

Zoning Ordinance

Town of Froid

Prepared by:



Project #2-12129

ZONING ORDINANCE

Adopted by the Froid Town Council

Ordinance No.

Date: November 27, 2013

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TOWN OF FROID ZONING ORDINANCE

TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
CHAPTER 27.01 GENERAL PROVISIONS.....	3
CHAPTER 27.02 ESTABLISHMENT OF DISTRICTS	4
CHAPTER 27.03 APPLICATION OF DISTRICT REGULATIONS	6
CHAPTER 27.04 AGRICULTURAL.....	8
CHAPTER 27.05 R-1 RESIDENTIAL	10
CHAPTER 27.06 R-2 RESIDENTIAL	12
CHAPTER 27.07 CR-1 RESIDENTIAL COMMERCIAL	14
CHAPTER 27.08 B-1 GENERAL BUSINESS	16
CHAPTER 27.09 B-2 CENTRAL BUSINESS	19
CHAPTER 27.10 I-1 INDUSTRIAL.....	22
CHAPTER 27.11 P-1 PUBLIC.....	25
CHAPTER 27.12 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).....	27
CHAPTER 27.20 SUPPLEMENTARY REGULATIONS.....	40
CHAPTER 27.21 NONCONFORMING LOTS, USES AND STRUCTURES	51
CHAPTER 27.22 ZONING ADMINISTRATOR.....	54
CHAPTER 27.23 ZONING COMMISSION	56
CHAPTER 27.24 ADMENDMENTS AND CHANGES	57
CHAPTER 27.30 BOARD OF ADJUSTMENT	60
CHAPTER 27.31 APPEALS	62
CHAPTER 27.32 VARIANCES	64
CHAPTER 27.33 CONDITIONAL USE PERMITS.....	67
CHAPTER 27.34 ADDITIONAL REQUIREMENTS FOR SPECIFIC CONDITIONAL USES	74
CHAPTER 27.35 ADMINISTRATIVE ADJUSTMENTS	83
CHAPTER 27.36 ENFORCEMENT.....	86
CHAPTER 27.37 DEFINITIONS.....	87

CHAPTER 27.01 GENERAL PROVISIONS

Sections:

- 27.01.010: Title.** This title and all chapters herein shall be known and cited as the “Town of Froid Zoning Ordinance” in accordance with and exercising the authority of the laws of the State of Montana, 76-2-301, M.C.A.
- 27.01.020: Severability.** Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.
- 27.01.030 Repealing Clause.** Ordinance Number _____ of the Town of Froid, Montana, and all parts or portions of other ordinances in conflict herewith, are hereby repealed.
- 27.01.040 Purpose.** The purpose of this ordinance is to provide for the orderly development of the Froid urban area and improve development conditions around the Town; Improve the local economy by encouraging stable and diversified economic development; Maintain and improve the condition and operational level of service of the existing road system; Protect and conserve the natural resources, clean air and water, and environment by promoting land use patterns which balance economic benefits and environmental stewardship and preserve the quality of life for the local population; Provide adequate and cost-effective public services, facilities and infrastructure to serve the local residents; Improve the community’s total living environment by employing active neighborhood based planning and implementation; Optimize business opportunities to serve the needs of the Town; Develop park and recreational facilities that meet the needs of all citizens.

CHAPTER 27.02 ESTABLISHMENT OF DISTRICTS

Sections:

27.02.010: Official Zoning Map. The Town is hereby divided into zones or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. Within such districts, the Town will regulate and restrict the creation, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

For the purpose of this chapter, the Town is hereby divided and classified into the following use districts:

- (1) AG Agricultural
- (2) R-1: Residential
- (3) R-2: Residential
- (4) CR-1: Commercial Residential
- (5) B-1: General Business
- (6) B-2: Central Business
- (7) I-1: Industrial
- (8) P-1: Public
- (9) PUD: Planned Unit Development Overlays

The official zoning map, including any changes made pursuant to this ordinance, shall be maintained by and available in the office of the Town Clerk. The official zoning map shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the Town.

27.02.020: 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:

- (1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following Town limits shall be construed as following such Town limits;
- (4) Boundaries indicated as approximately following railroad lines shall be construed as following such railroad lines;

- (5) Boundaries indicated as approximately following the centerline of streams, rivers, canals, or ditches shall be construed as following such centerlines;
- (6) Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale on the map;
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arise over district boundaries, the Zoning Administrator shall interpret the district boundary; and
- (8) Where property abuts an unzoned public or private right-of-way, the zoning designation of the property adjoining the right-of-way shall be deemed to extend to the centerline of the right-of-way, or, if the property on the opposite side of the right-of-way is not within the Town limits, the zoning designation shall extend to the opposite side of the right-of-way.

27.02.030: Interpretation of Uses. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Zoning Administrator shall determine the appropriate classification for that use. In interpreting use classification, the Zoning Administrator shall determine the listed use, if any, which is so like the requested use in purpose, function, character, and effect as to be substantially similar to said listed use. Neither the intent of this ordinance nor the intent of the district will be abrogated by such classification. Appeal of the interpretation may be made pursuant to Chapter 27.31.

CHAPTER 27.03 APPLICATION OF DISTRICT REGULATIONS

Sections:

27.03.010: Application of District Regulations. Except as otherwise provided herein, the regulations set by this chapter and Chapters 27.04 through 27.19 shall be the minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- (1) 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 conformity with all of the regulations herein specified for the district in which it is located and a building permit, if necessary, has been issued.
- (2) 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 ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as otherwise provided for shared parking as set forth by Section 27.24.040(3)(a).
- (3) No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- (4) The Froid Town Council shall determine the appropriate zoning for any and all areas to be annexed to the Town but shall request a recommendation from the Town Zoning Commission. The adopted Town of Froid Growth Policy and relevant legal precedent shall be the primary considerations in the selection of an appropriate zoning classification. When such zoning of annexed territory is to be effective at the time of such annexation, the Zoning Commission shall have held a public hearing in order that the Town Council may determine the proper zoning.
- (5) The following shall be an exception to the required lot areas as set out in Chapters 27.04 through 27.19:
 - (a) Lots which are non-conforming in respect to lot area requirements.

- (b) Sublots are not subject to the area, yard, or other dimensional requirements of this ordinance, but the parent tract shall be subject to the property development standards of each zoning district and the density requirements set forth in this ordinance.
- (6) Any building permit or other authorization issued, granted or approved in violation of the provisions of this ordinance shall be null and void and of no effect without the necessity of any proceedings for a revocation or nullification thereof. Any work undertaken or use established pursuant to any void building permit or other authorization shall be unlawful and no action may be taken by any officer or any employee of the Town purporting to validate any such violation.
- (7) Multiple contiguous lots held in common ownership may obtain a written zoning lot determination by the Zoning Administrator. The purpose of the zoning lot determination is to recognize the exterior boundaries of the combined lots as a single tract of land for zoning purposes, including the application of the area, dimensional, and setback requirements of the zoning ordinance. Any modification of the interior lot lines pursuant to a boundary line adjustment, amended plat or other instrument, other than the elimination of the interior lot lines, shall void the written zoning lot determination.
- (8) No use of land shall be permitted or conditionally permitted within the Town of Froid that is in violation of federal, state, or local law.

