBDIVISION IDENTIFICATION SIGN:</b>	A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development. (Ord. 461, 7-16-2003)
<b>SWIMMING POOL:</b>	A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used, and maintained for swimming and bathing.
<b>TEMPORARY SIGN:</b>	Is a sign, which is not permanently affixed, and designed or intended to be displayed for a short period of time. (Ord. 461, 7-16-2003)
<b>TOWNHOUSE:</b>	A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
<b>TRADE DRESS:</b>	Is any recognizable colors. Numbers, letters, symbols are signage not trade dress.
<b>TRUCK STOP:</b>	Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.
<b>UNIT, EFFICIENCY:</b>	An efficiency unit is an apartment unit with unseparated areas for sleeping and/or cooking.

<b>UNIT, ROOMING:</b>	A rooming unit is a space for human occupancy lacking private bath and/or kitchen facilities.
<b>USE:</b>	Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied or any 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.
<b>USE, CONDITIONAL:</b>	Uses other than permitted uses, that may be allowed in a specific district, but requiring additional safeguards to maintain and assure the health, safety, morals and general welfare of the community and to maintain the character of the district.
<b>VARIANCE:</b>	The relaxation of the strict application of the terms of this title with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, building height, parking and loading space requirements, etc., where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.
<b>WALL SIGN:</b>	Is a sign painted on, attached to or erected against a wall of a building, with the face parallel to the building wall and extending not more than one (1) foot therefrom. (Ord. 461, 7-16-2003)
<b>WHOLESALE ESTABLISHMENT:</b>	An establishment for the sale of goods and merchandise for resale instead of direct consumption.
<b>WINDOW SIGN:</b>	Is any sign designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. (Ord. 461, 7-16-2003)

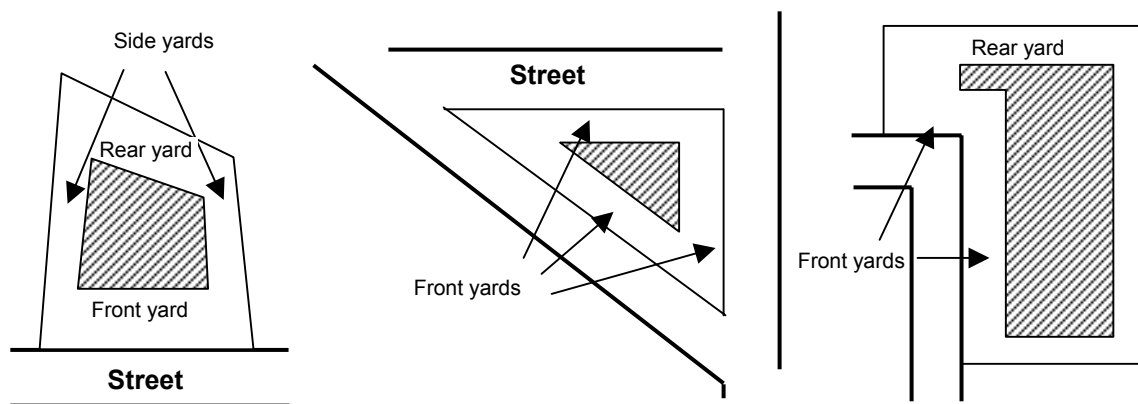
<b>YARD:</b>	An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this title shall remain unoccupied except for accessory buildings, swimming pools (rear and side yards only), patios, driveways, parking areas, and fences. Additional yard encroachments are listed in Chapter 14 of this title. Figure 2.2 illustrates the location of required yards.
<b>YARD, FRONT:</b>	An open space extending across the full width of the lot between the front building line of the principal building and the front lot lines.
<b>YARD, REAR:</b>	An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.
<b>YARD, SIDE:</b>	An open space extending from the side building line to a side line running from the front to the rear of the lot.
<b>ZONE LOT:</b>	Is a parcel of land in single ownership that is a sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.
<b>ZERO LOT LINE:</b>	The relaxation of the strict application of side yard requirements where two adjoining lot owners agree to the side yard reduction.
<b>ZONING COMMISSION:</b>	The Zoning Commission is appointed by the City Council to recommend the boundaries of the various districts and appropriate regulations to be enforced therein. The City-County Planning Board functions as the Zoning Commission in accordance with the provisions of 76-1-108, MCA.
<b>ZONING OFFICER:</b>	That official designated by the City Council as the official responsible for accepting, reviewing and approving or rejecting plans for buildings and applications for building and land use permits and for interpretation and enforcement of zoning ordinances related thereto.



**CORNER LOT EXAMPLES**



**INTERIOR LOT EXAMPLES**



**ODD-SHAPED LOT EXAMPLES**

Figure 2.2. Required yard examples



CHAPTER 3

ZONING MAPS AND DISTRICTS

SECTION:

- 11-3-1: Official Zoning Map
- 11-3-2: Districts Established
- 11-3-3: Certificate
- 11-3-4: Replacement of Official Zoning Map
- 11-3-5: Interpretations of Boundaries
- 11-3-6: Interpretations of Uses
- 11-3-7: Map

11-3-1: **OFFICIAL ZONING MAP:** The city and portions of the extraterritorial limits surrounding the city are hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted, referenced and declared to be a part of this title. (Ord. 454, 6-19-2000)

11-3-2: **DISTRICTS ESTABLISHED:** For the purpose of this title, the City of Big Timber and portions of its extraterritory are hereby divided and classified into the following: (Ord. 454, 6-19-2000)

- R-S -- Rural Suburban
- R-1 -- Residential Low Density
- R-2 -- Residential Medium Density
- R-3 -- Residential High Density
- HB -- Highway Business
- ICC -- Interchange Commercial
- CBD -- Central Business Commercial
- MI -- Manufacturing and Industrial
- PLI -- Public Lands & Institutions



D. **Certificate:** The new Official Zoning Map shall be identified by signature of the Mayor, attested by the City Clerk/Treasurer and dated. The certificate should read as follows:

*This is to certify that this is an official replacement map of the Official Zoning Map referred to in Section 11-3-1 of the Official Zoning Code of the City of Big Timber, Montana.*

*Date:* \_\_\_\_\_ *MAYOR*

*ATTEST:*

\_\_\_\_\_  
*CITY CLERK*

11-3-5: **INTERPRETATIONS OF BOUNDARIES:** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown, where:

- A. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);
- E. Boundaries indicated as following the center line of streams, rivers, canals or ditches shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where circumstances or controversy arise over district boundaries, the City Council shall interpret the district boundary.

11-3-6

11-3-7

11-3-6 **INTERPRETATION OF USES:** If questions arise concerning the appropriate classification of a particular use or if the specific use is not listed, the City Council shall determine the appropriate classification for that use. In interpreting use classification, the City Council shall determine:

- A. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located;
- B. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located;
- C. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located;
- D. That neither the intent of the title nor the intent of the district will be abrogated by such classification.

11-3-7: **MAP:** See following page for official zoning map of the city.

## CHAPTER 4

**APPLICATION OF DISTRICT REGULATIONS**

## SECTION:

- 11-4-1: Uniform Application  
 11-4-2: District Bulk Requirements  
 11-4-3: Land Use Classifications

- 11-4-1: **UNIFORM APPLICATION:** Except as herein provided in Chapters 14, 15, 22 and 24, with respect to supplementary regulations, conditional uses, non-conforming uses and non-conforming buildings and variances, the regulations as categorized shall apply uniformly to each class or kind of structure or land and, particularly:
- A. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformance with all of the regulations herein specified for the district in which it is located.
  - B. No building or other structure shall hereafter be erected or altered:
    1. to exceed the height or bulk;
    2. to accommodate or house a greater number of families;
    3. to occupy a greater percentage of lot area;
    4. to have narrower or smaller rear yards, front yards, side yards or other open spaces than is allowed by the regulations herein specified for the district in which it is located.
  - C. No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
  - D. No yard or lot existing at the time of adoption of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this title shall meet at least the minimum requirements established by this title.

11-4-1

11-4-2

- E. All territory, which may hereafter be annexed to the city or the city's extraterritorial limits shall be considered to be in a similar or nearest classification district as designated by any county zoning ordinance. However, the City Council shall determine the appropriate zoning for any and all area to be annexed to the city or to be annexed to the city's extraterritorial limits, but shall request a recommendation from the Big Timber City-County Planning Board, and shall take into consideration the area Growth Policy Plan.

When such zoning of annexed territory is to be effective at the time of such annexation, the Planning Board shall have held a public hearing in order that the City Council may determine the proper zoning by an amendment to be effective upon the effective date of such annexation. (Ord. 454, 6-19-2000)

11-4-2

**DISTRICT BULK REQUIREMENTS:** A list of bulk requirements for building placement, size and coverage is provided in Table 4.1.

**Table 4.1 BIG TIMBER ZONING DISTRICTS – BULK REQUIREMENTS**

<b>ZONE DISTRICT</b>	<b>MIN. LOT AREA</b>	<b>MIN. LOT WIDTH</b>	<b>MAX. LOT COVERAGE</b>	<b>MIN. FLOOR AREA</b>	<b>MIN. FRONT YARD SETBACK</b>	<b>MIN. REAR YARD SETBACK</b>	<b>MIN. SIDE YARD SETBACK</b>	<b>MAX. BUILDING HEIGHT</b>
R-S	1 ac.	125'	15%	1,000 s.f.	25'	20' behind principal bldg.	8'	28'
R-1 Low density	8,400 s.f.	60'	30%	700 s.f.	20'	20' behind principal structure, 10' behind garage that opens toward alley, 2' behind garage that opens toward side yard or street. 2' behind storage shed.	8' next to principal structure, 5' next to storage sheds 20' next to garages that open onto streets	28'
R-2 Medium density	6,300 s.f. for single-family. 6,300 s.f. for first unit plus 1,000 s.f. for any add. unit..	45' for single-family 60' for two to fourplexes	40%	700 s.f.	20'	20' behind principal structure, 10' behind garage that opens toward alley, 2' behind garage that opens toward side yard or street. 2' behind storage shed.	8' next to principal structure, 5' next to storage sheds 20' next to garages that open onto streets	28'
R-3 High density	6,300 s.f. for single-family. 6,300 s.f. for first unit plus 700 s.f. for any add. unit. 8,400 s.f. for apts.	45' for single-family 60' for two to fourplexes and apartments	50%	500 s.f.	20' with front yard parking. 15' without rear yard parking	20' behind principal structure, 10' behind garage that opens toward alley, 2' behind garage that opens toward side yard or street. 2' behind storage shed.	8' next to principal structure, 5' next to storage sheds 20' next to garages that open onto streets	30'
HB Highway Business	6,300 s.f.	45'	Entire lot exclusive of setbacks and parking	NA	20'	10'	8'	30'
ICC Interchange Commercial	6,300 s.f.	45'	Entire lot exclusive of setbacks and parking	NA	20'	10'	8'	30'
CBD Central Business District	NA	NA	NA	NA	NA	NA	NA	30'
M-I Manufacturing and Industrial	8,400 s.f.	60'	Entire lot	NA	20'	Same as adjoining district. At least 15' otherwise	Same as adjoining district. At least 15' otherwise	30' for two or more stories. 60' for single story.
PLI Public Lands & Institutions	NA	NA	Entire Lot	NA	Same as adjoining district.	Same as adjoining district.	Same as adjoining district.	30'



11-4-3 **LAND USE CLASSIFICATIONS:** A list of permitted and conditionally permitted uses for each zoning district is shown in Table 4.2

<b>Table 4.2</b>								
<b>LAND USE CLASSIFICATIONS</b>								
(See individual Districts for complete listing)		P - Permitted C - Conditional Use Permit						
<b>Land Use</b>	<b>Zoning District</b>							
	<b>R-S</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>HB</b>	<b>ICC</b>	<b>CBD</b>	<b>MI</b>
<b>Residential</b>								
Single Family	P	P	P	P				
Multifamily			P	P				
Apartments				P			C	
Efficiency Units and Accessory Apartments		C	C	P				
Rooming and Boarding Houses				C				
Modular Homes	P	P	P	P				
Manufactured Homes	P		P	P				
Manufactured Home Parks	C		C	C				
Townhouses	C			P				
Condominiums	C			P				
Planned Unit Development	C			C				
Accessory Uses	P	P	P	P	P	P	P	P
<b>Public and Semi-Public</b>								
Churches	C	C	C	C			P	
Schools	C	C	C	C				
Parks and Playgrounds	C	C	P	P	P	P		
Public Buildings				C	P		P	P
Community Residential Facilities		C	C	P				
Family Day Care		P	P					
Group Day Care Homes			P					
Child Care Facilities	P	C	C	P				
Nursing Homes	C	C	C	C				
Clinics			C	C	P		P	
Hospitals			C	C	P			
Clubs	C						P	
<b>Commercial</b>								
Adult Entertainment								C
Agricultural Uses	C							
Amusement and Recreation Facilities					C		C	
Antique Shops					P		P	
Art and Music Stores					P		P	
Auction Rooms							C	
Automobile Service and Repair					P	P	P	P

Land Use	Zoning District							
	R-S	R-1	R-2	R-3	HB	ICC	CBD	MI
Automobile Body Shops					P		C	P
Bakeries					P		P	
Barber and Beauty Shops					P		P	
Bars, Taverns and Cocktail Lounges					P		P	P
Bed and Breakfast Inns	P	C	C	C				
Bowling Alleys					P		P	
Contractor yard								P
Building Equipment and Materials Retail					P			P
Cabinet Shops					P		P	P
Car Dealers					P	P	P	
Car Washes					P			
Casinos					C		C	P
Commercial Schools							P	
Drive-in Banks					C		C	
Equipment Sales and Service					P	P		P
Financial Institutions					P		P	
Florists, Nurseries, Greenhouses			C	C	P		P	
Flour and Feed Mills, Grain Houses and Elevators								P
Food and Drug Stores					P		P	
Food Processing Plants								P
Frozen Food Storage and Locker Rental					P			P
Furniture Stores					P		P	
Gift Shops					P		P	
Hardware Stores					P		P	
Home Occupations	P	P	P	P				
Hotels and Motels					P	P	P	
Insurance Agencies					P		P	
Jewelry Stores					P		P	
Kennels	C							C
Laundromats and dry cleaning					P		P	
Light Manufacturing								P
Liquor Stores					P		P	
Metalworking shops					C			P
Mortuaries				C	P			
Museums, Libraries and Galleries				C	P		P	
Newspaper and Printing Offices					P		P	
Outside Storage					C			P
Paint Shops					P		P	P
Parking Lots					P	P	P	

Land Use	Zoning District							
	R-S	R-1	R-2	R-3	HB	ICC	CBD	MI
Post Offices				C	P			
Professional Offices				C	P		P	P
Real Estate Offices					P		P	
Recreation Vehicle Parks	C				C			
Rental Storage Units				C	P	P	C	
Repair Services (small)					P		P	
Repair Services (large)								P
Research and Development Institutions					P			
Restaurants, Cafes and Drive-ins					P	P	P	
Sawmills								C
Seasonal Employee Housing					C	C		C
Second Hand Stores					P		P	
Senior Citizens Center							P	
Shopping Centers					C			
Signs					P	P	P	P
Sign Shops								P
Sporting Good Stores					P		P	
Solid Waste Transfer Sites								P
Taxidermy					P			P
Theatres					P		P	
Transportation and Utility Stations					C		C	
Truck and Rail Terminal Facilities								P
Vehicle Salvage Yards								C
Vehicle and Boat Sales, Showrooms and Service Areas					P	P		P
Veterinary Clinics	C				P			P
Warehousing and Enclosed Storage					C			P
Wholesale Establishments					P		P	P
Woodworking shops					P			P



## CHAPTER 5

**R-S - RURAL SUBURBAN DISTRICT**

## SECTION:

- 11-5-1: Intent
- 11-5-2: Permitted Uses
- 11-5-3: Permitted Conditional Uses
- 11-5-4: Lot Area and Width
- 11-5-5: Lot Coverage and Floor Area
- 11-5-6: Yards
- 11-5-7: Building Height
- 11-5-8: Off-Street Parking
- 11-5-9: Subject to Supplemental Regulations
- 11-5-10: Signs

11-5-1: **INTENT:** The intent of this district is to provide for low density single-family development and small scale agricultural uses in areas not served by city sewer and water or areas with physical limitations. This district allows for higher density development (clustering, PUDs) when average density and open space requirements are met. (Ord. 454, 6-19-2000)

11-5-2: **PERMITTED USES:**

- Single-family dwellings
- Modular homes
- Class A manufactured homes located in a manufactured home park
- Accessory uses
- Bed and Breakfast Inns
- Child care facilities
- Home occupations
- Temporary buildings for and during construction only

11-5-3: **PERMITTED CONDITIONAL USES:**

- Clustered developments
- Manufactured home parks
- Townhouses
- Condominiums

- Agriculture uses
- Barns and animal shelters - Setbacks: Except for pastures, any stables, barn, hutch, pen, shed or other such structures built to enclose or house animals or fowl, shall not be less than 25 feet from any structure used for human occupancy, and shall be set back not less than 10 feet from any property line.
- Churches
- Golf courses and country clubs
- Nursing homes
- Planned Unit Developments
- Public and private parks, playgrounds, and open space
- Recreational vehicle parks
- Schools
- Veterinary clinics (Ord. 454, 6-19-2000)

11-5-4: **LOT AREA AND WIDTH:** The minimum lot area shall be one acre with a lot width not less than 125 feet. Planned unit developments, manufactured home parks and clustered developments with central sewer and water shall average a minimum of 1 dwelling unit per acre. The average density shall be determined by subtracting the total land area within the road or street rights-of-way from the gross acreage divided by the number of lots, spaces, or dwelling units. No lots or spaces will have an average depth greater than three times its average width. (Ord. 454, 6-19-2000)