CHAPTER 27.04 AGRICULTURAL

Sections:

27.04.010: Intent. This district is established to preserve areas which are currently agricultural and rural land uses outside of the current town limits and are currently used as agricultural production until it is developed as part of the Town. This district will also protect the Town from uses that would have an adverse effect on the area and Town.

27.04.020: Permitted Uses.

- (1) Church
- (2) Dog kennels
- (3) Dwelling - single family
- (4) Fairgrounds
- (5) Fish hatcheries
- (6) Golf Courses
- (7) Greenhouses/plant nurseries
- (8) Home Occupations (Refer to Section 27.20.060)
- (9) Parks
- (10) Public Stables
- (11) Ranches/Guest Ranches/Riding Academies or other Ranch Type
- (12) Recreational Enterprise
- (13) Roadside Stands
- (14) Rodeo Grounds
- (15) Stock Raising (not commercial feedlots)
- (16) Safe houses

27.04.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Airports-provided there is no danger to the immediate area and they meet all Local, State and Federal requirements.
- (2) Cemeteries/Crematories/Mausoleums
- (3) Electric substations
- (4) Guest house
- (5) Gun clubs, skeet, ranges or target ranges
- (6) Oil and gas drilling
- (7) Police and fire stations
- (8) Race tracks or fairgrounds
- (9) Radio, television and cell phone towers not exceeding 50 feet in height.
- (10) Residential care home or facility
- (11) Schools - K-12
- post-secondary
- (12) Stockyards

- (12) Utilities (primary distribution site)
- (13) Water supply buildings

27.04.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 10 acres
- (2) Minimum Lot Width (ft): 125 feet
- (3) Minimum Setbacks (ft):
 - Front Yard - 50
 - Side Yard - 15
 - Rear Yard - 25% of lot depth
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – 100
- (4) Maximum Building Height (ft): None, unless set by airport zoning
- (5) Permitted Lot Coverage (%): NA

CHAPTER 27.05 R-1 RESIDENTIAL

Sections:

27.05.010: Intent. A district intended to provide lot areas for urban residential development. This district should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. Development within this district must be served by all public utilities. This zoning district would typically be found in areas designated as suburban residential or urban residential on the Froid Growth Policy Land Use Map.

27.05.020: Permitted Uses.

- (1) Day care - home (12 or fewer)
- (2) Dwelling - single family
- (3) Home Occupations (Refer to Section 27.20.060)
- (4) Parks
- (5) Safe houses

27.05.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Church
- (3) Community center
- (4) Day care – center (13 or more)
- (5) Dwelling - townhouse (2 attached units)
- townhouse (3 or more attached units)
- (6) Greenhouses, nursery, landscape materials
- (7) Golf courses
- (8) Group home - 8 or fewer
- (9) Guest house
- (10) Police and fire stations
- (11) Residential care home or facility
- (12) Schools - K-12
- post-secondary
- (13) Utilities (primary distribution site)

27.05.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7,500
- (2) Minimum Lot Width (ft): 75
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5

CHAPTER 27.06 R-2 RESIDENTIAL**Sections:**

27.06.010: Intent. This district is comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all community facilities. This zoning district would typically be found in areas designated as urban residential on the Froid Growth Policy Land Use Map.

27.06.020: Permitted Uses.

- (1) Day care - home (12 or fewer)
- (2) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (3) Home Occupations (refer to Section 27.20.060)
- (4) Parks
- (5) Safe houses

27.06.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Church
- (3) Community center
- (4) Day care - center (13 or more)
- (5) Dwelling - townhouse (3 or more attached units)
- (6) Golf courses
- (7) Group home - 8 or fewer
- (8) Mobile home park
- (9) Police and fire stations
- (10) Residential care home or facility.
- (11) Schools - K-12
 - post-secondary
- (12) Utilities (primary distribution site)

27.06.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 6000
- (2) Minimum Lot Width (ft): 50
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5

CHAPTER 27.07 CR-1 RESIDENTIAL COMMERCIAL

Sections:

27.07.010: Intent. A residential district intended to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Froid Growth Policy Land Use Map.

27.07.020: Permitted Uses.

- (1) Church
- (2) Day care – home (12 or fewer)
- (3) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (4) Home occupations (Refer to Section 27.20.060)
- (5) Parks
- (6) Safe houses

27.07.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Community center
- (3) Day care - center (13 or more)
- (4) Dwelling - townhouse (3 or more attached units)
 - multi-family
- (5) Golf courses
- (6) Group home - 8 or fewer persons
 - 9 or more persons
- (7) Homeless shelters
- (8) Mobile Home Park
- (9) Police and fire stations
- (10) Residential care home or facility
- (11) RV Park (1 RV unit per 1200 square feet)
- (12) Schools - K-12
 - post-secondary
 - commercial
- (13) Utilities (primary distribution site)

27.07.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7500 + 3000 for each additional unit beyond duplex.

- (2) Minimum Lot Width (ft): 75
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5

CHAPTER 27.08 B-1 GENERAL BUSINESS

Sections:

27.08.010: Intent. A district which provides for a variety of sales and service establishments to serve both the residents of the area and the traveling public. This district depends on the proximity to major streets and arterials and should be located in business corridors or in islands. This zoning district would typically be found in areas designated as General Business on the Froid Growth Policy Land Use Map.

27.08.020: Permitted Uses.

- (1) Athletic club
- (2) Assembly - light
- (3) Auctions, indoor
- (4) Auto parking - surface
- (5) Auto (RV, boats, motorcycles) sales and/or repair
- (6) Auto rental, limo, shuttle (taxi) services
- (7) Auto service station
- (8) Bakery
- (9) Banks and financial institutions
- (10) Barber and beauty services
- (11) Bed and breakfast
- (12) Bus station
- (13) Car wash, auto detailing shop
- (14) Catering establishments
- (15) Church
- (16) Community center
- (17) Day care - home (12 or fewer)
- center (13 or more)
- (18) Dwelling - single family
- duplex
- townhouse (2 attached units)
- (19) Food bank
- (20) Funeral homes and crematoriums
- (21) Greenhouses, nursery centers and landscaping materials
- (22) Home occupations (refer to Section 27.20.060)
- (23) Hotel, motel
- (24) HVAC/electrical/plumbing, sales/service
- (25) Janitor services
- (26) Laboratories, tech research, development and testing
- (27) Laundromats or dry cleaners
- (28) Libraries, museums and similar cultural facilities
- (29) Lumber/building material sales (with outdoor display/storage)
- (30) Media (newspaper, radio, TV)

- (31) Media, towers and facilities (accessory)
- (32) Microbreweries
- (33) Office - professional/governmental
- medical (with limited overnight stay)
- (34) Pack and ship shops
- (35) Parks
- (36) Photographic studio
- (37) Police and fire stations
- (38) Print and copy shops
- (39) Post office
- (40) Recreation area, indoor
- (41) Rental service stores and yards
- (42) Repair shops - appliance
- clothing/electronics
- (43) Restaurants
- (44) Retail business
- (45) Safe houses
- (46) Schools - commercial
- (47) Small engine sales, service and repair
- (48) Tattoo parlor
- (49) Theaters
- (50) Veterinary clinic - small animals

27.08.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auto or vehicle body shops
- (3) Auto parking - structure
- (4) Bars, taverns, and clubs (Administrative CUP)
- (5) Campground/RV Park
- (6) Casino (refer to Section 27.34.040)
- (7) Contractor's storage yard
- (8) Dwellings - multi-family
- townhouse (3 or more attached units)
- (9) Group home - 8 or fewer persons
- 9 or more persons
- (10) Homeless shelters
- (11) Kennels, animal shelters (Administrative CUP)
- (12) Mini-storage/recreational vehicle storage (Administrative CUP)
- (13) Recreation area, outdoor
- (14) Residential care home or facility
- (15) Shooting/archery - indoor (Administrative CUP)
- (16) Utilities (primary distribution site)

27.08.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 40 (60 with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5

CHAPTER 27.09 B-2 CENTRAL BUSINESS

Sections:

27.09.010: Intent. A business district intended to set apart that portion of the Town which forms the center for financial, commercial, governmental, professional and cultural activities. This district is not intended for general application throughout the planning area. This zoning district would typically be found in areas designated as Central Business on the Froid Growth Policy Land Use Map.

27.09.020: Permitted Uses.

- (1) Athletic club
- (2) Auto parking - surface
- (3) Bed and breakfast
- (4) Bakery
- (5) Banks and financial institutions
- (6) Barber and beauty services
- (7) Bus station
- (8) Car wash, auto detailing shop
- (9) Catering establishments
- (10) Church
- (11) Community center
- (12) Day care - home (12 or fewer)
- center (13 or more)
- (13) Dwellings - single family
- duplex
- townhouse (2 attached units)
- multi-family (multi-family dwellings on the second or higher floor are permitted)
- (14) Food bank
- (15) Funeral homes and crematoriums
- (16) Home occupations (refer to Section 27.20.060)
- (17) Hotel, motel
- (18) Police and fire stations
- (19) Libraries, museums and similar cultural facilities
- (20) Laundromats or dry cleaners
- (21) Media (newspaper, radio, TV)
- (22) Media, towers and facilities (accessory)
- (23) Microbreweries
- (24) Office - professional/governmental
- medical with limited overnight stay
- (25) Parks
- (26) Pack and ship shops
- (27) Photographic studio

- (28) Post office
- (29) Print and copy shops
- (30) Recreation area, indoor
- (31) Repair shops (clothing, electronics)
- (32) Restaurants
- (33) Retail business
- (34) Schools, commercial
- (35) Safe houses
- (36) Tattoo parlors
- (37) Theaters
- (38) Veterinary clinic - small animals

27.09.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auto (RV, boat, motorcycle) sales and/or repair
- (3) Auto parking - structure
- (4) Auto service station
- (5) Bars, taverns and clubs (Administrative CUP)
- (6) Casino (refer to Section 27.34.040)
- (7) Dwellings - townhouse (3 or more attached units)
- multi-family
- (8) Group home - 8 or fewer persons
- 9 or more persons
- (9) Homeless shelters
- (10) Residential care home or facility
- (11) Utilities (primary distribution site)

27.09.040: Property Development Standards.

- (1) Minimum Lot Area: N/A
- (2) Minimum Lot Width (ft): N/A
- (3) Minimum Yards (ft):
 - Front Yard - N/A
 - Side Yard - N/A
 - Side Corner - N/A
 - Rear Yard - N/A
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 40 (unlimited with CUP)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (see Section 27.22.040)
 - Maximum Fence Heights (ft):
 - Front - 4

Side	- 6.5
Rear	- 6.5
Side corner	- 6.5

CHAPTER 27.10 I-1 INDUSTRIAL

Sections:

27.10.010: Intent. An industrial district intended to provide areas for heavy industrial uses to accommodate heavy manufacturing, processing, fabrication and assembling of products or materials. It is also intended that the encroachment of non-industrial uses within the district be prevented. This zoning district would typically be restricted to areas designated as industrial on the Froid Growth Policy Land Use Map.

27.10.020: Permitted Uses.

- (1) Auctions, indoor
- (2) Auto (RV, boats, motorcycles) sales and/or repair
- (3) Auto rental, limo, shuttle (taxi) services
- (4) Auto or vehicle body shops
- (5) Auto parking - surface
- (6) Aircraft maintenance/repair
- (7) Art foundry, metal sculpture, molding and casting
- (8) Assembly - heavy
- light
- (9) Auto service station
- (10) Bakery
- (11) Bus station
- (12) Car wash, auto detailing shop
- (13) Catering establishments
- (14) Contractor's storage yards
- (15) Energy production
- (16) Farm machinery assembly, repair and sales
- (17) Feed/seed/processing/cleaning
- (18) Fertilizer, bulk sales
- (19) Food bank
- (19) Food processing - heavy
- light
- (20) Forest products and manufacturing
- (21) Foundry and metal fabrication plants
- (22) Glazier
- (24) Greenhouses
- (23) Heavy equipment sales/service
- (24) HVAC/electrical/plumbing, sales/service
- (25) Janitor services
- (26) Laboratories, tech research, development and testing
- (27) Laundromats or dry cleaners
- (28) Laundries and dry cleaning plants
- (31) Lumber/building material sales with outdoor display/storage

- (29) Manufacturing - light (no smoke, fumes, odor, dust)
- (30) Monument manufacture and sales
- (31) Microbreweries
- (32) Office - professional/governmental
- (33) Pack and ship shops
- (34) Police and fire stations
- (35) Print and copy shops
- (36) Recycling center
- (37) Rental service stores and yards
- (38) Repair shops - appliance
- (39) Retail, limited (showrooms only)
- (40) Parks
- (41) Safe houses
- (42) Schools - commercial
- (43) Shooting/archery - indoor
- (44) Small engine sales, service and repair
- (45) Taxidermy facilities
- (52) Technology – research, design, engineering, and telecommunication facilities
- (46) Truck terminal
- (47) Truck and trailer rental
- (48) Utility storage yards and associated offices
- (49) Veterinary clinic - large animals
- small animals
- (50) Warehousing and distribution
- (51) Woodworking shops, mill work

27.10.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Asphalt batch plants
- (2) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (3) Auction yards, livestock
- (4) Auto wrecking/salvage yards
- (5) Extractive industries
- (6) Fuel oil/gas/petroleum products, bulk storage/sale
- (7) Grain elevators
- (8) Kennels, animal shelters (Administrative CUP)
- (9) Landfills
- (10) Manufacturing - heavy
- (11) Mini-storage/recreational vehicle storage (Administrative CUP)
- (13) Recreation area, outdoor
- (14) Scrap processing yard (recycle/metal yard)
- (16) Shooting/archery ranges - outdoor (archery only)
- (17) Telecommunication towers and cellular communication towers (including radio, TV, internet, phone and cable providers)