11-5-5: **LOT COVERAGE AND FLOOR AREA:** Not more than 15% of the lot area shall be occupied by the principal and accessory buildings, and each dwelling unit shall have a minimum of 1,000 sq. feet of floor area. (Ord. 454, 6-19-2000)

11-5-6: **YARDS:** Every lot shall have the following yards: (Ord. 454, 6-19-2000)

<b>Front yard</b>	25 feet
<b>Rear yard</b>	20 feet behind principal structures 10 feet behind accessory structures
<b>Side yards</b>	8 feet each side

11-5-7: **BUILDING HEIGHT:** Maximum building height in this district shall be 28 feet. (Ord. 454, 6-19-2000)

11-5-8: **OFF-STREET PARKING:** Two off-street parking spaces shall be provided for each dwelling unit. Off-street parking for non-residential uses shall be provided as specified in Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-5-9

11-5-10

11-5-9: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-5-10: **SIGNS:** See Chapter 14 or 25 of this title. (Ord. 461, 7-16-2003)



## CHAPTER 6

**R-1 RESIDENTIAL LOW DENSITY DISTRICT**

## SECTION:

- 11-6-1: Intent
- 11-6-2: Permitted Uses
- 11-6-3: Permitted Conditional Uses
- 11-6-4: Lot Area and Width
- 11-6-5: Lot Coverage and Floor Area
- 11-6-6: Yards
- 11-6-7: Building Height
- 11-6-8: Off-Street Parking
- 11-6-9: Landscaping
- 11-6-10: Subject to Supplemental Regulations
- 11-6-11: Signs

11-6-1: **INTENT:** The intent of this district is to provide for low density, single-family residential development, and to provide for such community facilities and services as will serve the area's residents while protecting the residential character and quality of the area. (Ord. 454, 6-19-2000)

11-6-2: **PERMITTED USES:**

- One single-family dwelling only
- Modular homes
- Accessory uses or buildings
- Temporary buildings for and during construction only
- Family Day Care Homes
- Home occupations

11-6-3

11-6-8

11-6-3: **PERMITTED CONDITIONAL USES:**

- Accessory apartments
- Bed and Breakfast Inns
- Churches
- Child Care Facilities, except as permitted in section 11-6-2
- Community Residential Facilities
- Nursing homes, elderly housing
- Schools
- Parks, playgrounds and open space (Ord. 454, 6-19-2000)

11-6-4: **LOT AREA AND WIDTH:** Lot area for any use in this district shall be no less than 8,400 sq. feet, and lot width shall be not less than 60 feet. (Ord. 454, 6-19-2000)

11-6-5: **LOT COVERAGE AND FLOOR AREA:** Not more than 30% of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of 700 sq. feet of floor area. (Ord. 454, 6-19-2000)

11-6-6: **YARDS:** Every lot shall have the following minimum yards: (Ord. 454, 6-19-2000)

<b>Front yard</b>	20 feet
<b>Rear yard</b>	20 feet behind principal structure 10 feet behind garage that opens toward alley 2 feet behind garage that opens toward street or side yard 2 feet behind storage shed not greater than 144 sq. feet
<b>Side yard</b>	8 feet next principal structures 5 feet next to storage sheds not greater than 144 sq. feet 20 feet next to garage that opens toward street
<b>Corner lot</b>	See Chapter 14 of this title for setbacks

11-6-7: **BUILDING HEIGHT:** Maximum building height in this district shall be 28 feet. (Ord. 454, 6-19-2000)

11-6-8: **OFF-STREET PARKING:** Two off-street parking spaces shall be provided for each dwelling unit. Off-street parking for non-residential uses shall be provided as specified in Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-6-9

11-6-11

11-6-9: **LANDSCAPING:** Not less than 75% of all required yards and side yards on abutting streets or avenues, excluding driveways and parking facilities on improved lots shall be landscaped and maintained. (Ord. 454, 6-19-2000)

11-6-10: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-6-11: **SIGNS:** See Chapter 14 or 25 of this title. (Ord. 461, 7-16-2003)



## CHAPTER 7

**R-2 RESIDENTIAL MEDIUM DENSITY DISTRICT**

## SECTION:

- 11-7-1: Intent
- 11-7-2: Permitted Uses
- 11-7-3: Permitted Conditional Uses
- 11-7-4: Lot Area and Width
- 11-7-5: Lot Coverage and Floor Area
- 11-7-6: Yards
- 11-7-7: Building Height
- 11-7-8: Off-Street Parking
- 11-7-9: Landscaping
- 11-7-10: Subject to Supplemental Regulations
- 11-7-11: Signs

11-7-1 **INTENT:** The intent of this district is to provide for the development of one to four family residential structures and community service facilities. It should provide for changing patterns of residential areas where facilities can be provided to serve the residents and for a variety of housing types to serve the varied needs of families of different size, age and character, while reducing the adverse effects of non-residential uses. (Ord. 454, 6-19-2000)

11-7-2: **PERMITTED USES:**

- One single-family dwelling only
- Multifamily dwellings
- Modular homes
- Manufactured Homes, Class A; and Manufactured Homes, Class B
- Accessory uses or buildings
- Temporary buildings for and during construction only
- Family Day Care and Group Day Care Homes
- Home occupations
- Parks, playgrounds and open space

11-7-3: **PERMITTED CONDITIONAL USES:**

- Multiple single family dwellings
- Accessory Apartments
- Bed and Breakfast Inns
- Manufactured Home Parks
- Manufactured Homes, Class C (amd 2002 code)
- Churches
- Clinics and Hospitals
- Retail Greenhouse (Ord. 461, 7-16-2003)
- Community Residential Facilities
- Child Care Center, except as permitted in 11.07.020
- Nursing Homes
- Schools (Ord. 454, 6-19-2000)

11-7-4: **LOT AREA AND WIDTH:** Minimum lot area for single-family units shall be 6,300 sq. feet per dwelling with a minimum lot width of at least 45 feet. Minimum lot area for attached multifamily units shall be 6,300 sq. feet for the first unit, plus 1,000 sq. feet for any additional unit with a lot width of at least 60 feet. (Ord. 454, 6-19-2000)

11-7-5: **LOT COVERAGE AND FLOOR AREA:** The principal and accessory buildings shall occupy not more than 40% of the lot. Single-family and multi-family dwelling units shall have a minimum of 700 sq. feet of floor area per unit. (Ord. 454, 6-19-2000)

11-7-6: **YARDS:** Every lot shall have the following minimum yards: (Ord. 454, 6-19-2000)

<b>Front yard</b>	20 feet
<b>Rear yard</b>	20 feet behind principal structure 10 feet behind garage that opens toward alley 2 feet behind garage that opens toward street or side yard 2 feet behind storage shed not greater than 144 sq. feet
<b>Side yard</b>	8 feet next to principal structures 5 feet next to storage sheds not greater than 144 sq. feet 20 feet next to garage that opens toward street
<b>Corner lot</b>	See Chapter 14 of this title for setbacks.

11-7-7: **BUILDING HEIGHT:** Maximum building height shall be 28 feet. (Ord. 454, 6-19-2000)

11-7-8

11-7-11

- 11-7-8: **OFF-STREET PARKING:** Two off-street parking spaces shall be provided for each dwelling unit or as otherwise specified in Chapter 20 of this title. Off-street parking for non-residential uses shall be provided as specified in Chapter 20 of this title. (Ord. 454, 6-19-2000)
- 11-7-9: **LANDSCAPING:** Not less than 75% of all yards abutting streets or avenues, excluding driveways and parking facilities, on improved lots shall be landscaped and maintained. (Ord. 454, 6-19-2000)
- 11-7-10: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)
- 11-7-11: **SIGNS:** See Chapter 14 or 25 of this title. (Ord. 461, 7-16-2003)



## CHAPTER 8

**R-3 RESIDENTIAL HIGH DENSITY DISTRICT**

## SECTION:

- 11-8-1: Intent
- 11-8-2: Permitted Uses
- 11-8-3: Permitted Conditional Uses
- 11-8-4: Lot Area and Width
- 11-8-5: Lot Coverage and Floor Area
- 11-8-6: Yards
- 11-8-7: Building Height
- 11-8-8: Off-Street Parking
- 11-8-9: Off-Street Loading
- 11-8-10: Landscaping
- 11-8-11: Subject to Supplemental Regulations
- 11-8-12: Signs

11-8-1: **INTENT:** The intent of this district is to provide for the development of single family to four family residences and medium and high density apartments. The district should provide a variety of housing types to serve the varied housing needs of area residents. (Ord. 454, 6-19-2000)

11-8-2 **PERMITTED USES:**

- One single-family dwelling
- Multifamily dwellings
- Apartments
- Accessory apartments and efficiency units
- Modular homes
- Condominiums
- Townhouses
- Accessory uses or buildings
- Manufactured Homes, Class A; Manufactured Homes, Class B (amd. 2002 code)
- Home occupations
- Temporary buildings for and during construction only
- Child Care facilities
- Community residential facilities
- Parks, playgrounds and open space

11-8-3: **PERMITTED CONDITIONAL USES:**

- Multiple single family dwellings
- Manufactured Home Park
- Manufactured Homes, Class C (amd. 2002 code)
- Rooming and boarding houses
- Planned Unit Developments
- Churches
- Clinics and hospitals
- Retail Greenhouse (Ord. 461, 7-16-2003)
- Nursing homes
- Museums, libraries, galleries (non-commercial)
- Post Offices
- Public buildings and uses
- Schools
- Bed and Breakfast Inns
- Professional offices
- Mortuaries
- Rental storage units (Ord. 454, 6-19-2000)

11-8-4: **LOT AREA AND WIDTH:** Minimum lot area for single-family units shall be 6,300 sq. feet, and a minimum lot width of 45 feet. Minimum lot area for attached multifamily units shall be 6,300 sq. feet for the first unit, plus 700 sq. feet for any additional unit. The minimum lot area for apartment units shall be 8,400 sq. feet. The minimum lot width shall be 60 feet. (Ord. 454, 6-19-2000)

11-8-5: **LOT COVERAGE AND FLOOR AREA:** Not more than 50% of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of 500 sq. feet of floor area in its living quarters. (Ord. 454, 6-19-2000)

11-8-6: **YARDS:** Every lot shall have the following yards: (Ord. 454, 6-19-2000)

<b>Front yard</b>	20 feet with front yard parking 15 feet without front yard parking
<b>Rear yard</b>	20 feet behind principal structure 10 feet behind garage that opens toward alley 2 feet behind garage that opens toward street or side yard 2 feet behind storage shed not greater than 144 sq. feet
<b>Side yard</b>	8 feet next principal structures 5 feet next to storage sheds not greater than 144 sq. feet 10 feet next to garage that opens toward street
<b>Corner lot</b>	See Chapter 14 of this title for setbacks.

11-8-7

11-8-12

11-8-7: **BUILDING HEIGHT:** Maximum building height shall be 30 feet. (Ord. 454, 6-19-2000)

11-8-8: **OFF-STREET PARKING:** Off-street parking shall be provided in accordance with the requirements of Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-8-9: **OFF-STREET LOADING:** Off-street loading shall be provided in accordance with the requirements of Chapter 21 of this title. (Ord. 454, 6-19-2000)

11-8-10: **LANDSCAPING:** Not less than 75% of all required yards and side yards on abutting streets or avenues on improved lots shall be landscaped. (Ord. 454, 6-19-2000)

11-8-11: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-8-12: **SIGNS:** See Chapter 14 or 25 of this title. (Ord. 461, 7-16-2003)



## CHAPTER 9

**HB HIGHWAY BUSINESS DISTRICT**

## SECTION:

- 11-9-1: Intent
- 11-9-2: Permitted Uses
- 11-9-3: Permitted Conditional Uses
- 11-9-4: Lot Area and Width
- 11-9-5: Lot Coverage and Floor Area
- 11-9-6: Yards
- 11-9-7: Building Height
- 11-9-8: Off-Street Parking
- 11-9-9: Off-Street Loading
- 11-9-10: Landscaping
- 11-9-11: Subject to Supplemental Regulations
- 11-9-12: Signs

11-9-1: **INTENT:** This district is intended to accommodate a broad range of retail and service functions especially those operations that benefit from access to the U.S. Highway 10, U.S. Highway 191, and Interstate 90. (Ord. 454, 6-19-2000)

11-9-2: **PERMITTED USES:**

1. Accessory uses
2. Parks and playgrounds
3. Public buildings and uses
4. Antique shops
5. Art and music supply stores
6. Automobile body shops
7. Automobile service and repair
8. Bakeries
9. Barber and beauty shops
10. Bars, taverns and cocktail lounges
11. Bowling alleys
12. Building equipment and materials retail (Ord. 461, 7-16-2003)
13. Cabinet shops
14. Car dealers
15. Car washes

16. Clinics and hospitals
17. Equipment sales and service
18. Financial institutions
19. Florists, nurseries, greenhouses
20. Food and drug stores
21. Frozen food storage and locker rental
22. Furniture stores
23. Gift shops
24. Hardware stores
25. Hotels and motels
26. Insurance agencies
27. Jewelry stores
28. Laundromats and dry cleaning establishments
29. Liquor stores
30. Mortuaries
31. Museums, libraries, galleries
32. Newspaper and printing offices
33. Paint shops
34. Parking lots
35. Post offices
36. Professional and business offices
37. Real estate offices
38. Rental storage units
39. Repair services for small consumer items
40. Research and development institutions
41. Restaurants, cafes and drive-in eating establishments
42. Second hand stores
43. Signs
44. Sporting goods stores
45. Taxidermy
46. Temporary buildings for and during construction only
47. Theaters
48. Vehicle and boat sales, showrooms and service areas
49. Veterinary clinics - small animal hospitals
50. Wholesale outlets
51. Woodworking shops (Ord. 454, 6-19-2000)

11-9-3

11-9-10

11-9-3:       **CONDITIONAL USES:**

1. Amusement and recreation facilities
2. Casinos
3. Metalworking shops
4. Recreation vehicle parks
5. Retail uses in addition to those permitted.
6. Shopping centers
7. Transportation and utility stations
8. Temporary commercial uses.
9. Warehousing and enclosed storage
10. Outside Storage (Ord. 461, 7-16-2003)
11. Contractor's yard (Ord. 461, 7-16-2003)
12. Seasonal Employee Housing (Ord. 461, 7-16-2003)

11-9-4:       **LOT AREA AND WIDTH:** Lot area for this district shall not be less than 6,300 sq. feet, and no lot width shall be less than 45 feet. (Ord. 454, 6-19-2000)

11-9-5:       **LOT COVERAGE:** The principal and accessory buildings may occupy the entire lot, exclusive of required yards and parking. (Ord. 454, 6-19-2000)

11-9-6:       **YARDS:** Every lot shall have the following minimum yard: (Ord. 454, 6-19-2000)

<b>Front yard</b>	20 feet
<b>Rear yard</b>	10 feet
<b>Side yards</b>	8 feet on each side

11-9-7:       **BUILDING HEIGHT:** Maximum building height in this district shall be 30 feet. (Ord. 454, 6-19-2000)

11-9-8:       **OFF-STREET PARKING:** Off-street parking shall be provided in accordance with Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-9-9:       **OFF-STREET LOADING:** Off-street loading shall be provided in accordance with Chapter 21 of this title. (Ord. 454, 6-19-2000)

11-9-10:      **LANDSCAPING:** Not less than 75% of all required yards and side yards on abutting streets or avenues on improved lots shall be landscaped with the exception of parking lots. (Ord. 454, 6-19-2000)

11-9-11

11-9-12

11-9-11: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-9-12: **SIGNS:** See Chapter 25 of this title. (Ord. 461, 7-16-2003)

## CHAPTER 10

**ICC INTERCHANGE COMMERCIAL DISTRICT**

## SECTION:

- 11-10-1: Intent
- 11-10-2: Permitted Uses
- 11-10-3: Permitted Conditional Uses
- 11-10-4: Lot Area and Width
- 11-10-5: Lot Coverage and Floor Area
- 11-10-6: Yards
- 11-10-7: Building Height
- 11-10-8: Off-Street Parking
- 11-10-9: Off-Street Loading
- 11-10-10: Landscaping
- 11-10-11: Subject to Supplemental Regulations
- 11-10-12: Signs

11-10-1: **INTENT:** This district is intended to accommodate the type of retail and service that will benefit from access to the Interstate 90 without competing with business located in the Highway Business and Central Business Districts. (Ord. 454, 6-19-2000)

11-10-2: **PERMITTED USES:**

- Accessory uses
- Parks and playgrounds
- Automobile service and repair
- Car dealers
- Equipment sales and service
- Hotels and motels
- Parking lots
- Rental storage units
- Research and development institutions
- Restaurants, cafes and drive-in eating establishments
- Signs
- Temporary buildings for and during construction only
- Vehicle and boat sales, showrooms and service areas (Ord. 454, 6-19-2000)

11-10-3

11-10-12

11-10-3: **CONDITIONAL USES:**

- Amusement and recreation facilities
- Recreation vehicle parks
- Transportation and utility stations
- Warehousing and enclosed storage (Ord. 454, 6-19-2000)
- Seasonal Employee Housing (Ord. 461, 7-16-2003)

11-10-4: **LOT AREA AND WIDTH:** Lot area for this district shall not be less than 6,300 sq. feet, and no lot width shall be less than 45 feet. (Ord. 454, 6-19-2000)

11-10-5: **LOT COVERAGE:** The principal and accessory buildings may occupy the entire lot, exclusive of required yards and parking. (Ord. 454, 6-19-2000)

11-10-6: **YARDS:** Every lot shall have the following minimum yard: (Ord. 454, 6-19-2000)