- (18) Utilities (primary distribution site)

27.10.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 40
 - Side Yard - 20
 - Rear Yard - 40
 - Side Corner - 40
 - Accessory Structures - See Section 27.20.020
- (4) Maximum Building Height (ft): 40 (60 with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 8*
 - Rear - 8*
 - Side Corner - 8*
 - *Option to increase side, rear and side corner fence heights by 2 feet with barbed wire

- ## CHAPTER 27.11 P-1 PUBLIC

- (16) Utilities (primary distribution site)
- (17) Utility storage yards and associated offices

27.11.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Side Corner - 10
 - Rear Yard - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 40 (60 with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5

CHAPTER 27.12 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

- 27.12.010: Intent.** A planned unit development district shall serve as an overlay zoning district. It shall function in concert with one or more of the underlying zones to provide a comprehensive, integrated development plan which will serve to modify the underlying zone and, where appropriate, subdivision standards with the intent of providing flexibility of architectural design and density as well as providing the option to mix land uses and densities while preserving and enhancing the integrity and environmental values of a area.
- 27.12.020: General.** The following application and review procedures shall apply to designation and approval of all planned unit developments in the Town.
- (1) **Initiation of Application:** The land owner(s) or designee(s) shall schedule a pre-application meeting with the planning department prior to official submission of a PUD application. The PUD application shall be submitted on a form provided by the Town. Where multiple owners of the property or properties exist, all owners shall either sign the application or submit a letter of consent authorizing submission of the PUD application.
 - (2) **PUD Application Thresholds:** It is anticipated that PUD applications will be submitted in one of two forms, a PUD full application meeting all the requirements of this section and a PUD Placeholder application which serves as a place marker for a future PUD application. Within any PUD application it is possible to incorporate one or both of the categories listed below:
 - (a) **PUD Full Application** – This application will be processed in accordance with the full provision of this chapter and will require the submission of all application materials required in Section (3) PUD Application Materials below.
 - (b) **PUD Placeholder Application** – This submittal typically is involved with annexation and initial zoning or a rezoning in which the applicant requests a PUD designation noting the applicant's intent to develop a PUD and enter into a development agreement with the Town, binding the property to a future PUD application but not providing any application materials or development plan nor receiving any entitlements other than a commitment between the Town and the applicant that if development is to proceed it will be done via the PUD process. Prior to development of the PUD the applicant would proceed using the full PUD application process.
 - (3) **PUD Application Materials.** The full PUD application submittal shall contain the following information in the form of an overall PUD development plan and supporting text:

- (a) A listing of each deviation or class of deviation from the underlying zoning district and a justification of the appropriateness for the deviation;
- (b) A listing of each deviation or class of deviation from the Town subdivision regulations design standards and a justification of the appropriateness for the deviation;
- (c) An existing topo map showing existing building and features and a proposed topo map showing proposed topography using one to five foot intervals drawn to a scale not less than one inch equals 200 feet showing all proposed streets, lots, buildings, open space, wetlands, floodplain, environmental hazards, storm water facilities and other elements basic to the development;
- (d) Proposed locations, areas, densities and types of residential and nonresidential uses and structures within the area proposed to be developed and maximum height of buildings or structure;
- (e) Proposed plans for handling:
 - 1. Vehicular traffic;
 - 2. Pedestrian traffic routes & trails including safe routes to school;
 - 3. Sewage disposal; conceptual storm water drainage and water supply;
 - 4. Parks and open space;
 - 5. Parking;
 - 6. Prominent landscaping, buffering, site perimeter and entrance treatment features;
 - 7. Club houses, sales offices;
 - 8. Retaining wall work in excess of 3 feet in height;
 - 9. Common fencing designs and locations where proposed;
 - 10. Commercial, directional and entrance signage;
 - 11. Street lighting and parking lot lighting where applicable;
 - 12. Any other pertinent site development features.
- (f) Elevation drawings which demonstrate visually the general architectural features of each proposed building or architecturally distinct group or type of buildings and the site perimeter treatment. Note – This may be waived by the Zoning Administrator on a case specific situation for uses listed below which may include but are not limited to:
 - 1. Single family detached housing when the lots equal or exceed the minimum lot size of the underlying zone; and
 - 2. Two unit townhouse or duplex development which is alley loaded and the lots equal or exceed the minimum lot size of the underlying zone.

- (g) The PUD plan shall show the boundary lines of adjacent subdivided or un-subdivided land and the existing zoning of the area proposed for the PUD overlay;
- (h) A timeline expressing the order in which the development shall occur and estimated time for completing key components or phases;
- (i) Adequate provision for a homeowners association or other public or private management organization to provide for the operation and maintenance of all private (non-governmental) common facilities including any private streets or alley ways, homeowners parks, club houses, sales offices, open space, trails, recreational facilities and amenities, shared parking facilities, private lighting systems, subdivision entrance signage and common mail receptacles;
- (j) Adequate provisions shall be made for maintenance of all public common facilities (e.g. a trail or park) which are developed on public land, but intended to be maintained by a private organization or homeowners association;
- (k) Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Montana Subdivision and Platting Act at the time the preliminary plat is submitted;
- (l) For multi-phase projects to be developed over a long period of time or where project components are proposed which may not be built for many years;
 - 1. The first phase of development must comply with the full application process outlined above.
 - 2. Each phase of a multi-phase PUD must be able to be free standing.
 - 3. Each phase of a PUD shall not exceed the density provisions of the underlying zone as limited by the PUD. Where a phase is proposed that complies with the overall PUD plan but the actual density of the particular phase may exceed the average density allowed by the underlying zone and PUD agreement, the applicant shall either provide the necessary corresponding open space or park facilities or suitably bond for them for development in a latter phase.
 - 4. Future phase or major development components may show conceptual street designs, proposed park and open space areas, trail concepts, proposed residential density, housing types (single family, townhouse, apartment, etc.) and commercial areas versus detailed

lot, block, street and park development and building designs. Based on a finding and associated conditions placed on the PUD at time of approval, the applicant may be required to provide more specific information prior to development of succeeding phases based on one of the following processes: (Note: The planning staff, Planning Board or council, at their discretion, may also request additional or more complete information relative to the future phases or components prior to recommending or granting initial PUD approval).

- a. A finding that the outstanding items are significant and therefore future phases or components should follow the full PUD application process;
 - b. A finding that the outstanding items are generally minor and therefore future phases or components should be reviewed under the conditional use permit process; or
 - c. A finding that the outstanding issues are insignificant and therefore future phases or components should be subject to administrative review by the Froid Zoning Administrator.
 - d. A combination of the above provisions.
- (m) Any other information, plans and details which the Zoning Administrator, Zoning Commission, and/or Town Council may request to fully evaluate the development proposal and its impacts.
- (4) **Review of Application:** Upon submission of the application the Zoning Commission shall review such application based on the following:
 - (a) The compliance of the proposed PUD with the Town growth policy and in particular the density and use policies of the plan;
 - (b) The extent to which the PUD departs from the underlying zoning and the reasons why such departures are or are not deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;
 - (c) The extent to which the PUD departs from the subdivision regulations (if subdivision is anticipated) and other standards for design and construction applicable to the subject property, the reasons why such departures are deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

- (d) The overall internal integrity of the PUD including the appropriate use of internal design elements, the use of buffers between different land uses, the use of transitions between uses of greater and lesser intensity, the use of enhanced design features to provide connectedness for both vehicle and pedestrian traffic throughout the PUD and the use of innovative and traditional design to foster more livable neighborhoods;
- (e) The nature and extent of the public parks and common open space in the PUD, the reliability of the proposal for maintenance and conservation of these areas and the adequacy or inadequacy of the amount and function of the parks and open space in terms of the land use, densities and dwelling types proposed in the PUD;
- (f) The manner in which the PUD plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of recreation and visual enjoyment;
- (g) The relationship, beneficial or adverse, of the PUD plan upon the neighborhood in which it is proposed to be established in concert with the underlying zone;
- (h) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the PUD; and
- (i) Conformity with all applicable provisions of this chapter.

(5) Action by the Zoning Commission.

- (a) The Zoning Commission shall hold at least one work session on a proposed PUD plan prior to any public hearing. The work session is intended for information purposes only to inform both the public and the commission about the various aspects of the project. It is not intended to be a public hearing and the commission shall take no formal action on the application. As a courtesy, all adjoining property owners shall be invited to at least one work session. This invitation may be included within the formal public hearing notice or it may be sent separately.
- (b) The Zoning Commission shall hold a public hearing on the application pursuant to Section 27.28.030. The Zoning Commission shall submit its recommendations to the Town Council. The Zoning Commission may recommend approval in whole or in part, may recommend modification and can impose conditions which will clarify facets of the PUD, implement Town standards, regulations or policy, or serve to mitigate potential negative impacts, or the commission may recommend disapproval.

- (6) **Action by the Town Council.** The Town Council shall consider the recommendation of the Zoning Commission and may affirm, modify or deny the PUD. If the PUD is approved, the applicant shall submit a final PUD in accordance with the conditions of approval as adopted by Town Council. When the Town Council approves the PUD, the area of land involved shall be re-designated as a PUD district by ordinance which shall incorporate the final PUD including any conditions or restrictions that may be imposed by the Town Council and shall constitute the zoning for the district.

- (7) **Preparation and Filing of Final PUD.** Upon approval of the preliminary PUD by the Town Council, the property owner(s) shall proceed with the preparation of the final PUD plan:
 - (a) The final PUD plan shall incorporate all the conditions imposed by the Town Council at the time of approval of the preliminary plan;
 - (b) The applicant shall submit three signed copies of the PUD, final plan and related documents to the planning department. Upon approval by the Zoning Administrator, one signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the Town clerk's office and one signed copy shall be kept on file with the planning department;
 - (c) Upon receipt of the final PUD plan and related documents by the planning department, the Town attorney shall prepare a PUD agreement between the Town and the developer(s) binding the developer, his successors, heirs and assigns to the terms and conditions of the PUD;
 - (d) The final PUD shall be submitted to the planning department in a timely fashion following approval by the Town Council but in no case shall a final plat or building permit be issued until the final PUD plan has been submitted and approved and the PUD agreement has been executed;
 - (e) Where there is a question concerning compliance with a condition of the PUD, by either the applicant or Town, the issue will be forwarded to the Zoning Administrator. If the issue cannot be satisfactorily resolved it shall be forwarded to Town Council; and
 - (f) Prior to the approval of a final plat or where a subdivision is not involved prior to issuance of a certificate of occupancy or commencement of a use approved by a PUD, when specific aspects of the PUD are not yet completed that are pertinent to the phase or use, the Town Council shall require bonding or any other appropriate collateral to ensure that all required public improvements or conditions of approval specifically required to be in place prior to final plat, occupancy or commencement of

use as appropriate shall be satisfactorily completed in accordance to the approved plans, specifications and time schedule.

- (8) **Limitation on Rezoning.** The Zoning Commission shall not initiate any amendment to the PUD before the completion of the development as long as development is in conformity with the approved detailed PUD and proceeding in accordance with the time requirements imposed therein by the completion schedule.

- (9) **Amending an Approved Final PUD.**

- (a) Once approved, a PUD may be amended by the developer(s). Proposed amendments shall be submitted to the Zoning Administrator. The committee shall make one of the following findings:

- 1. The change(s) is deemed minor in scope and may be granted or denied with or without conditions by the Town Zoning Administrator.
 - 2. The change(s) is deemed major, in which case the amendment(s) is forwarded to the Town Council for consideration and final action.

Note: Any recommendation of the Zoning Administrator can be appealed to the Town Council.

- (b) Individual property owners within the PUD may bring forth amendments, which shall be processed as an amendment to the official zoning map in accordance with Chapter 27.29.

- (10) **Abandonment or Expiration.**

The Zoning Administrator shall monitor the PUD for compliance with the completion schedule set forth in the approved development plan and to assure that all improvements have been made in accordance with the approved development plan. The following procedures are to be following when the PUD fails to comply with the completion schedule:

- (a) PUD's or portions thereof which do not involve or require a subdivision:
 - 1. If a PUD project falls out of compliance with its approved completion schedule, notice of noncompliance with the completion schedule shall be delivered in writing to the landowner and/or developer;
 - 2. No later than 30 days after the notice of noncompliance is delivered the landowner and/or developer may request from the Town Council

an extension of time. Said request shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. The Town Council may grant one or more extension(s) but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the Town Council which may be deemed necessary to address issues that have arisen due to the lapse in time;

3. Abandonment shall be deemed by the Town Council to have occurred when the landowner/developer is deemed to be out of compliance with the approved completion schedule and has failed to secure an extension as provided for in (2) above;
 4. Upon the abandonment of a development authorized under this section the Town Council shall direct the Zoning Administrator to do the following;
 - a. If a portion of the PUD site was developed in accordance with the PUD, the PUD shall stay in force for that portion already developed; and
 - b. For that portion of the PUD which was not developed under the terms of the PUD, the provisions of the PUD shall lapse and the site shall revert back to a PUD Placeholder designation as provided for in Section 27.19.020(2)(b).
- (b) PUD's which are implemented by or subject to a subdivision application the developer has the option to request the PUD approval coincide with the preliminary plat approval and any phasing thereof or the PUD approval may exceed the time frame approvals of the underlying preliminary plat. In this case the developer shall provide reasons the PUD approval should extend beyond any preliminary plat approvals for the Zoning Commission and Town Council to consider:
1. If the PUD approval coincides with the underlying preliminary plat and the preliminary plat lapses, the PUD conditions of approval for that area shall lapse.
 - a. In such case the Town shall notify the property owner of the lapse of the preliminary plat and associated PUD conditions of approval;
 - b. The Zoning Administrator shall modify the PUD designation on the official zoning maintaining the underlying zoning classification but classifying the property as a PUD Placeholder as provided for in Section 27.19.020(2)(b).