<b>Front yard</b>	20 feet
<b>Rear yard</b>	10 feet
<b>Side yards</b>	8 feet on each side

11-10-7: **BUILDING HEIGHT:** Maximum building height in this district shall be 30 feet. (Ord. 454, 6-19-2000)

11-10-8: **OFF-STREET PARKING:** Off-street parking shall be provided in accordance with Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-10-9: **OFF-STREET LOADING:** Off-street loading shall be provided in accordance with Chapter 21 of this title. (Ord. 454, 6-19-2000)

11-10-10: **LANDSCAPING:** Not less than 75% of all required yards and side yards on abutting streets or avenues on improved lots shall be landscaped with the exception of parking lots. (Ord. 454, 6-19-2000)

11-10-11: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-10-12: **SIGNS:** See Chapter 25 of this title. (Ord. 461, 7-16-2003)

## CHAPTER 11

**CBD CENTRAL BUSINESS DISTRICT**

## SECTION:

- 11-11-1: Intent
- 11-11-2: Permitted Uses
- 11-11-3: Permitted Conditional Uses
- 11-11-4: Lot Area and Width
- 11-11-5: Lot Coverage and Floor Area
- 11-11-6: Yards
- 11-11-7: Building Height
- 11-11-8: Off-Street Parking
- 11-11-9: Off-Street Loading
- 11-11-10: Landscaping
- 11-11-11: Subject to Supplemental Regulations
- 11-11-12: Signs

11-11-1: **INTENT:** The intent of this district is to provide a central area for the community's business, government, service and cultural activities. Uses within this district should be appropriate to a high density, intensively developed commercial center. Appropriate areas should be provided for the logical and planned expansion of the present district. (Ord. 454, 6-19-2000)

11-11-2: **PERMITTED USES:**

- Accessory uses
- Churches
- Clinics
- Clubs (fraternal lodges)
- Antique shops
- Art and music stores
- Automobile service and repair
- Bakeries
- Barber and beauty shops
- Bars, taverns and cocktail lounges
- Bowling alleys
- Cabinet shops
- Car dealers

- Commercial schools such as aerobics, dance, business, secretarial and technical, but not private or public elementary or secondary schools.
- Financial institutions
- Florists, nurseries and greenhouses
- Food and drug stores
- Furniture stores
- Gift shops
- Hardware stores
- Hotels and motels
- Insurance agencies
- Jewelry stores
- Liquor stores
- Laundromats and dry cleaning
- Museums, libraries and galleries
- Newspaper and printing offices
- Paint shops
- Parking lots
- Pawn shops and second hand stores
- Professional and business offices
- Public buildings and uses
- Real estate offices
- Repair services for clothes, dolls, small appliances, watches, glasses and such other items
- Restaurants and cafes
- Retail businesses or services whose activities are primarily conducted within an enclosed building
- Senior citizen centers
- Signs
- Sporting good stores
- Temporary buildings for and during construction only
- Theaters
- Uses customarily accessory to those listed
- Wholesale establishments that use samples, but do not store stock on premises (Ord. 454, 6-19-2000)

11-11-3

11-11-12

11-11-3: **PERMITTED CONDITIONAL USES:**

- Apartments
- Automobile body shops
- Amusement and recreational activities
- Auction rooms
- Casinos
- Drive-in banks
- Rental storage units
- Retail uses in addition to those permitted uses
- Transportation and utility stations.

11-11-4: **LOT AREA AND WIDTH:** No minimum lot area or width prescribed. (Ord. 454, 6-19-2000)

11-11-5: **LOT COVERAGE:** Buildings may cover entire lot providing other requirements are met. (Ord. 454, 6-19-2000)

11-11-6: **YARDS:** No minimum yards prescribed. (Ord. 454, 6-19-2000)

11-11-7: **BUILDING HEIGHT:** Maximum building height in this district shall be 30 feet. (Ord. 454, 6-19-2000)

11-11-8: **OFF-STREET PARKING:** Off-street parking shall be provided in accordance with Chapter 20 of this title, except:

- A. **Commercial Use:** Commercial uses shall provide two spaces per 1,000 sq. feet of commercial floor space unless a lesser amount is required under Chapter 20 of this title, in which case the lesser amount will apply.
- B. **Commercial and Retail Uses:** Commercial and retail uses in existing structures may change from one permitted use to another without providing additional parking. (Ord. 454, 6-19-2000)

11-11-9: **OFF-STREET LOADING:** Off-street loading shall be provided in accordance with Chapter 21 of this title. (Ord. 454, 6-19-2000)

11-11-10: **LANDSCAPING:** Not less than 75% of all required yards and side yards on abutting streets or avenues on improved lots shall be landscaped with the exception of parking lots. (Ord. 454, 6-19-2000)

11-11-11: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-11-12

11-11-12

11-11-12: **SIGNS:** See Chapter 25 of this title. (Ord. 461, 7-16-2003)

## CHAPTER 12

**M-I MANUFACTURING AND INDUSTRIAL**

## SECTION:

11-12-1:	Intent
11-12-2:	Permitted Uses
11-12-3:	Permitted Conditional Uses
11-12-4:	Lot Area and Width
11-12-5:	Lot Coverage and Floor Area
11-12-6:	Yards
11-12-7:	Building Height
11-12-8:	Landscaping
11-12-9:	Off-Street Parking
11-12-10:	Off-Street Loading
11-12-11:	Signs

11-12-1: **INTENT:**

- A. Provide Needs:** The intent of this district is to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light and heavy manufacturing and similar activities. District should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential developments; therefore, some type of screening may be necessary.
- B. Prohibited Use:** Residences shall not be permitted in this district.

11-12-2: **PERMITTED USES:**

- Accessory uses
- Public buildings and uses
- Automobile body shops
- Automobile service and repair
- Bars, taverns and cocktail lounges
- Building materials sales

- Contractor yard
- Cabinet shops
- Casinos
- Flour and feed mills
- Food processing plants
- Frozen food storage
- Grain elevators
- Grain houses
- Equipment/Implement sales
- Machine and metalworking shops
- Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages
- Outside storage if accessory to permitted use and if screened from street
- Paint shops
- Professional and business offices
- Retail associated with permitted uses
- Repair and service establishments for light consumer goods, i.e. automobiles, appliances, furniture
- Signs
- Sign shops
- Solid waste transfer sites
- Taxidermy
- Temporary buildings for and during construction only
- Truck and rail terminal facilities
- Vehicle and boat sales
- Veterinary clinic
- Warehousing and enclosed storage
- Wholesale establishments
- Woodworking shops
- No use shall be permitted which causes excessive noise, vibration, smoke, dust or other articulate matter, toxic or noxious matter, humidity, heat or glare which extend beyond the lot boundaries of the specific use. "Excessive" is defined for these purposes as a degree that could be observed and agreed upon by the majority of the City Council of the city and determined to be offensive or a degree deemed by the state or local health department to be injurious to the public health, safety or welfare of the residents of the area. (Ord. 454, 6-19-2000)

11-12-3

11-12-10

11-12-3: **PERMITTED CONDITIONAL USES:**

- Adult entertainment. Not to be located within 300 feet of the following uses: Churches; Schools, public or private; Residential; or Public park.
- Caretaker’s residence
- Equipment salvage yards
- Kennels
- Sawmills
- Vehicle salvage yards (Ord. 454, 6-19-2000)
- Seasonal Employee Housing (Ord. 461, 7-16-2003)

11-12-4: **LOT AREA AND WIDTH:** Lot area for this district shall be not less than 8,400 sq. feet, and no lot width shall be less than 60 feet. (Ord. 454, 6-19-2000)

11-12-5: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Ord. 454, 6-19-2000)

11-12-6: **YARDS:** Every lot shall have the following minimum yard:

<b>Front yard</b>	20 feet
<b>Rear yard</b>	none*
<b>Side yards</b>	none*

\*When a lot adjoins or faces upon another district, the yards shall meet the requirements of the adjoining district on that side. When a lot abuts a street or alley on either side or to the rear, a yard of at least 15 feet shall be provided on the street or alley side. (Ord. 454, 6-19-2000)

11-12-7: **BUILDING HEIGHT:** Maximum building height in this district shall be 30 feet for 2 or more story structures or 60’ for single story structures. (Ord. 454, 6-19-2000)

11-12-8: **LANDSCAPING:** Salvage yards and open storage shall be screened. Junk vehicle yards must comply with state law that requires a fence or man-made barrier in excess of 12 feet (75-10-520, MCA). Not less than 75% of all visible, required yards on improved lots shall be landscaped with the exception of parking lots. (Ord. 454, 6-19-2000)

11-12-9: **OFF-STREET PARKING:** Off-street parking shall be provided in accordance with Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-12-11

11-12-11

11-12-10: **OFF-STREET LOADING:** Off-street loading shall be provided in accordance with Chapter 21 of this title. (Ord. 454, 6-19-2000)

11-12-11: **SIGNS:** See Chapter 25 of this title. (Ord. 461, 7-16-2003)

## CHAPTER 13

**PLI PUBLIC LANDS AND INSTITUTIONS**

## SECTION:

- 11-13-1: Intent
- 11-13-2: Permitted Uses
- 11-13-3: Permitted Conditional Uses
- 11-13-4: Lot Area and Width
- 11-13-5: Lot Coverage and Floor Area
- 11-13-6: Yards
- 11-13-7: Building Height
- 11-13-8: Off-Street Parking
- 11-13-9: Off-Street Loading
- 11-13-10: Landscaping
- 11-13-11: Subject to Supplemental Regulations
- 11-13-12: Signs

11-13-1: **INTENT:** The intent of this district is to provide for major public and quasi-public uses outside of other districts in order to preserve and provide adequate land for a variety of community facilities that serve the public health, safety and welfare. Not all public and quasi-public uses need be classified PLI; some may fit within another district. However, the larger areas should be distinguished PLI. (Ord. 454, 6-19-2000)

11-13-2: **PERMITTED USES:**

- Accessory buildings
- Airports and customary accessory uses required for operation of airports
- Broadcast stations
- Cemeteries
- Emergency services
- Fairgrounds
- Museums, zoos, historic and cultural exhibits
- Publicly owned or government operated buildings and uses
- Public and non-profit, quasi-public institutions, including schools, hospitals, clinics.
- Publicly-owned land used for parks, playgrounds and open space
- Solid waste transfer sites

11-13-3

11-13-12

- Temporary buildings for and during construction only
- Utility stations
- Wastewater lift stations
- Water pumping stations (Ord. 454, 6-19-2000)

11-13-3: **PERMITTED CONDITIONAL USES:**

- Wastewater lagoons
- Landfills
- Pipeline and distribution systems (oil & gas) (Ord. 454, 6-19-2000)

11-13-4: **LOT AREA AND WIDTH:** No requirement. (Ord. 454, 6-19-2000)

11-13-5: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Ord. 454, 6-19-2000)

11-13-6: **YARDS:** No requirement, except when a lot is adjoining another district. The yards then shall be the same as the adjoining district. (Ord. 454, 6-19-2000)

11-13-7: **BUILDING HEIGHT:** Maximum building height in this district shall be 30 feet. (Ord. 454, 6-19-2000)

11-13-8: **OFF-STREET PARKING:** Off-street parking for this district shall be provided in accordance with Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-13-9: **OFF-STREET LOADING:** Off-street loading for this district shall be provided in accordance with Chapter 21 of this title. (Ord. 454, 6-19-2000)

11-13-10: **LANDSCAPING:** Not less than 75% of all required yards on improved lots shall be landscaped with the exception of parking lots. (Ord. 454, 6-19-2000)

11-13-11: **SUBJECT TO SUPPLEMENTAL REGULATIONS:** All principal and accessory buildings and principal and accessory uses are subject to the supplemental regulations provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)

11-13-12: **SIGNS:** See Chapter 25 of this title.

CHAPTER 14

**SUPPLEMENTARY REGULATIONS**

SECTION:

- 11-14-1: Intent
- 11-14-2: Visibility at Intersections
- 11-14-3: Accessory Buildings
- 11-14-4: Principle Structures
- 11-14-5: Exception to Height Regulations
- 11-14-6: Zero Lot Lines
- 11-14-7: Home Occupations
- 11-14-8: Structures to Have Access
- 11-14-9: Temporary Uses
- 11-14-10: Outdoor Lighting
- 11-14-11: Outside Storage – Enclosure Required
- 11-14-12: Corner Lots
- 11-14-13: Protection of Street Right of Way
- 11-14-14: Fences and Walls
- 11-14-15: Swimming Pools
- 11-14-16: Lots In Two Zones
- 11-14-17: Yard Encroachments
- 11-14-18: Stop Order
- 11-14-19: Signs in Residential Districts
- 11-14-20: Moved-on Structures
- 11-14-21: Satellite Dishes

11-14-1: **INTENT:** Supplemental district regulations are intended to govern miscellaneous issues related to uses or conditions that occur in more than one zoning district. (Ord. 454, 6-19-2000)

11-14-2: **VISIBILITY AT INTERSECTIONS:**

- A. Residential District:** On a corner lot in any residential district, for a distance of 30 feet from the point of intersection along each street edge, nothing may be erected, placed, planted or allowed to grow in a manner that would impede visibility of vehicles entering the intersection between 2.5 feet and 8 feet from grade (Figure. 14.1).

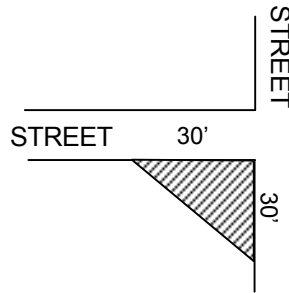


Figure 14.1. Visibility at Intersections - Residential

- B. Commercial or Industrial District:** On a corner lot in any commercial or industrial district, for a distance of 10 feet from the point of intersection along each street edge, nothing may be erected, placed, planted or allowed to grow in a manner that would impede visibility of vehicles entering the intersection between 2.5 feet and 8 feet from grade except a column or post. (Ord. 454, 6-19-2000)

11-14-3: **ACCESSORY BUILDINGS:**

- A. Front Yard:** No accessory building shall be erected in any required front yard.
- B. Rear Yard:** An accessory building not to exceed one story or 14 feet in height, including heating and cooling units, may occupy not more than 25% of the area of the required rear yard, provided that any such accessory building wall shall be at least 10 feet from the nearest point of the main building wall, excluding eave overhang, 8 feet from the side property lines and 10 feet from rear property line. (Ord. 454, 6-19-2000)

- 11-14-4: **PRINCIPAL STRUCTURES:** In any district, more than one structure housing a permitted and customary accessory use may be erected on a single lot or tract of land provided that setback, height and yard requirements of this title shall be met for each structure. (Ord. 454, 6-19-2000)

11-14-5

11-14-9

- 11-14-5: **EXCEPTIONS TO HEIGHT REGULATIONS:** The height restrictions contained in any district do not apply to spires, belfries, cupolas, towers, chimneys, water tanks, ventilators, elevator housing, antennas, satellite dishes less than 30 inches in diameter or other appurtenances not intended for human occupancy and usually required to be placed above the roof level. Grain elevators or other tall structures not intended for residential use that exceed height restrictions in any district must obtain a conditional use permit. (Ord. 454, 6-19-2000)
- 11-14-6: **ZERO LOT LINE:** Where an individual owns two adjoining lots, or where the owners of two adjoining lots make written agreement, a zero lot line may be used for single-family dwelling or for commercial buildings in the HB zone, but only so as to create a zero lot line on one side of any lot. (Ord. 454, 6-19-2000)
- 11-14-7: **HOME OCCUPATIONS:** Home occupations are permitted uses in zones R-S, R-1, R-2, and R-3 if they conform to the following regulations:
- A. **Incidental and Subordinate:** The use of the dwelling for the home occupation clearly must be incidental and subordinate to its use for residential purposes.
  - B. **Outside Appearance:** There shall be no structural alteration or change in outside appearance of the primary or accessory structures.
  - C. **Name Plate or Sign:** A nameplate or non-illuminating sign not to exceed two (2) square feet that is placed flat against dwelling unit or suspended in a window may advertise the home occupation.
  - D. **Vehicles:** No vehicles, except those normally used as passenger vehicles may be kept on premises. Only one vehicle (not to exceed the size of a one-ton pickup truck,) related to the occupation is permitted.
  - E. **Equipment or Materials:** No equipment or materials shall be used in a home occupation that creates noise, vibration, glare, fumes, odors or electronic interference detectable by normal senses off the lot. (Ord. 454, 6-19-2000)
- 11-14-8: **STRUCTURES TO HAVE ACCESS:** Every principal building erected or placed on a lot shall have 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 safe, convenient access for servicing, fire protection and required off-street parking. (Ord. 454, 6-19-2000)
- 11-14-9: **TEMPORARY USES:** The temporary commercial use of public right-of-way and other public property must comply with Chapter 15, Conditional Use Permits. Temporary uses in other zone districts shall comply with the provisions of Chapter 15, unless the temporary use is specifically listed as a permitted use. (Ord. 454, 6-19-2000)

11-14-10

11-14-12

11-14-10: **OUTDOOR LIGHTING:** Outdoor lighting of trees, bushes, fountains, swimming pools, structures, parking areas or grounds shall not directly illuminate any adjacent property. (Ord. 454, 6-19-2000)

11-14-11: **OUTSIDE STORAGE - ENCLOSURE REQUIRED:**

- A. All persons accumulating, depositing or storing salvage material within the zoning jurisdiction shall fence surrounding salvage materials with a solid fence at least 6 feet high or sufficient to enclose the salvaged materials from public view from outside the enclosure.
- B. Campers, camping trailers, motor homes, manufactured homes (not exceeding 8 feet in width and 27 feet in length), recreation vehicles, snowmobiles, and boats may be parked and stored in rear yards without fencing, however, it shall be unlawful to occupy such vehicles for living or sleeping purposes for more than 7 consecutive days.
- C. No more than one automotive vehicle without current license plates (junk vehicle) may be parked or stored on any residentially zoned property, except those in completely enclosed buildings. (Ord. 454, 6-19-2000)

11-14-12: **CORNER LOTS:** When a rectangular lot faces more than one street the street front and street side yard setbacks shall be no less than the yard setbacks established by adjacent structures on the same block, in the same zone district as the corner lot (Figure 14.2). Otherwise, the front yard setbacks shall apply to the side with the shorter lot boundary along the street. Side yard setbacks shall apply to the longer lot boundary (Figure 14.3). Triangular lots conform with the yard setbacks shown in Figure 2.2 in section 11-2-2 of this title.