2. If the PUD approval extends beyond the underlying preliminary plat approval, the developer shall request extensions of the PUD on a yearly basis after expiration of the underlying preliminary plat.
 - a. At least 30 days prior to the expiration of the PUD approval the landowner and/or developer may request from the Town Council an additional one year extension. Said request shall set forth a revised completion schedule and/or new timetable for installation of the improvements and completion of the project. The Town Council may grant one or more extensions but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the Town Council which may be deemed necessary to address issues that have arisen due to the lapse in time;
 - b. If the PUD project fails to secure an extension or falls out of compliance with its approved completion schedule provided for in 2.a. above, the project will be considered abandoned.
 - c. Upon the abandonment of a development authorized under this section, the Town Council shall direct the Zoning Administrator to do the following:
 - I. If a portion of the PUD site was developed in accordance with the PUD, the PUD shall stay in force for that portion already developed;
 - II. For that portion of the PUD which was not developed under the terms of the PUD, the provisions of the PUD shall lapse and the site shall revert back to a PUD Placeholder designation as provided for in 27.19.020(2)(b).

27.12.030: Standards for Planned Unit Development District (PUD).

(1) General Standards.

- (a) **Developable area** of a PUD shall be defined as all land that could potentially be available for development including land in existing or potential lots, streets, open space and parks. **Undevelopable area** is defined as land within un-buildable areas including land in a 100 year floodplain, BPA power line easements, federally designated wetlands, and slopes in excess of 30% unless satisfactory geotechnical information is submitted by a licensed engineer.
- (b) Both the permitted and conditionally permitted uses of the underlying zone shall be deemed to be eligible for inclusion as permitted uses in a PUD

however not all such uses may be deemed appropriate within the overall design of a particular PUD and may be limited or modified by the PUD plan.

(2) **Establishment of PUD Districts.**

(a) **Residential PUD District.**

1. Minimum size is two acres including both developable and undevelopable area. For PUD's less than 2 acres in size, a PUD application may be submitted; however, such site will not be eligible for a density bonus as provided for in table 1 below.
2. A residential PUD district may be established in areas zoned R-1 through R-5, RA-1, RA-2 and the H-1.
3. Housing types within a residential PUD may include single family, duplex and multi-family housing arranged in attached, detached, townhouse, apartment or condominium configurations.
4. Residential dwelling unit density: Within a proposed residential PUD district residential densities are set forth below:

**Table 1
PUD Density Allocation**

Underlying Residential District	Max # Dwelling Units/Developable Acre
R-1 District	4 dwelling units
R-2 District	7 dwelling units

- a. Table 1 provides for the maximum # of dwelling units per developable acre. Developable acres are based on land in developable area and exclude undevelopable land as defined in 27.19.030(1)(a) above;
- b. PUD's are not entitled automatically to the maximum density allowed in Table 1 above. Density shall be established based upon:
 - I. An analysis of the environmental factors affecting the land;
 - II. Compatibility with surrounding land uses and impact on adjacent neighborhood;

- III. Availability of public infrastructure and services; and
 - IV. Consistency with the Froid Growth Policy.
- c. Residential density bonuses: The maximum PUD residential density provided for in Table 1 may be increased in the following situations:
- I. Up to a 20% increase in residential units for projects which exceed the minimum park and open space requirements as follows:
 - i. A 5% increase in density for each 10% increase over and above the minimum required developed park lands.
 - ii. A 5% increase in density for each 10% increase of open space over and above the minimum park land requirement.
5. Commercial uses and their associated parking may be allowed in a residential PUD district, provided:
- a. Lots devoted to commercial uses and their associated parking shall not occupy more than 10% of the developable land area of the PUD district;
 - b. Commercial uses shall be so located, designed and operated as to serve primarily the needs of persons within the district and secondarily persons residing elsewhere; and
 - c. The acreage proposed for commercial use and its parking shall be excluded from the gross acreage when computing total allowable dwelling units.
6. Residential park/open space requirements:
- a. The minimum park land required is based on a ratio of .03 acres per residential unit. Residential units are defined as both owner and renter occupied units and includes single family and multi-family attached and detached construction but specifically excludes licensed retirement, assisted living or nursing home units.

- b. Lands considered undevelopable as provided for in 27.19.030 (1)(a) shall not be considered as meeting the minimum park land and open space requirements.
- c. The applicant shall submit a plan for development of each of the park areas. The approved plans shall be fully implemented by the applicant.
- d. In addition to developed park lands, the PUD shall incorporate open space features, where and when appropriate to enhance the overall development, to serve as a necessary noise or visual barrier or to protect sensitive areas such as stream setbacks, floodplains, areas of steep slopes or other fragile areas.
- e. The first 20 feet of width of a required pedestrian trail system (trail and associated easement) shall be considered a transportation facility and shall not be counted towards any open space of park land requirement.

(2) Commercial PUD District.

- (a) Minimum size is two acres of developable area.
- (b) A commercial PUD district may be established in areas zoned B-1 through B-5, P-1 and H-1.

(3) Industrial PUD District.

- (a) Minimum size is two acres of developable area.
- (b) An industrial PUD district may be established in areas zoned I-1, I-2, P-1 and B-5.

(4) Residential Mixed Use PUD.

- (a) The minimum size is 5 acres of developable area.
- (b) A residential mixed use PUD may be established in areas zoned R-1 through R-5, RA-1, RA-2, B-1, P-1 and H-1.
- (c) The predominant land use character of the PUD must be residential; commercial uses should primarily be sized and located to address the needs of the immediate neighborhood.

- (d) The residential uses and densities appropriate to a mixed use PUD are the same as those permitted in a residential PUD.
 - (e) Commercial uses appropriate to a mixed use PUD are the same as those permitted in a commercial PUD.
 - (f) Incompatible industrial and commercial uses are not permitted.
 - (g) The combined area of all commercial/industrial lots cannot exceed 35% of the developable area.
- (5) **Non-Residential Mixed Use PUD.**
- (a) Minimum size is two acres of developable area.
 - (b) A non-residential mixed use PUD may be established in any zoning district which would allow a commercial or industrial PUD.
 - (c) Uses allowed under either a commercial or industrial PUD are allowed.