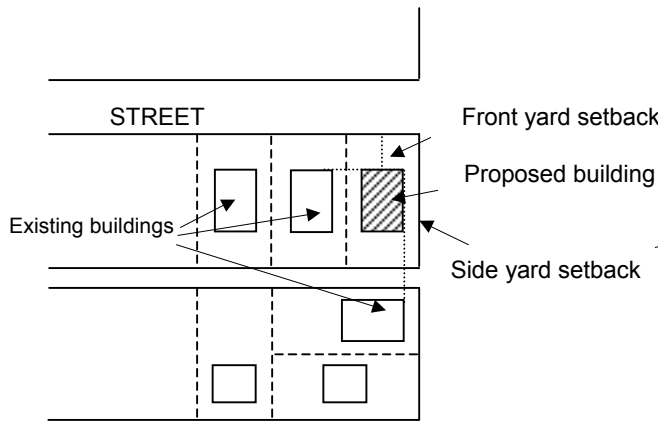


Figure 14. 2. ESTABLISHED SETBACKS

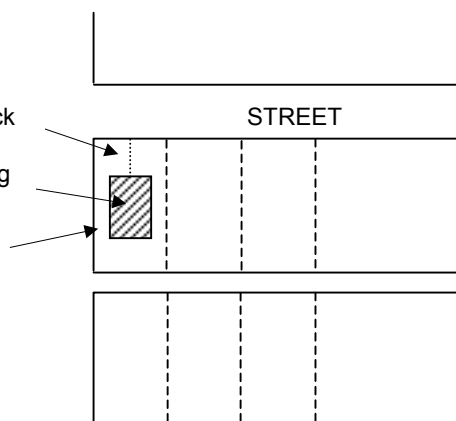


Figure 14.3 SETBACKS BY LOT BOUNDARY

11-14-13

11-14-15

11-14-13: **PROTECTION OF STREET RIGHT-OF-WAY:** No land use permit shall be issued or use allowed in any street right-of-way or in any proposed street right-of-way as shown in the Big Timber Growth Policy Plan. (Ord. 454, 6-19-2000)

11-14-14: **FENCES AND WALLS:**

- A. Location; Maximum Height:** Fences and walls in any district may be located on lot lines provided written consent is obtained from adjacent neighbors; otherwise such fences and walls shall be located inside property lines. Fences and walls may not exceed 8 feet in height in commercial and industrial zones and 6 feet in all other zones. However, no fences or walls shall exceed 3 feet in any front yard as defined by this zoning ordinance. Fences used to retain stock animals shall be excepted.
- B. Barbed Wire:** Except in the R-S Districts, no barbed wire or other sharp fencing materials and no electronically charged fence shall be erected or maintained in any district created by this title. When electronically charged fences are used in the R-S Districts, such fences shall be posted with warning signs at intervals not to exceed 150 feet where such fences are adjacent to public rights-of-way.
- C. Retaining Wall:** In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.
- D. Construction:** All fences permitted under this section shall be constructed so that the frame or supporting members of the fence face into the property and so the finishing side faces outward from the property being fenced. (Ord. 454, 6-19-2000)

11-14-15: **SWIMMING POOLS:**

- A. Location:** No public or private swimming pool in any district shall be located in any required front yard. All swimming pools shall be enclosed in an area with a fence or wall not less than 42 inches in height and no opening, therein, other than doors or gates, larger than 4 inches in any direction. A structure of any type may be used as part of such enclosure. All gates and doors opening through such enclosure shall be kept equipped with self-closing and self-latching devices for keeping the gates or doors securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure for private residential pools need not be so equipped.
- B. Modification:** The Zoning Officer may make modifications in individual cases, upon a showing of good cause with respect to the height, nature, or location of the fence, wall, gates or latches, or the necessity thereof, provided the protection as sought hereunder is not reduced thereby. (Ord. 454, 6-19-2000)

11-14-16

11-14-20

- 11-14-16: **LOTS IN TWO ZONES:** Where a district boundary line, as established in this title, divides a lot which was of single ownership and of record at the time of this title, the use thereon and the district requirements applying to the least restricted portion of such lot under this title shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within 20 feet of the dividing line, the use so extended shall be deemed to be conforming. (Ord. 454, 6-19-2000)
- 11-14-17: **YARD ENCROACHMENTS:** Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward, except as follows:
- A. Cornices, chimneys, canopies, eaves, balconies or other similar features may extend into a required yard space not more than 3 feet.
  - B. Open, unwallled, uncovered steps, handicap ramps and entrance lands may extend into a required yard space not more than 5 feet.
  - C. Driveways and off-street parking areas may be included in the required yard space. Parking areas must not block front door access in residential areas. (Ord. 454, 6-19-2000)
- 11-14-18: **STOP ORDER:** Whenever any building work is being done contrary to provisions of this title, the Zoning Officer shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Officer to proceed with the work. (Ord. 454, 6-19-2000)
- 11-14-19: **SIGNS IN RESIDENTIAL DISTRICTS:** No signs shall be permitted in any residential district, except:
- A. Name plates not exceeding 1 square foot in area and further, not exceeding 24 inches in length.
  - B. Signs pertaining to the lease or sale of the building or premises not exceeding 4 square feet in area.
  - C. Signs or nameplates for a home occupation as allowed and set forth in Chapter 14, Home Occupations.
  - D. Political advocacy signs.
  - E. Public hearing signs.
  - F. Signs identifying churches not to exceed 25 square feet in area (Ord. 454, 6-19-2000).
- 11-14-20: **MOVED-ON STRUCTURES:** No moved-on structure or building shall be placed on any property within the City of Big Timber or in the zoned extraterritory of Big Timber without first obtaining a conditional use permit as required in Chapter 15 of this title. (Ord. 454, 6-19-2000)

11-14-21

11-14-21

11-14-21: **SATELLITE DISHES:** Satellite dishes larger than 30 inches in diameter are not permitted in residential zones. Satellite dishes less than 30 inches may be placed on roofs in accordance with section 11-14-5 of this chapter. (Ord. 454, 6-19-2000)



## CHAPTER 15

**CONDITIONAL USE PERMITS**

## SECTION:

- 11-15-1: Intent
- 11-15-2: Conditional Use Requirements
- 11-15-3: Conditional Use Permit Procedure
- 11-15-4: Conditional Approval
- 11-15-5: Expiration of Conditional Use Permits
- 11-15-6: Permitted Conditional Use Permits
- 11-15-7: Revocation of Conditional Use Permits
- 11-15-8: Conditional Use Permits Filed

11-15-1: **INTENT:** The intent of conditional use permit 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 effects on the community. (Ord. 454, 6-19-2000)

11-15-2: **CONDITIONAL USE REQUIREMENTS:** No structure or land may be used for any purpose in any district where such use is not permitted, unless such use is listed as a conditional use within that district, and approval for that use is obtained through the proper procedures. Conditional use permits shall be granted only by the City Council when their findings are that:

- A. The use will not adversely affect public health, safety, and general welfare of the community, and that use conforms to the goals and objectives of the Master Plan (Growth Policy Plan) and the intent of this title; and
- B. Such use will not adversely affect nearby properties or their occupants; and
- C. Such use meets density, coverage, yard, height and all other regulations of the district in which it is to be located, unless otherwise provided for in this title; and
- D. A public hearing has been held, after the required legal notice has been given, and the public has been given a chance to be heard upon the matter. (Ord. 454, 6-19-2000)

**11-15-3: CONDITIONAL USE PERMIT PROCEDURE:**

- A. Application:** The applicant must submit a Conditional Use Permit application form (Appendix A) to the Zoning Officer. All applications for conditional use permit must be accompanied by plans drawn to exact scale, showing the exact dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of existing buildings, if any, the exact location and dimensions of the proposed buildings or alterations; and information that states how the conditional use requirements listed in section 11-15-2 will be met. Applications shall be accompanied with a fee as set forth in section 11-23-7 to cover associated administrative and review costs. The property owner and applicant must sign all applications.
- B. Investigation:** The Zoning Officer shall investigate the facts bearing on the application as will provide necessary information to assure that the action on each application is consistent with the intent and purpose of this title.
- C. Recommendation of Zoning Officer:** The Zoning Officer shall forward to the City-County Planning Board a recommendation on the application with any and all pertinent facts. The applicant will also be given a copy of the Zoning Officer's recommendation to the City-County Planning Board meeting.
- D. Public Hearing:** Upon receipt of the Zoning Officer's recommendation, the City-County Planning Board shall hold a public hearing on said application at which time the Zoning Officer's recommendation shall be read and additional testimony may be taken from interested parties. At least 10 days' notice of time and place of such hearing shall be published in a newspaper of general circulation in the city, and at least 14 days' notice of time and place of such hearing shall be posted by the applicant on the property in question in such a manner as may be prescribed by the Zoning Officer. After the hearing, the City-County Planning Board shall recommend to the City Council to either approve or deny the application. If the application is recommended for denial, reasons for denial should be given.
- E. City Council Action:** The Planning Board's recommendation shall be forwarded to the City Council for final action within 10 days of the public hearing. The City Council, at a regular City Council meeting, shall either approve or deny the application. If the application is denied, reasons for denial should be given. If approved, the Zoning Officer shall issue a Conditional Use Permit along with attached conditions to the applicant. (Ord. 454, 6-19-2000)

11-15-4

11-15-7

- 11-15-4: **CONDITIONAL APPROVAL:** In approving applications of conditional use, the Zoning Officer and City-County Planning Board shall recommend and the City Council may approve, such lawful conditions which will secure substantial protection for the public health, safety and general welfare related to the following:
- A. **Ingress and Egress:** 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.
  - B. **Off-street Parking:** Adequate off-street parking and loading areas, where required, with particular attention to access, traffic flow and vehicular and pedestrian safety.
  - C. **Garbage:** Location of garbage containers and garbage pickup with respect to traffic flow and access, odor, and vehicular and pedestrian safety.
  - D. **Utilities:** Availability and compatibility of utilities in suitable locations.
  - E. **Screening and Buffering:** Adequate screening and buffering, with attention to type, dimensions and character.
  - F. **Signs:** Signs, with attention to preventing glare and promoting traffic safety and harmony with adjacent properties.
  - G. **Yards:** Required yards, screening, buffering and open space.
  - H. **Compatibility:** General compatibility with adjacent and other properties. (Ord. 454, 6-19-2000)
- 11-15-5: **EXPIRATION OF CONDITIONAL USE PERMITS:** Any conditional use permit approved under this Chapter shall be subject to the terms of the conditions designated by the City Council. Conditions may include a time period within which the proposed structure shall be erected or use will occur. (Ord. 454, 6-19-2000; amended 4-1-2002)
- 11-15-6: **PERMITTED CONDITIONAL USES:** Permitted conditional uses for each zoning district are listed in the appropriate section for each zoning district. (Ord. 454, 6-19-2000)
- 11-15-7: **REVOCAION OF CONDITIONAL USE PERMIT:** Failure of any person or persons who holds a conditional use permit issued by the Zoning Officer to abide by all of the restrictions and conditions of the conditional use permit shall be adequate grounds for the City Council to revoke such conditional use permit and order that the conditional use shall be discontinued within thirty days of the revocation of the conditional use permit. (Ord. 454, 6-19-2000)

11-15-8

11-15-8

11-15-8: **CONDITIONAL USE PERMITS FILED:** The Zoning Officer shall cause the original conditional use permits to be filed with the City Clerk. The Zoning Officer shall maintain a duplicate file of conditional use permits. (Ord. 454, 6-19-2000; amd. 2001 code)

CHAPTER 16

**MANUFACTURED HOME PARKS**

SECTION:

- 11-16-1: Intent
- 11-16-2: Definitions
- 11-16-3: Permitted Uses
- 11-16-4: Other Laws
- 11-16-5: Permits
- 11-16-6: Design Standards
- 11-16-7: Approval

11-16-1: **INTENT:** The intent of this chapter is to provide for manufactured home park development at appropriate locations (which is deemed to be in the R-S, R-2 and R-3 Districts) and to establish standards for development in order to integrate manufactured homes into an area without adversely affecting surrounding properties and to provide safeguards for residents of manufactured homes. (Ord. 454, 6-19-2000)

11-16-2: **DEFINITIONS:** For the purpose of this chapter, definitions in Chapter 2 of this title shall apply, except for the following terms:

**DENSITY:** The number of manufactured home units per acre.

**LOT:** The total area reserved within a manufactured home park for the placement of one manufactured home and exclusive use of its occupants.

**MANUFACTURED HOME PAD:** That part of an individual lot which has been reserved for the placement of a manufactured home, appurtenant structures or additions.

**RECREATION AREA:** An area including open space and playgrounds and building and apparatus designed for recreational activities set aside for the use of the manufactured home park residents.

**SITE:** The entire gross area of the manufactured home park.  
(Ord. 454, 6-19-2000)

11-16-3

11-16-6

11-16-3: **PERMITTED USES:**

- A. Accessory buildings and uses customarily incidental thereto. No part of any park shall be used for non-residential purposes, except such uses that are required for direct servicing and well-being of park residents and for management and maintenance of the park. Nothing in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home pad and connected to the pertinent utilities.
- B. Manufactured homes.
- C. Signs as follows: (Ord. 454, 6-19-2000)
  - 1. One entry and one exit sign at each access drive onto public right-of-way. In no case shall the sign be larger than 2 square feet in surface area, nor have any moving parts;
  - 2. One identification sign on each major street frontage, approved in conjunction with the final site plan on the manufactured home park. In no case shall such a sign be larger than 32 square feet in surface, nor have any moving parts or flashing lights, nor pad higher than the height limitation within the district of the proposed location of the manufactured home park. Such sign shall be no closer to the public right-of-way line than 20 feet.

11-16-4: **OTHER LAWS:** The regulations in this district shall not be interpreted so as to supersede or amend any state or federal regulations pertaining to manufactured home park development. These regulations are intended to be supplemental to other established manufactured home park regulations and their amendments. When the standards and regulations in this district are more restrictive than other established standards and regulations, the more restrictive shall apply. (Ord. 454, 6-19-2000)

11-16-5: **PERMITS:** It shall be unlawful for any person to construct, alter or extend any manufactured home park unless a valid license has been issued by the County Sanitarian and the Montana Department of Environmental Quality. (Ord. 454, 6-19-2000)

11-16-6: **DESIGN STANDARDS:**

- A. **Rules and Regulations; Additional Standards:** Any person desiring to enlarge or establish a manufactured home park shall submit a preliminary plat for approval by the City-County Planning Board and City Council and shall meet or exceed the Sweet Grass County & City of Big Timber Subdivision Regulations and the Montana Department of Environmental Quality rules and regulations. Additionally, the following design standards are required:
  - 1. Walkways, sidewalks: Safe, convenient, all-season walks, minimum width of 4 feet shall be provided in locations where pedestrian traffic is concentrated.

2. **Landscaping:** Landscaping may be required to provide a buffer between manufactured home parks and adjacent properties in other district classifications.