CHAPTER 27.20 SUPPLEMENTARY REGULATIONS

Sections:

27.20.010	Intent
27.20.020	Accessory Uses
27.20.030	Exceptions to Height Regulations
27.20.040	Fences, Walls, and Hedges
27.20.050	Greenbelts
27.20.060	Home Occupations
27.20.070	Lots in Two Zones
27.20.080	Principal Structures
27.20.090	Safe Houses and Domestic Violence Shelters
27.20.100	Side Corner Setback Reduction
27.20.110	Single Family and Duplex Dwellings – Design Standards
27.20.120	Site Plan Review
27.20.130	Special Events
27.20.140	Structures To Have Access
27.20.150	Sublots
27.20.160	Visibility at Intersections
27.20.170	Water, Sewer, Storm, Street and other Infrastructure Installation

27.20.010: **Intent.** The supplementary regulations listed and described herein apply to a specific district, to several districts, or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

27.20.020: **Accessory Uses.** In addition to any permitted or conditionally permitted principal uses, accessory uses and structures are permitted as set forth in this section.

(1) **General Provisions.** Each permitted accessory use shall:

- (a) Be customarily incidental to the principal use established on the same lot;
- (b) Be subordinate to and serve such principal use;
- (c) Be subordinate in area, extent, and purpose to such principal use; and
- (d) Contribute to the comfort, convenience, or necessity of users of such principle use.

(2) **Standards for accessory uses and structures.** The following is a list of restrictions on accessory uses and structures:

(a) **Setbacks.**

	Front	Side	Rear	Side Corner
Accessory Structures (larger than 200 square feet) in all zones except B-1	See setback for principal structure	5 ft	5 ft	See setback for principal structure
Accessory Structures (200 square feet or less) in all zones except B-1	See setback for principal structure	N/A	N/A	See setback for principal structure
B-1	N/A	N/A	N/A	N/A

When a garage or carport is entered from an alley, it shall not be located closer than ten feet from the alley right-of-way line. When a garage or carport is entered from any other public or private right-of-way, it shall not be located closer than twenty feet from the right-of-way line unless a greater setback is provided for under the particular zoning district development standards.

- (b) In R and RA zones, accessory structures shall not exceed 18 feet in height and are limited to single story construction. Accessory structures in other zones shall not exceed the maximum height for principal structures as provided under the particular zoning district development standards.
- (c) No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.
- (d) Accessory structures shall be limited to no more than 1000 square feet in size.

27.20.030: Exceptions to Height Regulations.

- (1) The height limitations contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, grain elevators, or other agriculture buildings, telecommunication towers and cellular communication towers and facilities, unless otherwise prohibited by Federal Aviation Regulations, part 77.
- (2) The height of any structure may be limited pursuant to requirements related to a conditional use permit. The limitation may be less than otherwise allowed under this ordinance.

- (3) Additional height may be allowed under a conditional use permit in those zones where additional height is provided for under the development standards.
- (4) Masts for flagpoles and antennas accessory to an allowed use shall not exceed the height limits of the zoning district.
- (5) Masts for flagpoles must be set back from the property line to prevent the intrusion of the extended flag into or over any public right-of-way or adjoining property.

27.20.040: Fences, Walls, Hedges.

- (1) Except as otherwise provided by this ordinance, no fence, hedge, or free-standing wall shall exceed 48 inches in height anywhere within or bounding the front yard or 78 inches within the rear, side corner, or side yards when placed within the required yard setback areas. Fences, hedges, and walls shall not interfere with clear vision triangles. A single archway serving as a pedestrian entrance and being no more than nine feet tall, five feet wide and four feet deep, may be attached to a fence in the required setback area.
- (2) Open wire fences exceeding the above heights may be built around schools, day cares, tennis courts, swimming pools, or other public or quasi-public institutions when necessary for the safety or restraint of occupants thereof. The acceptable height of said fences shall be determined by the Zoning Administrator after giving consideration to the character of the neighborhood, available options on-site, and purpose of the fence.
- (3) Security fences are allowed on side and rear yards up to 8 feet in height when used to enclose commercial or industrial storage yards. Barbed wire may be used along the upper one-third portion of the fence (up to a total of 2 feet). Barbed wire is not permitted within the front or side corner setback area.
- (4) Except where necessary to contain livestock and as otherwise indicated in (3) above, no barbed wire or other sharp fencing materials and no electrically charged fences shall be erected or maintained in any district created by this code. When electrically charged fences are used, such fence shall be posted with warning signs at intervals not to exceed 150 feet where such fences are adjacent to public rights-of-way or other zoning districts.

27.20.050: Greenbelts.

- (1) All sites in a “B” or “I” classified district having a common boundary with an “R” or “CR” classified property, shall erect and maintain a view-obscuring fence or dense, coniferous hedge along such common boundary. Fences shall not be less than six feet in height. Hedges shall be subject to approval by the parks department. Any vegetation shall be a minimum of 3 feet in height at planting and obtain a height of not less than six feet at maturity. Where the wall of a building, or public

alley, or public street is on such common boundary, no separate wall, fence or hedge need be installed along that portion of the boundary occupied by such building, street, or alley. Fences and hedges utilized as greenbelts are subject to the height limitations for the district in which they are located.

- (2) Fences or greenbelts erected as a requirement of this section shall be maintained in a neat and orderly manner, and any vegetation shall be healthy and attractive.

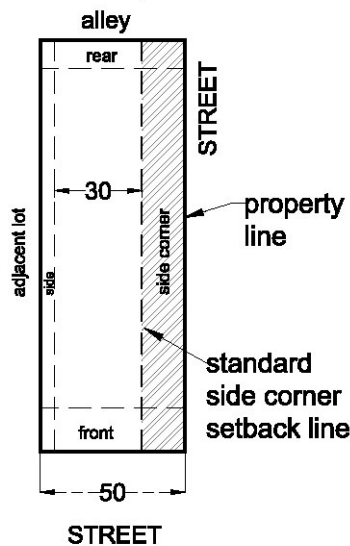
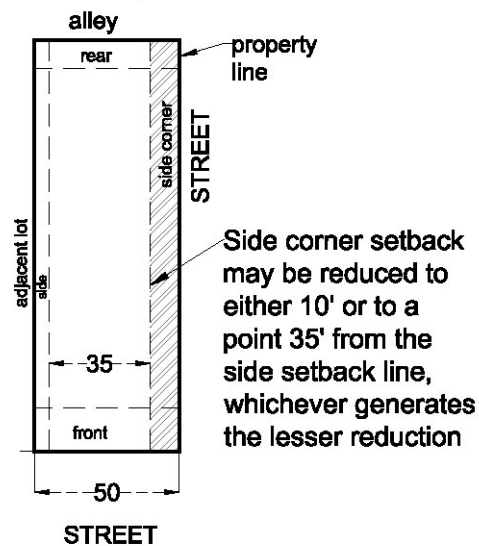
27.20.060: Home Occupations. Home occupations are allowed in conjunction with any residential use that is a primary residence for the occupant(s) provided that:

- (1) The home occupation is clearly incidental and secondary to the use of the property as a residence.
- (2) Any commodity sold upon the premises must be produced on the premises. This is not intended to preclude the occasional home party sales associated with such products as Tupperware, Amway and Avon. This would include but not be limited to music lessons, educational tutoring, consulting services, personal services and photography studios.
- (3) Home occupations would not include any type of auto, boat or RV repair, maintenance or painting; any type of food preparation for on-site consumption or retail sales which include items not produced on-site, or any other use which creates traffic uncharacteristic of a residential area or requires outdoor storage of materials.
- (4) Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory building would not be in excess of that which would normally be anticipated in a residential area.
- (5) There shall be no exterior display, or exterior storage of materials, house calls after 9:00 p.m. or before 8:00 a.m., or other indication from the exterior that the dwelling unit or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.
- (6) There shall be no employees other than those residing on the premises.
- (7) There shall be no pedestrian or vehicular traffic in excess of that which is characteristic of a typical neighborhood of its type and shall not exceed more than one at a time or eight all day.
- (8) A wall sign flush mounted to the building not to exceed six square feet may be allowed in association with a home occupation.