B. **Examples:** Examples of what may be required are:

1. **Greenbelt:** A greenbelt planting strip of not less than 20 feet in width along the perimeter of the manufactured home park where it abuts public right-of-way or an area zoned in any other district classification. The greenbelt shall be developed with a mixture of hardy deciduous and coniferous plant material, grass or ground clover, and maintained thereafter in a neat and orderly manner.
2. **Ornamental Wall:** A continuous ornamental wall 6 feet in height above grade, erected 1 foot off property line abutting property of another district classification and 6 feet from public right-of-way. Such wall shall be landscaped with suitable plant materials along both sides of the wall, except where prohibited in Chapter 18 of this title. (Ord. 454, 6-19-2000)

11-16-7: **APPROVAL:** Manufactured Home Park applicant must receive a conditional use permit as specified in Chapter 15 of this title and subdivision approval as specified in the Sweet Grass County & City of Big Timber Subdivision Regulations, if necessary. The City Council may require other standards and safeguards as specific locations and circumstances dictate, and as provided under Chapter 14 of this title. (Ord. 454, 6-19-2000)



CHAPTER 17

RECREATION VEHICLE PARKS

SECTION:

- 11-17-1: Intent
- 11-17-2: Definitions
- 11-17-3: Permitted Uses
- 11-17-4: Conflict with Other Laws

11-17-1: **INTENT:** The intent of this chapter is to provide for recreation vehicle park development at appropriate locations and to establish standards for development in order to integrate recreation vehicle parks into certain areas of the community (deemed to be in the HB District) without adversely affecting surrounding properties. (Ord. 454, 6-19-2000)

11-17-2: **DEFINITIONS:** For the purpose of this section, definitions in Chapter 2 of this title shall apply, except for the following term:

**SITE:** the entire gross area of the recreation vehicle park. (Ord. 454, 6-19-2000)

11-17-3: **PERMITTED USES:**

- A. Accessory uses related to park management and occupant need and enjoyment, and according to the following schedule: management headquarters, recreational facilities, gift and souvenir shops and other uses and structures customarily incidental to operation of recreation vehicle parks.
- B. Other uses maybe allowed when approved by the City Council and in conformity to the following limitations:
  - 1. That such other uses, including parking areas for such other uses, occupy not more than 10% of the total park area.
  - 2. That such use shall be restricted in use to occupants of the park or so located so they will not interfere with the park use.
  - 3. That the use is permitted in the district in which the park is to be located.
- C. Recreation vehicle parks may be used for: recreation vehicles, equipment facilities in or on automotive vehicles, tents or other short-term recreational shelter arrangements on a temporary basis only. (Ord. 454, 6-19-2000)

11-17-4

11-17-6

11-17-4: **CONFLICT WITH OTHER LAWS:** If there appears to be a conflict between the regulations and standards in this section with any other local, state or federal regulation for recreation vehicle parks, the more restrictive regulation shall be followed. (Ord. 454, 6-19-2000)

11-17-5: **PERMITS:** It shall be unlawful for any person to construct, alter or extend any manufactured home park unless a valid license has been issued by the County Sanitarian and the Montana Department of Environmental Quality. (Ord. 454, 6-19-2000)

11-17-6: **DESIGN STANDARDS:** Any person desiring to enlarge or establish a recreation vehicle park shall submit to the Zoning Officer a preliminary plat for approval by the City Council and shall meet or exceed the Sweet Grass County & City of Big Timber Subdivision Regulations and the Montana Department of Environmental Quality rules and regulations. Additionally, the following design standards are required:

**A. SERVICE AREAS:** Service areas shall be provided in the following manner:

1. At least one service building containing necessary toilet and other plumbing fixtures specified shall be provided in the park. Service buildings shall be conveniently located with a radius of approximately 300 feet to all spaces served. Laundry facilities shall be required in addition to the following. If commercial laundry facilities are conveniently located to the trailer park, the laundry facility requirement may be considered for waiver by the City Council. (See the following chart)

No. of Dependent Parking Spaces	Toilets		Urinals	Lavatories		Showers		Other Fixtures
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	At least 1 janitor sink per building
16-30	1	2	1	2	1	1	1	
31-45	2	2	1	3	3	1	1	
46-60	2	3	2	3	3	2	2	
61-80	3	4	2	4	4	2	2	
81-100	3	4	2	4	4	3	3	

2. Facilities for storage and disposal of trash and garbage in a sanitary manner shall be provided in each park.
3. Street and yard lights, attached to standards approved by the City, shall be provided in sufficient number and intensity to permit safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps and ramps.

11-17-6

11-17-7

**B. PARKING:** Parking for all uses within the recreation vehicle park shall be provided in accordance with Chapter 20 of this title. (Ord. 454, 6-19-2000)

11-17-7: **APPROVAL:** Recreation vehicle park applicants must receive a conditional use permit as specified in Chapter 15 of this title and subdivision approval as specified in the Sweet Grass County & City of Big Timber Subdivision Regulations, if necessary. The City Council may require other standards and safeguards as specific locations and circumstances dictate, and as provided in Chapter 14 of this title. (Ord. 454, 6-19-2000)



## CHAPTER 18

## TOWNHOUSES

## SECTION:

11-18-1:	Intent
11-18-2:	Development Criteria
11-18-3:	Setbacks and Yards
11-18-4:	Open Space
11-18-5:	Supplemental Regulations
11-18-6:	Application and Submittal Requirements
11-18-7:	Approval

11-18-1: **INTENT:**

- A. Purpose and Intent:** It is the purpose and intent of this section to provide for the design and development of innovative housing forms which incorporate a higher density living situation and at the same time preserve the desirability of an individually owned housing unit. The efficient use of buildable space within a given area allows reduced lot sizes as well as lots widths and compensates for the reduction by incorporating open spaces, scenic and recreational areas and other amenities.
- B. Standards:** The standards included in this section apply to a variety of attached and semi-attached housing forms including, but not limited to townhouses. Specifically, this section is formulated to allow the grouping of separately owned single-family dwelling units into a group of attached and semi-attached housing forms that will be both aesthetically pleasing and conscientiously designed as well as preserve the health, welfare, safety and convenience of the surrounding neighborhood. (Ord. 454, 6-19-2000)

11-18-2: **DEVELOPMENT CRITERIA:**

- A. Density:** Overall density in a particular townhouse project shall not exceed the maximum density allowed with the zoning district for which it is located, except when designed and developed as a Planned Unit Development under provisions set forth in Section 19 of this title.
- B. Lot Area:** No townhouse lot shall contain an area of less than 1,600 square feet and a minimum lot and building width of 20 feet. The remaining lot area that would normally be required in the zoning district, per dwelling unit, shall be incorporated into usable and accessible open space and or private or common vehicular access or parking area for the townhouse project site.

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- C. **Location:** Townhouse developments are permitted in the R-3 zoning district and may be permitted as a conditional use in the R-S zoning district.
- D. **Unit Size:** Every townhouse dwelling unit shall have a minimum gross floor area equal to that required in the specific zoning district in which the townhouse is proposed.
- E. **Height of Structure:** Maximum height for any townhouse structure shall not be greater than 28 feet.
- F. **Building Coverage:** In no event shall a townhouse or condominium, including any accessory buildings, cover more than forty-five (45) percent of the individual lot area.
- G. **Street Frontage:** Each townhouse project site shall border on a public street, except provided that they face private or common open areas as set forth in this chapter. (Ord. 454, 6-19-2000)

11-18-3:      **SETBACKS AND YARDS:**

- A. **Right-of-way Setback:** No townhouse unit shall be located closer than 25 feet from any public right-of-way or within 15 feet of a private drive, access road, or common parking area, to the front or rear of such dwelling.
- B. **Yard Requirements:** Each individual townhouse lot shall have a minimum front and rear yard of 20 feet. The minimum side yard requirements shall be 8 feet from any adjoining property line of the townhouse project site.
- C. **Setback Variation:** No more than two abutting townhouses or townhouse groupings within the townhouse project site shall have a common front building setback. Variations in the setback of front building faces shall be at least three feet. Height variations shall also be incorporated, if feasible, in townhouse designs.
- D. **Distances between Townhouse Groups:** Townhouse groups shall be separated by at least 16 feet. (Ord. 454, 6-19-2000)

11-18-4:      **OPEN SPACE**

- A. **Open Space Required:** Open space is required for each proposed townhouse lot. Such open space must be equal to a minimum of 30 percent of the site to be developed.
- B. **Maintenance of Common Areas:** All common areas and facilities including, but not limited to, recreational facilities, off-street parking and common open space shall be maintained in a satisfactory manner without expense to the general taxpayers in the zoning jurisdiction. In order to ensure the maintenance of and the payment of taxes on the commonly held non-public property, a mandatory Homeowners Association shall be created and be recorded in the public records of Sweet Grass County. (Ord. 454, 6-19-2000)

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11-18-5: **SUPPLEMENTARY REGULATIONS:**

- A. Conversion:** Conversion of existing structures to a townhouse project is prohibited unless all townhouse development standards as outlined in the section can be satisfied.
- B. Subdivision before Conditional Use Permit:** A legal subdivision plat shall be placed on the public records of Sweet Grass County prior to the issuance of any zoning conditional use permit within a townhouse development.
- C. Landscaping:** Not less than 75 percent of each yard and common space shall be landscaped. Plans for such landscaping shall be submitted as a part of the application for zoning conditional use permit and installed in accordance with a time schedule established by the Zoning Officer.
- D. Building Standards:** All townhouse developments shall be designed and constructed in accordance with the Uniform Building Codes and any other federal or state laws or regulations that are applicable. (Ord. 454, 6-19-2000)

11-18-6: **APPLICATION AND SUBMITTAL REQUIREMENTS:** Applications and submittal requirements shall be those set forth in the Planned Unit Developments in the Sweet Grass County - City of Big Timber Subdivision Regulations. Townhouse developments comprised of five or fewer lots can be submitted for minor subdivision review as set forth in the subdivision regulations. (Ord. 454, 6-19-2000)

11-18-7: **APPROVAL:** Approval of a townhouse development shall be obtained through conditional use permit procedures a specified in Chapter 15 of this title and by the adopted local subdivision regulations. (Ord. 454, 6-19-2000)



## CHAPTER 19

**PLANNED UNIT DEVELOPMENT (PUD)**

## SECTION:

11-19-1:	Intent
11-19-2:	Definition
11-19-3:	Application And Uses
11-19-4:	Development Procedures
11-19-5:	Design Standards
11-19-6:	Common Property
11-19-7:	Open Space
11-19-8:	Setbacks

- 11-19-1:     **INTENT:** The intent of the chapter is to allow, with adequate review, flexibility in design of developments that do at least several of the following:
- A. Encourage development with mixed uses, particularly a variety of housing types and densities.
  - B. Create or preserve usable open space and recreation areas.
  - C. Preserve the natural characteristics of the land including topography, native vegetation and scenic view.
  - D. Avoid construction in unsuitable areas.
  - E. Encourage creativity in design, including flexibility in residential siting to achieve energy conservation.
  - F. Allow efficient provision of streets, utilities and other services.
  - G. Provided lower-cost housing affordable by low and moderate-income families and individuals. (Ord. 454, 6-19-2000)
- 11-19-2:     **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 as a conditional use in the zoning district. (Ord. 454, 6-19-2000)

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11-19-4

11-19-3:     **APPLICATION AND USES:**

- A. A PUD may be applied to any development having one or more principal uses or structures on a single parcel or contiguous parcels of land. Any use or combination of uses may be allowed in a PUD provided such uses are consistent with the Big Timber Growth Policy Plan.
- B. Any PUD shall be considered as a conditional use within the zoning district in which it is to be located. (Ord. 454, 6-19-2000)

11-19-4:     **DEVELOPMENT PROCEDURES:**

- A. **Concept Plan Review:** Any person requesting approval of a PUD shall submit an application for conditional use under the provisions of Chapter 15, Conditional Uses. The application shall be accompanied by the required review fees and a PUD plan, described below:
  - 1. A conceptual plan of the proposed PUD including pertinent information on location, approximate tract and lot boundaries, description of general terrain, natural features, existing and proposed structures and improvements, and proposed public improvements.
  - 2. A site plan showing the proposed location and use of lots and structures, and the location and number of parking spaces, if appropriate.
  - 3. A description of open space, recreational facilities, roads and other facilities proposed to be under common ownership.
  - 4. Proposed restrictive covenants.
  - 5. A description of proposed forms of property ownership within the development.
  - 6. A statement describing measures to be taken to assure permanence and maintenance of open space and other facilities to be held in common ownership.
  - 7. A schedule showing street and utility improvement completion dates.
  - 8. A preliminary subdivision plat and plat supplements, if required.
  - 9. Any reasonable information that the Zoning Officer may require.
- B. **Review and Approval:** A PUD shall be reviewed and approved under the procedures for conditional uses pursuant to Chapter 15 of this title. Where the proposed PUD is subject to review as a subdivision under the Montana Subdivision and Platting Act, the Planning Board shall hold joint and concurrent review, including a joint public hearing. Notice of each hearing shall be given in the manner prescribed by this title and the Sweet Grass County – City of Big Timber Subdivision Regulations. (Ord. 454, 6-19-2000)

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11-19-5: **DESIGN STANDARDS:** All PUDs shall consist of harmonious arrangement of uses, building, parking areas, circulation and open spaces. All PUDs shall be designed as an integrated unit, in such a manner as to constitute a safe, efficient and convenient development. The design shall meet the intent of the Chapter and include provisions for mixed uses and/or a variety of housing types and densities. The PUD shall also provide for efficient traffic circulation, adequate light, air and open space. The open space element of the design shall preserve the natural characteristics of the land, including topography, native vegetation and scenic views.

- A. **Minimum Area:** Three contiguous acres of land, less acreage may be accepted where the applicant can demonstrate that a smaller parcel will meet the objectives of this Chapter.
- B. **Location:** Any district where the applicant can demonstrate the PUD proposal will meet the objectives of this Chapter and not create any detrimental effects to that area.
- C. **Density:** The City Council shall determine in each case the appropriate land use and dwelling unit density for individual projects. The determination of land use or dwelling unit densities shall be completely documented, including all facts, opinions and judgements justifying the selection of the rating or density. Permitted densities of existing zoning shall be used as guidelines.
- D. **Height:** All building and structures shall conform to the height regulations of the zone in which the planned unit development is located.
- E. **Pedestrian Access:** Any building or any dwelling unit that is located more than 100 feet from a public or private street or other vehicular way shall have pedestrian access thereto capable of accommodating emergency and service vehicles. (Ord. 454, 6-19-2000)

11-19-6: **COMMON PROPERTY:** When common property exists; open space, recreational facilities, etc., the ownership of such common property may be either public or private. Satisfactory arrangements shall be made with the City Council for the improvement, operation and maintenance of such common property and facilities including private streets, driveways, service and parking areas and recreational open space areas. (Ord. 454, 6-19-2000)

11-19-7: **OPEN SPACE:**

- A. **Amount Required:** Required open space shall comprise at least 1/9<sup>th</sup> of the total area of PUD. Land occupied by buildings, streets, driveways, parking spaces or parking areas may not be counted in satisfying this open space requirements.

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- B. Improvements:** At least one-half of the required open space shall have an overall finished grade to exceed ten percent (10%) and shall be suitably improved for its intended purposes. All of the open space that has been graded or disturbed will be landscaped. All lawn and landscaped areas reserved for common use shall be provided with a permanent watering system adequate to maintain such areas.
- C. Natural State:** The remaining one-half of the required open space may also be improved, or may be left in its natural state, particularly if natural features worth of preservation exist on site. Open space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire, or flood hazard.
- D. Staged Development:** If the development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements and the construction of dwelling units in order that each development stage achieves a proportionate quality of the total planned development. (Ord. 454, 6-19-2000)

11-19-8:      **SETBACKS:**

- A. Building Location:** No building except as hereafter provided shall be located closer than 8 feet from any interior vehicular or pedestrian way, court, plaza, open parking areas, or any other surfaced area reserved for public use in common by residents of the PUD. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of way or private road easement.
- B. Spacing:** Spacing between buildings shall be at least 16 feet.
- C. Open Space:** Each building shall be surrounded on all sides by relative level open space having a slope no greater than ten percent (10%) and extending a minimum distance of ten feet in all directions measured from the furthest projection of the external walls of the building.
- D. Required Setback:** A setback of not less than 15 feet shall be maintained by any building or structure, except a wall or fence, from any street along an exterior boundary of the development. (Ord. 454, 6-19-2000)

## CHAPTER 20

**OFF-STREET PARKING**

## SECTION:

11-20-1:	Intent
11-20-2:	Design
11-20-3:	Combined Occupancies
11-20-4:	Joint Use
11-20-5:	Spaces Required

- 11-20-1: **INTENT:** The intent of the 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. (Ord. 454, 6-19-2000)
- 11-20-2: **DESIGN:** Required off-street parking for specified uses shall be used only by vehicles of employees, customers and residents of the activity served. (Ord. 454, 6-19-2000)
- A. Location:** Off-street parking as required by this title shall be located as follows:
1. Single-family dwellings: on the same lot with the dwelling they are required to serve.
  2. Multifamily dwellings: on the same lot with the dwelling they are required to serve.
  3. Hospitals, sanitariums, apartments, rooming and boarding houses, fraternity and sorority houses: within 100 feet of the use they are required to serve.
  4. Commercial and industrial zones: within 300 feet of the use they are required to serve.
- B. Accessibility:** Off-site parking areas must be accessible by a public street or alley.
- C. Ownership:** Off-site parking areas shall be owned or leased by the owner or lessee of the building being served by such parking.
- D. Recorded Land Covenant:** Off-site parking areas shall have a recorded land covenant requiring such land to be maintained as a parking lot so long as the building and/or use served is in operation or another suitable parking area is established to the satisfaction of the Zoning Officer.

- E. Size of parking Spaces:** Off-street parking spaces shall be at least 9 feet wide and 18 feet<sup>1</sup>, exclusive of access drives, yards or ramps. Such spaces shall have a vertical clearance of at least 7 feet.
- F. Parking Areas:** Parking areas of 3 to 10 spaces shall be arranged according to one of the four designs shown in Figure 20.1. Where more than 10 off-street parking spaces are required, the parking area shall be designed by a licensed landscape architect or registered engineer.
- G. Plan of Proposed Facility:** A plan of the proposed off-street parking facility shall be submitted along with the application for a land use permit for the building the off-street parking is required to serve. Said plan shall clearly indicate curb cuts, lighting, landscaping, construction details, fencing and other features, which may be required by the Zoning Officer. (See following page)

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<sup>1</sup> Eighteen feet if measured from a curb on the inside edge of the stall, twenty feet if measured from a painted line on the inside edge of the stall.

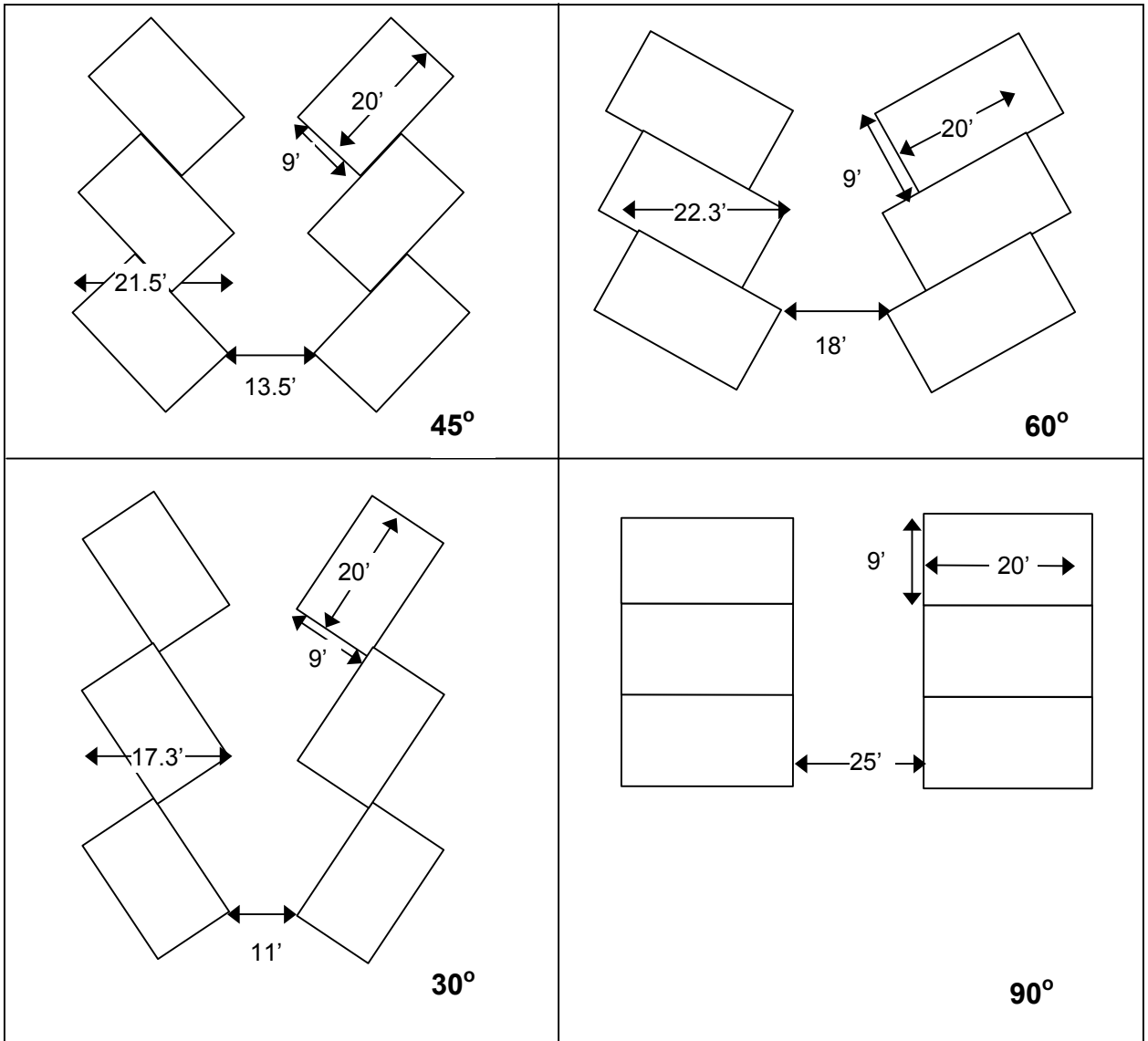


Figure 20.1. Parking area design for 3 to 10 spaces.

**H. Handicapped Parking:** Accessible (handicapped) parking spaces, 12.5 feet wide and 20 feet long shall be provided according to the Table 20.1. Handicapped parking spaces shall be clearly identified with a sign bearing the international handicapped accessible symbol and marked “reserved for handicapped”.

Table 20.1

<u>Total Spaces In Lot</u>	<u>Minimum Number of Accessible Spaces</u>
4 – 25	1
26 – 50	2
51 – 75	3
76 - 100	4
>100	2% of total

**I. Multi-family Residential Developments:** Off-street parking areas serving multi-family residential developments of more than 10 units, commercial, industrial or institutional uses must comply with the following provisions.

- 1. Grading and drainage:** Parking areas shall be graded and drainage facilities installed to remove or retain surface run-off in a manner that does not adversely affect adjacent properties, public streets or surface waters.
- 2. Surfacing:** Parking areas shall be surfaced with gravel or equivalent material. (3/4" - 1 1/2"). Parking areas containing 20 or more spaces shall be surfaced with asphalt, concrete or other hard surface.
- 3. Screening:** Where an off-street parking area abuts a residential use or zoning district, the parking areas shall be effectively screened at the property line(s) by an acceptably designed sight-obscuring wall, fence or planting screen.
- 4. Striping:** Stalls in paved parking areas shall be marked with painted lines not less than four inches wide.
- 5. Landscaping:** Any use having more than 3,500 square feet of required permanent parking shall have 5% of the gross parking area landscaped with suitable trees and/or shrubs having a low profile. Such landscaping shall be in place before occupancy of the building or use being serve

**J. Lighting:** Lighting used to illuminate a parking area shall be arranged in such a manner that it will not be a hazard to passing motorists or constitute a nuisance of any kind. Where said parking area is within 150 feet of any property classified as residential by this title and where the parking area is directly visible by the residents within 150 feet, illuminating devices shall be shaded in a manner that would direct the light away from the residential property.

**K. Measurement of Distance:** Where a distance is specified, such distance shall be measured by a straight line from the nearest point of the building the parking area is required to serve.

11-20-3

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11-20-3: **COMBINED OCCUPANCIES:** Where two or more uses are combined in one development, the total parking spaces shall be the sum total of the spaces required for each individual use. Off-street parking for one use shall not be considered for joint use as hereinafter specified. (Ord. 454, 6-19-2000)

11-20-4: **JOINT USE:**

- A. **Power to Authorize:** The City Council may authorize the joint use of off-street parking facilities for the following uses or activities under the conditions specified:
  1. Up to 50% of the required off-street parking for primarily "nighttime" uses such as theaters, bowling alleys, bars, supper clubs, may be supplied by the parking requirement for primarily "daytime" uses such as banks, offices, retail and personal service establishments.
  2. Number 1, above, may be reversed so that parking for "daytime" uses may be used for "nighttime" activities.
  3. Up to 50% of the parking facilities required by this section for churches or auditoriums may be supplied by the parking facilities provided for uses primarily of a "daytime" nature.
  
- B. **Application for Joint Use:** Where joint use is desired, an application shall be made to the City Council. Said application shall be signed by both parties, and contain proof that there will be no substantial conflict in the principal operating hours of the two buildings or uses for which the joint use is proposed, and that all other conditions of this chapter are met. (Ord. 454, 6-19-2000)

11-20-5: **SPACES REQUIRED:** The following number of off-street parking spaces per use are required:

<u>Type of Use</u>	<u>Parking Spaces Required</u>
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**RESIDENTIAL USES:**

Single family	2.0 spaces per dwelling unit
Multi-family	1.5 spaces per dwelling unit*
Apartments, townhouses, efficiency apartments	1.5 spaces per dwelling unit*
Elderly housing	1.0 space per unit
Community residential facilities	1.0 space per guest room
Bed and Breakfast Inns	1.0 space per guest room

**COMMERCIAL USES**

Automobile and boat showroom, machinery sales and service	1.0 space per 1,000 sq. ft. of floor area
Open sales area, trailer sales and rental	1.0 space per 1,500 sq. ft. of floor area
Business and professional offices, banks	1.0 space per 300 sq. ft. of floor area
Bowling alley	5.0 spaces per alley
Churches and other places of worship	1.0 space per four seats
Community or recreation center	1.0 space per 200 sq. ft. of floor area
Convenience stores/gas station combination	4.0 spaces minimum
Dancehall, skating rinks, court clubs	1.0 space per 200 sq. ft. of floor area
Day care centers	1.0 space per 200 sq. ft. of floor area
Furniture, appliance, household and equipment sales	3.0 spaces per 1,000 sq. ft. of floor area
Golf courses	1.0 space per 100 sq. ft. of main building floor area, plus 1.0 space for every two practice tees, plus 2.0 spaces per each green in the playing area
Hospitals	1.0 space per bed, plus 1.0 space per doctor, plus .5 space per employee*
Libraries and museums	1.0 space per 1,000 sq. ft. of floor area
Manufacturing and industrial uses	1.0 space per 1,000 sq. ft. or .75 space per employee*
Medical and dental offices	1.0 space per 250 sq. ft., or 4.0 spaces for doctor or dentist, plus 1.0 space per employee
Motels and hotels	1.1 space per each guest room, plus* 1.0 space per employee on maximum shift
Mortuaries and funeral homes	1.0 space per four seats
Nursing, convalescent and rest homes	1.0 space per three beds, plus 1.0 space per employee on maximum shift
Restaurants and bars	1.0 space per 100 sq. ft.
Restaurants: fast-food	1.0 space per 100 sq. ft., plus 1.0 space per employee on maximum shift
Retail stores	1.0 space per 300 sq. ft.
Schools: Elementary, Middle	1.0 space per employee, plus 1.0 space per two classrooms
Schools: High School	1.0 space per employee, plus 1.0 space per five students, plus
Service stations, automobile repair and services	1.0 space per 600 sq. ft.
Theatres, auditoriums, assembly halls with fixed seats	1.0 space per four seats
Warehousing or storage buildings, freight terminals	1.0 space per 1,000 sq. ft. of sales floor area, plus 1.0 space per 300 ft. of office floor area

(Ord. 454, 6-19-2000)

\* Where the total quota results in a fraction, the next highest full unit shall be provided.

## CHAPTER 21

**OFF-STREET LOADING**

## SECTION:

- 11-21-1: Intent  
 11-21-2: Design of Loading Berths  
 11-21-3: Berths Required

11-21-1: **INTENT:** 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. (Ord. 454, 6-19-2000)

11-21-2: **DESIGN OF LOADING BERTHS:**

- A. Off-street loading berths shall be provided on the same lot as the use they serve and shall not occupy the front yard of the lot.
- B. No loading berth shall be located within 50 feet of a residential zoned lot unless enclosed by a wall or solid fence not less than 6 feet in height, in which case the loading berth may be located within 30 feet of a lot zoned residential.
- C. Each loading berth shall be designed with access to a public street or alley and so designed as not to interfere with normal traffic movement.
- D. Each berth shall be at least 12 feet x 35 feet in size with a height clearance of 18 feet.
- E. Loading berths shall not be considered as off-street parking spaces.
- F. All or part of the required loading berths may be within buildings. (Ord. 454, 6-19-2000)

11-21-3: **BERTHS REQUIRED:**

- A. Number Required:** Off-street loading berths shall be provided in accordance with the Table 21.1. If more than one use is combined in one building, the number of berths can be reduced as determined by the Zoning Officer. Where uses are not specifically mentioned, the number of berths shall be determined, by the Zoning Officer, using as a guide that has the most similar use listed below.
- B. CBD Zone:** Buildings in the CBD zone, without off-street loading berths, may be changed from one permitted use to another permitted use without compliance of this chapter. (Ord. 454, 6-19-2000)

Table 21.1

USE	GROSS FLOOR AREA (SQUARE FEET)	NUMBER OF BERTHS REQUIRED
Multiple dwelling with over 16 units	NA	1
Schools, auditoriums, meeting halls	20,000 - 50,000	1
	50,000 - 150,000	2
	150,000 - 300,000	3
	Each additional 150,000	1
Department stores and other retail shops, restaurants, funeral homes	5,000 – 14,000	1
	14,000 – 40,000	2
	40,000 – 80,000	3
	Each additional 50,000	1
Hospitals, clinics, jails	10,000 – 100,000	1
	Each additional 100,000	1
Industrial plant, manufacturing or wholesale equipment	10,000 - 40,000	1
	40,000 – 65,000	2
	65,000 – 100,000	3
	Each additional 50,000	1

## CHAPTER 22

**NONCONFORMING USES, LOTS AND STRUCTURES**

## SECTION:

- 11-22-1: Intent
- 11-22-2: Nonconforming Lots of Record
- 11-22-3: Nonconforming Uses of Land
- 11-22-4: Nonconforming Structures
- 11-22-5: Nonconforming Uses of Structures
- 11-22-6: Repairs and Maintenance
- 11-22-7: Conditional Uses

11-22-1: **INTENT:**

- A. Existing Nonconformities:** Within the districts established by this title or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this title was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. It is the intent of this title to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- B. Declared Incompatible:** Nonconforming uses are declared by this title to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction lawfully began prior to the effective date of adoption or amendment of this title, 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 or demolition or removal of an existing building has been 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. (Ord. 454, 6-19-2000)

11-22-2: **NONCONFORMING LOTS OF RECORD:**

- A. Single Lot:** In any district, notwithstanding other limitations imposed by this title, structures permitted in said district may be erected on any single lot of record on the effective date of this title. Such lot must be in a separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.
- B. Two or More Lots:** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this title, and if all or part 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 title. Where lots are larger than required by this title, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this title. (Ord. 454, 6-19-2000)

11-22-3: **NONCONFORMING USES OF LAND:**

- A. Continuation:** Where, at the time of passage of this title, lawful use of land exists which would not be permitted by the regulations imposed by this title, the use may be continued so long as it remains otherwise lawful, provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title.
  2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this title.
  3. If any such nonconforming use of land ceases for any reason for a period of more than 90 days or is legally abandoned, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
  4. Any manufactured home within any city zoning district at the time of passage of this title may be replaced by another manufacture home upon issuance of a land use permit. However, no permit may be issued unless such replacement manufacture home meets all setback requirements of the zone or does not infringe upon the setbacks of the original manufacture home.
  5. No additional nonconforming structure in connection with the requirements of this title shall be erected in connection with such nonconforming uses of land.

11-22-3

11-22-5

- B. Off-Street Parking and Loading:** For the purpose of this chapter, the lack of required off-street parking per Chapter 20 of this title and the lack of off-street loading per Chapter 21 of this title as applied to the CBD District shall not render structures as nonconforming. (Ord. 454, 6-19-2000)

11-22-4: **NONCONFORMING STRUCTURES:** Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restriction on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such nonconforming structure may be altered or enlarged in any way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B.** Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means it shall not be reconstructed except in a way that will not increase the preexisting nonconformity.
- C.** Should such 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. (Ord. 454, 6-19-2000)

11-22-5: **NONCONFORMING USES OF STRUCTURES:** If lawful use of the structure or of structures and premises existing at the effective date of adoption or amendment of this title that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, provided that:

- A.** No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or structurally altered unless the use is changed to a permitted use.
- B.** Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- C.** Non-conforming use of building, structures or premises may be changed to another nonconforming use provided that a conditional use permit is obtained from the City Council. In determining whether or not to grant the conditional use permit, the City Council after recommendation from the Planning Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
- D.** In permitting such use, the City Council may require appropriate conditions or safeguards.

11-22-3

11-22-7

- E.** Any structure or structure and land in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
- F.** Whenever a nonconforming use of a structure or premises ceases for 90 days, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "cease" as used in this subsection shall mean that the activity in question has not been in operation for a period of 90 days.
- G.** Where nonconforming use status applies to both structures and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 454, 6-19-2000)

11-22-6: **REPAIRS AND MAINTENANCE:** On any nonconforming structure or portion of the structure containing a non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of non-bearing walls, to an extent not exceeding 25% of the assessed value of the building in any one year, provided that such work does not increase the volume of the building. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or portion thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official. (Ord. 454, 6-19-2000)

11-22-7: **CONDITIONAL USES:** Conditional uses provided for under Chapter 15 of this title shall not be deemed nonconforming uses in the district in which it is permitted. (Ord. 454, 6-19-2000)

## CHAPTER 23

## LAND USE PERMITS

## SECTION:

- 11-23-1: Administration and Enforcement
- 11-23-2: Uses not Requiring Permits
- 11-23-3: Uses Requiring Permits
- 11-23-4: Conformance
- 11-23-5: Expiration of Permits
- 11-23-6: Duties of the Zoning Officer
- 11-23-7: Schedule of Fees, Charges and Expenses

11-23-1: **ADMINISTRATION AND ENFORCEMENT:**

- A. Zoning Officer:** The Zoning Officer, as designated by the City Council, shall administer and enforce this title. The Zoning Officer may be provided with the assistance of such other persons as the City Council may direct and those assistants shall have essentially the same responsibilities as directed by the Zoning Officer.
- B. Violations:** If the Zoning Officer finds that any of the provisions of this title are being violated, she/he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Officer shall order discontinuance of illegal use of land, buildings, illegal additions, alterations or structural changes discontinuance of any illegal work being done, or shall take any other action authorized by this title to ensure compliance with or prevent violation of its provisions. If no corrective action is taken by the violator, the Zoning Officer shall notify the City Attorney of and facts concerning the violation and steps taken to correct it. (Ord. 454, 6-19-2000)

11-23-2: **DUTIES OF THE ZONING OFFICER:**

- A. Check for Compliance:** It is the intent of this title that the Zoning Officer shall check all plans and applications for permits for compliance with the title, both before and during construction.

- B. Noncompliance:** If, during this procedure, the Zoning Officer deems that the proposed plan or construction does not comply with this title, she/he shall inform the applicant of the infraction and shall stop all construction of the project until such time as the applicant, builder or principal revises his plan to conform to the title or obtains a variance, conditional use permit or zone change as set forth herein.
- C. Occupancy Permit:** Upon inspection of the construction, the Zoning Officer deems that the structure does comply with this title, the Zoning Officer shall issue an occupancy permit. A copy of the occupancy permit shall be posted at the construction site. (Ord. 454, 6-19-2000)

11-23-3: **USES NOT REQUIRING PERMITS:** No Land Use Permit shall be required for any alteration or modification to an existing structure if:

- A.** The existing footprint and roofline of the structure will not be altered.
- B.** The existing roofline of the structure will be altered but the new height will not exceed the height requirement for the specified zone.

In either case, the use of the structure must be a permitted use for the district in which the structure is located.

11-23-4: **USES REQUIRING PERMITS:**

- A. Land Use Permit Required:** Buildings or other structures to be erected, moved, added to or structurally altered, except those that do not require permits according to section 11-23-3, must be properly permitted. No land use shall be changed without a valid Land Use Permit
- B. Application:** Said Land Use Permit shall be obtained by application to the Zoning Officer. Application shall be accompanied by plans, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the legal description of the parcel, the exact sizes and location of the lot(s) or buildings already existing, if any, and the location and dimensions of the proposed buildings or alterations, including height.
- C. Additional Information:** The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed building and land, the number of families, housing 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 title.
- D. Distribution of Copies:** One copy of the application and plans shall be returned to the applicant by the Zoning Officer after she/he has marked such copy either approved or disapproved and attested to same by her/his signature. The second copy similarly marked shall be retained by the Zoning Officer.

11-23-4

11-23-6

- E. Forms Available:** Land Use Permit applications are available from the Zoning Officer at the City-County Planning Office. (Ord. 454, 6-19-2000)

11-23-5: **CONFORMANCE:**

- A. Required:** No permit of any type shall be issued unless it conforms with the regulations contained within this title. Permits issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction at variance with that authorized shall be deemed a violation of this title, punishable as provided in Chapter 27 of this title.
- B. Conditional Uses and Variances:** Conditional use permits approved by the City Council and variances granted by the Board of Adjustment shall be deemed in conformance with the terms of the title. However, Land Use Permits shall be issued only in accordance with the terms set forth in the conditional use permit and variance sections of this title. (Ord. 454, 6-19-2000)

11-23-6: **EXPIRATION OF PERMITS:** Every Land Use Permit issued by the Zoning Officer under the provisions of this title shall expire by limitation and become null and void if the building or work authorized by such permit has not commenced within 180 days from the date of such permit or if the building, work, or use authorized by such permit is suspended or abandoned any time after the work is commenced for a period of 120 days. Before such work or use can recommence, a new permit shall first be obtained. (Ord. 454, 6-19-2000)

11-23-7: **SCHEDULE OF FEES, CHARGES AND EXPENSES:**

- A. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for Land Use Permits, Conditional Use Permits, variances, and zoning amendments. The schedule of fees listed in Table 23.1 shall be posted in the City-County Planning Office and may be altered or amended only by the City Council.

Table 23.1

**Big Timber Zoning Ordinance Fee Schedule**

Land Use Permit	\$10
Variance Request	\$50
Conditional Use Permit	\$100
Zone Change/Amendment	\$150

The fees are based on two objectives:

- 1. Covering actual costs of processing applications, including staff review time, holding hearings, and making on-site inspections.
- 2. Keeping fees low enough to promote affordable housing.

- B. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.

## CHAPTER 24

**BOARD OF ADJUSTMENT**

## SECTION:

- 11-24-1: Creation
- 11-24-2: Offices
- 11-24-3: Powers and Duties
- 11-24-4: Procedure
- 11-24-5: Public Hearing and Notice
- 11-24-6: Approval
- 11-24-7: Conditions of Approval
- 11-24-8: Appeals to Board of Adjustment
- 11-24-9: Appeals from Board of Adjustment
- 11-24-10: Time Decision Effective

11-24-1: **CREATION:** The Board of Adjustment is hereby established to act on variance applications as herein detailed. Said Board shall consist of 5 members appointed by the Mayor for 3-year terms (with staggering terms), and subject to confirmation by the City Council. (Ord. 454, 6-19-2000)

11-24-2: **OFFICES:**

- A. **Officers:** At the first meeting each year, the Board shall appoint one of its members to serve as chairman and one member to serve as Vice-Chairman. The Zoning Officer shall be at the disposal of the Board to receive the process applications of appeal and to give advice to said Board.
- B. **Office:** The Board's office shall be at City Hall and all files of said Board shall be kept there. (Ord. 454, 6-19-2000)

11-24-3: **POWERS AND DUTIES:** The Board shall set its operating rules in accordance with Section 76-2-321 through 76-3-328, MCA, as amended and shall have the following powers:

- A. **Hear and Decide Appeals:** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this act or of any title adopted pursuant thereto.

**B. Variances:**

1. **Power to Authorize:** To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the title will result in unnecessary hardship, and so that the spirit of the title shall be observed and substantial justice done.
  2. **Requirements Allowed Modification:** More specifically, the Board may, after public notice and hearing, conditionally approve, deny or approve any request to modify the following requirements of this title.
    - a. **Setback requirements**
    - b. **Yard requirements**
    - c. **Area requirements**
    - d. **Height requirements**
    - e. **Parking requirements**
    - f. **Loading requirements**
- C. Vote:** The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title or to affect any variation of this title.
- D. Meetings:** All Board of Adjustment meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. (Ord. 454, 6-19-2000)

11-24-4: **PROCEDURE:**

- A.** After the Zoning Officer has determined that the application for Land Use Permit does not comply with this Zoning Ordinance, the applicant may submit an Application for Variance from one or more of the requirements listed in Chapter 24. An Application for Variance, as provided in Appendix A shall be submitted to the Zoning Officer. No application will be regarded as filed unless it is complete and until the required fee has been paid.
- B.** The Board shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title. During the time of appeal, all construction shall cease and shall not commence until such time of approval by the Board of Adjustment. (Ord. 454, 6-19-2000)

11-24-5

11-24-8

11-24-5: **PUBLIC HEARING AND NOTICE:** There shall be a public hearing for each Application of Variance. The Zoning Officer shall post notice of hearing on the property in question at least 7 days prior to the hearing date. Notice shall be published once in a newspaper of general circulation at least 7 days prior to the hearing date. The Planning Office is responsible for paying the cost of the notice. The Board shall take testimony from persons interested in said application. (Ord. 454, 6-19-2000)

- 11-24-6: **APPROVAL:** In approving applications of appeal or modifications, the Board shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare; and shall find as follows: (Ord. 454, 6-19-2000)
- A. **Consistent with Intent and Purpose:** Such modifications will be consistent with the intent and purpose of this title and/or any adopted Growth Policy.
  - B. **Unnecessary Hardship:** That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.
  - C. **Minimal Adverse Effect:** That such modifications will have minimal adverse effects on abutting properties or the permitted uses thereof.
  - D. **Additional Conditions for Approval:** That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:
    - 1. A time period within which the proposed structures shall be erected.
    - 2. Requiring landscaping and maintenance thereof.
    - 3. Requiring the surfacing and marking of off-street parking and loading areas.
    - 4. Any other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose set forth in this section.

11-24-7: **CONDITIONS OF APPROVAL:** Any approval under this section shall be subject to the terms of the conditions designated in connection therein. (Ord. 454, 6-19-2000)

11-24-8: **APPEALS TO THE BOARD OF ADJUSTMENT:**

- A. **Right to Appeal:** Any officer, department, board or bureau of municipality, or any person aggrieved or affected by any decision of the Zoning Officer may take appeals to the Board of Adjustment. Such appeal shall be taken within a reasonable time by filing with the Board of Adjustment a notice of appeal specifying the reasons for such appeal, and transmitting all papers constituting the record upon which the action appealed was taken.

- B. Hearing; notice; Board's Decision:** The Board of Adjustment shall fix a reasonable time for the hearing of appeal not to exceed thirty (30) days, publish notice once in a newspaper of general circulation at least 7 days prior to the hearing date, as well as due notice to the parties in interest. The Board shall render a decision within a reasonable time not to exceed ten (10) days thereafter. At the hearing any party may appear in person or by attorney.
- C. Stay of Proceedings:** An appeal stays all proceedings in furtherance of the action appealed unless the applicant certifies to the Board of Adjustment after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would 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 Board of Adjustment or by a court of record on application. The applicant must be notified of the restraining order and due cause must be shown.
- D. Power of Board:** In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination brought up for appeal. (Ord. 454, 6-19-2000)

11-24-9: **APPEALS FROM THE BOARD OF ADJUSTMENT:** Any person or persons jointly or severely aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board or bureau 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 in the office of the Board. (Ord. 454, 6-19-2000)

11-24-10: **TIME DECISION EFFECTIVE:** The decision of the Board of Adjustment shall be final except as provided for in this chapter and, if a Land Use Permit is not obtained for the subject property within 6 months from the date of the Board's decision, the variance shall be automatically cancelled and become null and void. (Ord. 454, 6-19-2000)

## CHAPTER 25

**SIGNS**

## SECTION:

- 11-25-1: Purpose
- 11-25-2: Permits Required
- 11-25-3: Authority to Refuse Permit
- 11-25-4: Fees
- 11-25-5: Duration of Permit
- 11-25-6: Computations
- 11-25-7: Exempt Signs
- 11-25-8: Prohibited Signs
- 11-25-9: Enforcement
- 11-25-10: Regulations
- 11-25-11: Maintenance – Removal
- 11-25-12: Nonconforming Signs
- 11-25-13: Sign Variance

11-25-1: **PURPOSE:** The purpose of the section codified in this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the zoning districts or jurisdictional area, and to maintain a traditional appearance to the Big Timber business districts. (Ord. 445, 5-19-1997)

11-25-2: **PERMIT REQUIRED:**

- A. Required:** It is unlawful to erect, construct, or change the use of any sign as defined in this title without first obtaining a sign permit from the City-County Planning Officer/Office; provided, that signs conforming to the requirements of this title and advertising seasonal businesses may be removed for the seasons during which the business is not in operation without being required to purchase a new permit on reinstallation of the sign.
- B. Application:** All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations if any, lighting, colors, and plan of installation stating clearances and setbacks. Any changes from the original plans, submitted at the time of application, shall be approved in writing by the City-County Planning Officer/Office. (Ord. 445, 5-19-1997)

11-25-3

11-25-6

11-25-3: **AUTHORITY TO REFUSE PERMIT:** The City-County Planning Officer/Office may refuse a sign permit for any sign, which does not comply with any of the requirements of this title. (Ord. 445, 5-19-1997)

11-25-4: **FEES:** All sign permit fees shall be determined by the City Council by resolution based on the square footage of the sign and may be changed when needed. The fees shall be paid at the time the application is made. (Ord. 445, 5-19-1997)

11-25-5: **DURATION OF PERMIT:** A sign permit shall become null and void if installation is not begun within one hundred and eighty (180) calendar days from the date the permit was issued. If work authorized by a sign permit is suspended or abandoned for one hundred and eighty (180) calendar days, a new permit shall be first obtained before work is restarted, and an additional fee of up to the amount required for a new permit may be assessed in the discretion of the City-County Planning Officer/Office. (Ord. 445, 5-19-1997)

11-25-6: **COMPUTATIONS:**

- 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 which such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display.
- B. **Computation of Area of Multi-faced signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, the sign shall be computed by the measurement of one of the faces.
- C. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- D. **Computation of Maximum Total Permitted Sign Area for a Zone Lot.** The permitted sum of the area of all individual signs on a zone lot shall be computed by section 11-25-10. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage. (Ord. 461, 7-16-2003)

11-25-7

11-25-8

11-25-7:     **EXEMPT SIGNS:** The following signs do not require a permit: (Ord. 445, 5-19-1997)

- A. Temporary signs such as “for sale”, political campaign signs, garage sales, etc., not to exceed six (6) square feet per sign, limited to four (4) signs per zone lot, and which shall be removed within one (1) week after the designated event.
- B. Signs denoting special events or grand opening that are otherwise prohibited by this title may be displayed two (2) weeks before and not to exceed one (1) week after the event. These signs include temporary banners or any temporary signage.
- C. One (1) identification sign per zone lot not to exceed twenty (20) square feet bearing only property number, post box numbers, and names of occupants of premises. This identification sign shall be a wall sign.
- D. Official governmental flags.
- E. Historical markers with approval of the City-County Planning Officer/Office.
- F. Freestanding or hung signs located inside a building.
- G. Signs placed on public property by public or quasi-public entities giving information or warnings.
- H. Incidental signs. (Ord. 454, 6-19-2000)

11-25-8:     **PROHIBITED SIGNS:** The following signs are prohibited. (Ord. 445, 5-19-1997)

- A. Temporary, lighted ground signs over 24 square feet, banners, balloon signs; (Ord. 461, 7-16-2003)
- B. Animated, rotating, revolving beacons or searchlights, flashing signs, signs which have moving parts; provided that the provisions of this subsection do not apply to signs denoting the correct time and temperature for the convenience of the public, so long as the only moving parts of such a public service sign are those necessary for the display of the correct time and/or temperature and the only advertising message displayed thereon is the name of the business or individual maintaining the sign;
- C. Strings, lines, or streamers of exposed light bulbs, except as temporary holiday decorations;
- D. Signs which admit audible sound, odor, or visible matter;
- E. Notices, political posters, handbills, advertisements, or any other signs attached, erected, or painted on any tree, power, telephone, or any utility pole, bridge, fire hydrant, or official public sign in any public right of way; and

11-25-8

11-25-10

**F.** Abandoned signs are to be removed within 60 days of the close of the business. (Ord. 461, 7-16-2003)

11-25-9: **ENFORCEMENT:** City-County Planning Officer/Office. (Prior Code 17.03.070; amd. 2001 code)

11-25-10: **REGULATIONS:**

**A. Sign Area:** The sign area per zone lot shall not exceed the smaller of the following: (Ord. 461, 7-16-2003)

<u>Zone</u>	<u>HB/ICC</u>	<u>CBD</u>	<u>M-I</u>
<b>Maximum Square Ft.</b>			
<b>Wall/ Projecting(d)</b>	<b>20%</b>	<b>100</b>	<b>15%</b>
<b>Freestanding(c)</b>	<b>150</b>	<b>10%(b)</b>	<b>150</b>
<b>Sq. Ft. of sign per linear ft. of street frontage(a)</b>	<b>1.5</b>	<b>1.5</b>	<b>1.5</b>

- (a) The total square footage of signage shall not exceed 1.5 times the linear feet of street frontage.
- (b) Percentage of wall signage square feet.
- (c) In all zone lots one freestanding sign is allowed for each street frontage on which the zone lots have frontage.
- (d) Percentage of the square footage of the wall facing street frontage.

**Off premises signs shall not exceed thirty-two (32) square feet.**

**B. Height:** The maximum height of a sign shall not exceed a height of thirty (30) feet or six (6) feet above the roof line of the building to which the sign is affixed, whichever is lower. In the westend ICC and HB zoning district located within 1500 feet measured perpendicular from I-90 right-of-way the height of the signs shall not exceed 40 feet. (Ord. 461, 7-16-2003)

**C. Setback Requirements:**

- 1. All freestanding signs shall be set back a minimum of ten (10) feet from the property line, measured from the property line to the nearest point of the sign.

2. Any projecting sign, canopy, awning, or marquee shall not extend over the sidewalk closer than eighteen (18) inches from the back of the adjacent curb, nor shall it be lower than seven and one half (7 ½) feet from the sidewalk which it overhangs. Signs located along state right-of-way must receive approval from DOT if they overhang or are placed in the right-of-way. These rights-of-way include McLeod Street, Highway 191 and Big Timber Loop Rd/ 1<sup>st</sup> Avenue.
- D. Lighting:** Signs part of an awning, marquee, or canopy may be illuminated behind the logo or lettering only.
- E. Off-Premise Sign:**
1. Off premise signs shall not exceed thirty-two (32) square feet.
  2. The maximum number of off premise signs per lot area shall not exceed 3 signs of thirty-two (32) square feet per sign or 96 square feet. (Ord. 461, 7-16-2003)
- F. Subdivision Identification Sign:**
1. Signs located in residential areas of the zoning district and not to exceed 32 square feet in total sign area.
  2. One sign per street entrance to the subdivision, condominium complex, or residential development. (Ord. 461, 7-16-2003)
- G. Ground Sign/ Portable Sign:**
1. Only one sign is allowed for each zone lot.
  2. Signs shall be included in the sign area of the zone lot and shall not exceed 4 feet in height. See section 11-25-10
  3. Only one face of the ground/ portable changeable copy sign shall be used to compute the sign area. (Ord. 461, 7-16-2003)

11-25-11

11-25-12

11-25-11: **MAINTENANCE - REMOVAL**

- A. Maintenance:** All signs shall be maintained in a safe, presentable, and good structural condition including the repair or replacement of defective parts, painting, and cleaning.
- B. Removal:** Abandoned signs shall be removed within thirty (30) calendar days of notice from the city. Removal of the signs shall be the responsibility of the owner of the sign and/or owner of the premises. If the owner or lessee of the sign fails to remove the sign within the allowed time after receiving notice from the city, the city is authorized to remove the sign at the owner's expense. (Ord. 461, 7-16-2003)

11-25-12: **NONCONFORMING SIGNS:**

- A.** A nonconforming sign is any sign which was placed or erected prior to May 19, 1997, or is located in newly annexed territory, which does not conform to the provisions of this title as it may be amended from time to time.
- B.** No such nonconforming sign shall be enlarged or increased, nor extended to occupy a greater area of square footage than was occupied at the effective date of adoption or amendment of this title. (Ord. 461, 7-16-2003)
- C.** All nonconforming signs on a zone lot shall be brought into compliance within one hundred and eighty (180) days of notice from the City if:
  - 1. the use advertised is suspended for one hundred and eighty (180) calendar days;
  - 2. the use changes;
  - 3. the sign is altered in any way except for ordinary maintenance or business name changes;
  - 4. the sign is relocated.
- D.** A change in the information on the face of an existing nonconforming sign is allowed if the change is solely to update the advertising of that business.
- E.** Nonconforming signs which are changed for any reason other than ordinary maintenance shall require a permit as specified under Section 11-25-2 prior to replacement. (Ord. 461, 7-16-2003)

11-25-13: **SIGN VARIANCE:** (Ord. 461, 7-16-2003)

**A. Procedure:**

1. After the Zoning Officer has determined that the application for Sign Permit does not comply with this Zoning Ordinance, the applicant may submit an Application for Sign Variance. An Application for Sign Variance, as provided in Appendix A shall be submitted to the Zoning Officer. No application will be regarded as filed unless it is complete and until the required fee has been paid.
2. Upon receipt of the Zoning Officer's recommendation, the City-County Planning Board shall hold a public hearing on said application at which time the Zoning Officer's recommendation shall be read and additional testimony may be taken from interested parties. At least 10 days' notice of time and place of such hearing shall be published in a newspaper of general circulation in the city, and at least 14 days' notice of time and place of such hearing shall be posted by the applicant on the property in question in such a manner as may be prescribed by the Zoning Officer. After the hearing, the City-County Planning Board shall recommend to the City Council to either approve, approve with conditions, or deny the application. If the application is recommended for denial, reasons for denial should be given.
3. The Planning Board's recommendation shall be forwarded to the City Council for final action within 10 days of the public hearing. The City Council, at a regular City Council meeting, shall either approve, approve with conditions, or deny the application. If the application is denied, reasons for denial should be given. If approved, the Zoning Officer shall issue a Sign Permit along with any attached conditions to the applicant.

**B. Public Hearing and Notice:** There shall be a public hearing for each Application of Sign Variance. The Zoning Officer shall post notice of hearing on the property in question at least 14 days prior to the hearing date. Notice shall be published once in a newspaper of general circulation at least 10 days prior to the hearing date. The Planning Office is responsible for paying the cost of the notice. The City-County Planning Board shall take testimony from persons interested in said application.

**C. Approval:** In approving applications of appeal or modifications, the City-County Planning Board and City Council shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare; and shall find as follows:

1. Such modifications will be consistent with the intent and purpose of this title and/or any adopted Growth Policy.

- 2.** That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.
- 3.** That such modifications will have minimal adverse effects on abutting properties or the permitted uses thereof.

## CHAPTER 26

## AMENDMENTS AND CHANGES

## SECTION:

- 11-26-1: Intent
- 11-26-2: Application Procedures
- 11-26-3: Investigation of Amendment
- 11-26-4: Hearing for Amendment
- 11-26-5: Approval

11-26-1 **INTENT:** The intent of this section is to provide a procedure for processing applications or petitions for zone changes and amendments. The City-County Planning Board may make recommendations and the City Council may amend, supplement or change this chapter, regulations, and map pertaining hereto. (Ord. 454, 6-19-2000)

11-26-2: **APPLICATION PROCEDURES:** Written applications for zone changes or amendments shall be submitted , signed and filed with the Zoning Officer. The Zone Change/Amendment application is provided in Appendix A. No application will be regarded as having been filed unless it is complete and until the required fee has been paid.

- A. The application for a zone change shall include, but not be limited to the following:
  - 1. A description of the present and proposed zoning.
  - 2. A legal description and general location of the tract upon which the zone change is sought.
  - 3. The area and dimensions of the parcel.
  - 4. Covenants or deed restrictions on the property, if any, must be provided with the application.
  - 5. The name, address, and phone number of the owner(s) of the land and agent(s), if any. Applications must be signed by the owner(s).
- B. A list of all property owners of lots 150 feet from a lot included in a proposed change, their mailing address, and legal description of their property. The County Clerk & Recorder or a Title Abstractor must certify the list.
- C. A map showing the present and proposed zone change in relation to zoning of properties within 150 feet of the property.

- D. The application must be submitted at least 15 days prior to a meeting of a regularly scheduled meeting of the City-County Planning Board.
- E. The application must be accompanied by the payment of applicable fees as set forth in Chapter 23 for the purpose of defraying expenses related to the proceedings. No application will be regarded as having been filed until such fee has been paid.
- F. The application may be withdrawn or amended by the applicant prior to the legal advertising as required by this chapter if the request is submitted in writing and signed by the owner(s). (Ord. 454, 6-19-2000)

11-26-3: **INVESTIGATION OF AMENDMENT:**

- A. **Zoning Officer to Investigate:** Upon initiation of an amendment by the City Council or the City-County Planning Board, or upon petition from a property owner, the Zoning Officer shall investigate facts bearing on such initiation or petition and will prepare a report that:
  1. Evaluates whether the zone change or amendment is consistent with the intent and purpose of this title.
  2. Evaluates the impact of the proposed zone change or amendment on public facilities and services.
  3. Assesses whether the zone change or amendment is in compliance with the Big Timber Growth Policy, as amended.
- B. **Additional Duties of Zoning Officer:** Additionally, the Zoning Officer shall:
  1. Place a notice of the time, date and place for a public hearing in a newspaper of general circulation at least 15 days prior to the public hearing.
  2. Notify the owner(s) of the property, or the agent, of the time, date and place of the public hearing at least 15 days prior to the public hearing.
  3. Notify the property owners, by mail, of lots 150 feet from a lot included in the proposed change of the time, date, and place of the public hearing and proposed use at least 15 days prior to the public hearing. The Zoning Officer may notify property owners of lots beyond 150 feet if the Officer determines that the proposed use of the property would likely have a substantial impact on the surrounding land uses.
  4. Post a notice of the time, date and place of the public hearing on the property 15 days prior to the public hearing. (Ord. 454, 6-19-2000)

11-26-4: **HEARING FOR AMENDMENT:**

- A. Public Hearing Required:** The City-County Planning Board shall hold a public hearing on the zone change or amendment at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of time and place of such hearing shall be published in a newspaper of general circulation. In addition, the Zoning Officer shall post a notice of time and place of such hearing at least 15 days' prior to the hearing on the affected property. All property of lots 150 feet from a lot included in the proposed change shall be notified of the proposed change by U.S. mail at least 15 days in advance of the hearing.
- B. Board Reports and Recommendations:** After such hearing or hearings, the City-County Planning Board will make reports and recommendations on said petition or initiation to the City Council. The recommendation shall address
1. Whether the zone change or amendment is consistent with the intent and purpose of this title.
  2. What impacts the proposed zone change or amendment will have on public facilities and services.
  3. What impacts the proposed zone change or amendment will have on abutting properties or the permitted uses thereof.
  4. Whether the zone change or amendment is in compliance with the Big Timber Growth Policy Plan, as amended. (Ord. 454, 6-19-2000)

11-26-5: **APPROVAL:**

- A. Basis for Approval or Denial:** The City Council approves such lawful zone changes or amendments that are not detrimental to substantial protection of public health, safety and general welfare. The City Council will base its final approval or denial on the following criteria:
1. Consistency with the intent and purpose of this chapter.
  2. Compliance with the Big Timber Growth Policy Plan, as amended.
  3. Impacts to abutting properties or the permitted uses thereof.
  4. Compatibility with prevailing uses in the area. No zone change will result in spot zoning.
- B. Protest:** A zone change or amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the City Council if a protest against a change is signed by the owners of 25% or more of; (Ord. 454, 6-19-2000)
1. The area of lots included in any proposed change, or
  2. Those lots 150 feet from a lot included in a proposed change.



CHAPTER 27

**VIOLATION OF ORDINANCE**

SECTION:

- 11-27-1: Compliance Regarding Violations
- 11-27-2: Penalties

11-27-1: **COMPLIANCE REGARDING VIOLATIONS:** Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Officer. He shall record properly such complaint and immediately investigate and take action thereon as provided by this title. (Ord. 454, 6-19-2000)

11-27-2: **PENALTIES:** Violation of the provisions of this title 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 title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned not more than 6 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 punishable as such. (Ord. 454, 6-19-2000)



**APPENDIX A**  
**PERMIT APPLICATIONS**



**CITY OF BIG TIMBER  
APPLICATION FOR LAND USE PERMIT**

The undersigned hereby make(s) application to the City-County Planning Office for a land use permit pursuant to Chapter 23 of the Municipal Code:

**APPLICANT INFORMATION:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:**

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ of the \_\_\_\_\_  
Name of Platted Area

**OR**

COS \_\_\_\_\_, \_\_\_\_\_ quarter, Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_ E

Street Address: \_\_\_\_\_

Description of the structure proposed to be constructed or moved on and proposed site modifications:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The use of the building or other structure that is proposed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Manufactured Home Number: \_\_\_\_\_ (red ID tag)

Modular Home Number: \_\_\_\_\_ (brown ID tag)

Name and address of the persons or firm who will be doing the proposed work:

\_\_\_\_\_  
\_\_\_\_\_

**Attach site plan showing exact dimensions and shape of the lot to be built upon, the exact sizes and locations of the lot of existing buildings, and the exact location and dimensions of the proposed buildings or alterations.**

When will proposed work begin? \_\_\_\_\_ End? \_\_\_\_\_

The owner(s) and contractor, named in the preceding paragraph do hereby each certify and represent that he or they have read Title 11 of the Big Timber City Code, understand the contents thereof and that the proposed building or other structure will be constructed or the other proposed work will be done and the use thereof will be in conformity with the requirements and provisions of said Title 11 and the State of Montana. Additionally, the owner(s) and contractor agree to abide by and conform to the terms of any permit issued and agree that failure to conform to the laws, regulations and permit may result in removal, at the owner's expense, the non-conforming structure, among other lawful remedies.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Owner(s):**

**Contractor(s)**

\_\_\_\_\_  
\_\_\_\_\_

\$10 Fee Required Upon Submittal of Application

Please return permit to:

City-County Planning Office  
P. O. Box 1256  
Big Timber, MT 59011  
(406) 932-5470

Make Checks payable to: Sweet Grass County

.....

**For Planning Office Use**

Date Received: \_\_\_\_\_ Land Use Permit No.: \_\_\_\_\_

Application  Granted  Denied on \_\_\_\_\_

Other comments: \_\_\_\_\_

\_\_\_\_\_

**CITY OF BIG TIMBER  
APPLICATION FOR ZONING CODE VARIANCE**

The undersigned hereby make(s) application to the City-County Planning Office for a variance permit pursuant to Chapter 24 of the Municipal Code:

**APPLICANT INFORMATION:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:**

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ of the \_\_\_\_\_  
Name of Platted Area

**OR**

COS \_\_\_\_\_, \_\_\_\_\_ quarter, Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_ E

Street Address: \_\_\_\_\_

**REQUESTED VARIANCE:**

Present zoning requirement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Proposed variance to zoning requirement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Reasons for variance: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**CITY OF BIG TIMBER**  
**APPLICATION FOR CONDITIONAL USE PERMIT**

The undersigned hereby make(s) application to the City of Big Timber for a Conditional Use Permit pursuant to Chapter 15 of the Municipal Code:

**APPLICANT INFORMATION**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY**

Lots \_\_\_\_\_, Block \_\_\_\_\_, of the \_\_\_\_\_  
(Platted area)

**OR**

COS \_\_\_\_\_, \_\_\_\_\_ quarter, Section \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.

Street Address: \_\_\_\_\_

**DESCRIPTION OF PROPOSED STRUCTURE AND USE**

Type of structure to be constructed or moved on and proposed site modifications: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Manufactured Home Number: \_\_\_\_\_ (red ID tag)

Modular Home Number \_\_\_\_\_ (brown ID tag)

Attach site plan showing exact dimensions and shape of the lot to be built upon, the exact sizes and locations of the lot of existing buildings, and the exact location and dimensions of the proposed buildings or alterations.

How will structure be used? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How will the use affect the public health, safety and general welfare of the community? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How will use affect nearby properties or their occupants? \_\_\_\_\_

\_\_\_\_\_

Name and address of persons or firm who will do the proposed work: \_\_\_\_\_  
\_\_\_\_\_

When will the proposed work begin? \_\_\_\_\_ End? \_\_\_\_\_

The owner(s) and contractor named in the preceding paragraph do hereby each certify and represent that he or they have read Title 11 of the Big Timber Municipal Code, understand the contents thereof and that the proposed building or other structure will be constructed or the proposed work will be done and use thereof will be in conformity with the requirements and provisions of Title 11 and the laws of the State of Montana. Additionally, the owner(s) and contractor agree to abide by and conform to the terms of any permit issued and agree that failure to conform to the laws, regulations and permit may result in removal, at the owners' expense, the non-conforming structure, among other lawful remedies.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Owner: \_\_\_\_\_ Contractor \_\_\_\_\_

\$100 Fee Required Upon Submittal of Application

Please return permit to: City-County Planning Office  
P. O. Box 1256  
Big Timber, MT 59011  
(406) 932-5470

Make check payable to: *Sweet Grass County*

.....  
**FOR PLANNING OFFICE USE**

Date received: \_\_\_\_\_ Planning Board Hearing Date: \_\_\_\_\_

Planning Board Decision: \_\_\_\_\_  
\_\_\_\_\_

City Council Decision: \_\_\_\_\_  
\_\_\_\_\_

Filed with City Clerk on: \_\_\_\_\_

**CITY OF BIG TIMBER  
APPLICATION FOR ZONE CHANGE OR  
TO AMEND ZONING CODE**

The undersigned hereby make(s) application to the City-County Planning Office for a Zone Change permit pursuant to Chapter 27 of the Municipal Code:

**APPLICANT INFORMATION:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:**

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ of the \_\_\_\_\_  
Name of Platted Area

**OR**

COS \_\_\_\_\_, \_\_\_\_\_ quarter, Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_ E

Street Address: \_\_\_\_\_

**PROPOSED ZONE CLASSIFICATION CHANGES:**

Present zoning classification \_\_\_\_\_ Proposed zoning \_\_\_\_\_

Reasons for rezoning: \_\_\_\_\_

\_\_\_\_\_

**PROPOSED TEXT CHANGES:**

Section in Zoning Ordinance to be changed: \_\_\_\_\_

Changed text to read: \_\_\_\_\_

\_\_\_\_\_

Reasons for text change: \_\_\_\_\_

\_\_\_\_\_

The owner(s) named in the preceding paragraph do hereby certify and represent that he or they have read Title 11 of the Big Timber City Code, understand the contents. Additionally, the owner(s) agree to abide by and conform to the terms of any permit issued and agree that failure to conform to the laws, regulations and permit may result in removal, at the owner's expense, the non-conforming structure, among other lawful remedies.

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_**

**Owner(s):**  
\_\_\_\_\_

\$150 Fee Required Upon Submittal of Application

Please return permit to: City-County Planning Office  
P. O. Box 1256  
Big Timber, MT 59011  
(406) 932-5470

Make check payable to: *Sweet Grass County*

.....  
**FOR PLANNING OFFICE USE**

Date Received: \_\_\_\_\_ Planning Board Hearing Date: \_\_\_\_\_

Planning Board Decision: \_\_\_\_\_

\_\_\_\_\_  
City Council Decision: \_\_\_\_\_

\_\_\_\_\_  
Filed with City Clerk on: \_\_\_\_\_

**APPLICATION FOR SIGN PERMIT**  
**City of Big Timber, MT**

**Job Address: (please print)** \_\_\_\_\_

**Lot(s)** \_\_\_\_\_ **Block** \_\_\_\_\_ **of** \_\_\_\_\_

**Owner:** \_\_\_\_\_ **Address:** \_\_\_\_\_

**Contractor:** \_\_\_\_\_ **Address:** \_\_\_\_\_

Class of sign: Marquee, Projecting, Roof, Ground, Wall, Temporary, Freestanding

Type: Illuminated, Non-illuminated

Height \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_

Materials: Face \_\_\_\_\_ Frame \_\_\_\_\_ Support \_\_\_\_\_

Wording of Sign: \_\_\_\_\_

Date signage will be constructed/ place on building: \_\_\_\_\_

The undersigned hereby agrees that the proposed work shall be done in accordance with the plans and specifications and statement herewith submitted and in conformity with the provisions of Title 11, City Code.

APPLICANT SIGNATURE \_\_\_\_\_

**\*Please submit with application a drawing of the sign and location on the building.**

---

**Planning Office Use:**

**Recieved on** \_\_\_\_\_ **day of** \_\_\_\_\_ **20** \_\_\_\_\_

**Filed on** \_\_\_\_\_ **day of** \_\_\_\_\_ **20** \_\_\_\_\_

See attached schedule



**CITY OF BIG TIMBER  
APPLICATION FOR SIGN VARIANCE**

The undersigned hereby make(s) application to the City-County Planning Office for a sign variance permit pursuant to Chapter 25 of the Municipal Code:

**APPLICANT INFORMATION:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:**

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ of the \_\_\_\_\_  
Name of Platted Area

**OR**

COS \_\_\_\_\_, \_\_\_\_\_ quarter, Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_ E

Street Address: \_\_\_\_\_

**REQUESTED VARIANCE:**

Present sign requirement: \_\_\_\_\_

\_\_\_\_\_

Proposed variance to sign requirement: \_\_\_\_\_

\_\_\_\_\_

Reasons for variance: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The owner(s) named in the preceding paragraph do hereby certify and represent that he or they have read Title 11 of the Big Timber City Code, understand the contents. Additionally, the owner(s) agree to abide by and conform to the terms of any permit issued and agree that failure to conform to the laws, regulations and permit may result in removal, at the owner's expense, the non-conforming structure, among other lawful remedies.

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_**

**Owner(s):**

\_\_\_\_\_

\$50 Fee Required Upon Submittal of Application

Please return permit to: City-County Planning Office  
P. O. Box 1256  
Big Timber, MT 59011  
(406) 932-5470

Make check payable to: *Sweet Grass County*

.....

**For Planning Office Use**

Date Received: \_\_\_\_\_ Planning Board Hearing Date: \_\_\_\_\_

Planning Board Decision: \_\_\_\_\_

\_\_\_\_\_

City Council Decision: \_\_\_\_\_

\_\_\_\_\_

Filed with City Clerk on: \_\_\_\_\_