27.20.070: Lots in Two Zones. District boundaries shall, except for unique conditions or circumstances, take into consideration property boundaries as platted and every effort shall

be made to not divide a platted lot, parcel or tract of land into two (2) or more use districts. If, however, a property is divided into two (2) use districts, the property may be utilized in conformance with one zoning district or the other as long as the use is confined to that portion of the property for which it is zoned. The remainder of the lot lying within the other zoning classification will remain open. This is not meant to preclude the possibility of the owner applying for a zone map amendment or subdivision of the lot to address the situation.

- 27.20.080: Principal Structures.** In any “B” or “I” district, more than one structure housing a permitted and customary principal use may be erected on a single lot or tract of land, provided that yard and other requirements of this code shall be met for each structure as though it were on an individual lot. This provision shall not apply to any lot within an “R” district where only one principal structure is permitted.
- 27.20.090: Safe Houses.** Safe houses are not subject to public review because of the need for anonymity to protect the victims of domestic violence and abuse from their abusers. However, they will be required to be reviewed and approved by the Zoning Administrator for compliance with applicable health, safety and zoning regulations prior to occupancy. Periodic inspections shall be conducted to insure compliance with fire and life safety codes. Any inquiries or issues associated with the review process shall be kept strictly confidential to the extent allowed by law in order to protect the integrity, intent and operation of the safe house. Information acquired as part of the review process will be kept confidential. Should issues arise within the neighborhood regarding the operation of the safe house the Town of Froid shall make every reasonable effort to amicably resolve potential conflicts.
- 27.20.100: Side Corner Setback Reduction.** Notwithstanding any side corner setback otherwise required under this ordinance, if the distance between the side setback and side corner setback (i.e. the buildable width) on a corner lot is less than 35 feet, development may occur within the side corner setback to either a point 35 feet from the side setback or ten feet from the side corner property line, whichever generates a lesser encroachment. (See Figure 1).

Figure 1: Side Corner Setback Exception**SIDE CORNER SETBACK****SIDE CORNER SETBACK EXCEPTION**

27.20.110: Single Family and Duplex Dwellings – Design Standards. The purpose of this section is to promote public health, safety and welfare and to ensure neighborhood compatibility by establishing minimum standards for single family dwellings and duplexes. All single family dwellings and duplexes shall comply with the following standards:

- (1) As used in this section, a manufactured home means:
 - (a) A single family dwelling, built off site in a factory on or after January 1, 1990;
 - (b) That is placed on a permanent foundation;
 - (c) Is at least 1,000 square feet in size;
 - (d) Has a pitched roof and siding materials that are customarily used on site-built homes; and
 - (e) Is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.
- (2) All single family dwellings and duplexes must be site built or manufactured homes and must:
 - (a) Be a minimum of 20 feet at the narrowest width;
 - (b) For factory assembled housing, have all tow bars, wheels and axles removed at time of installation;

- (c) Be placed on a permanent foundation that meets applicable building code requirements; and
 - (d) Have not been previously located.
- (3) Site built homes may be moved as follows:
- (a) To a different location on the same parcel;
 - (b) From one lot in the Town to a different lot; or
 - (c) From outside the Town to a lot inside the Town.

27.20.120: Site Plan Review. The purpose of this section is to establish site design criteria and review procedures to promote the general health and welfare by encouraging attention to site planning and giving regard to the natural environment, creative project design, and the character of the neighborhood or area.

- (1) **Application of These Procedures.** These procedures shall apply to all developments within the zoning jurisdiction of the Town of Froid. The site plan shall be submitted and approved prior to the issuance of any building permit for any construction, development or any site preparation.
- (2) **Criteria for Design Review.** The following criteria shall be utilized by the Site Development Review Committee, when required, in reviewing site plans to ensure that the purpose and intent of the zoning ordinance, Town tree ordinance, and all other applicable Town ordinances are met:
 - 1. The landscape shall be preserved in its natural state, in so far as practical, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighborhood or area, and safe, and efficient development of the site.
 - 2. The proposed development or physical improvements will not impair or interfere with (a) the development, use, enjoyment or value of other property in the vicinity; (b) the orderly development of the neighborhood; or (c) the area as a whole.
 - 3. Project Development.
 - a. The proposed development or physical improvement has a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses;

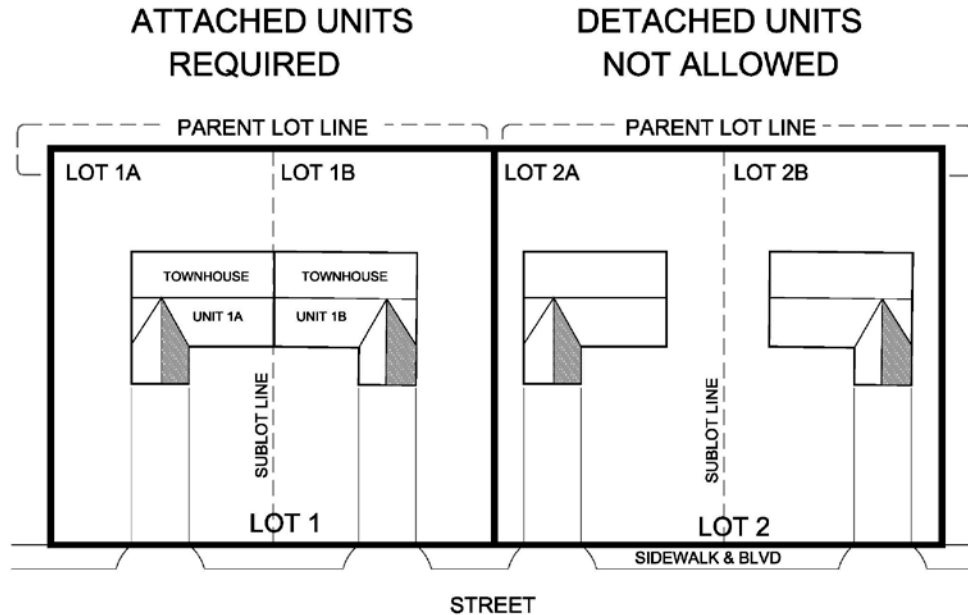
- b. The proposed development or physical improvement is in character with the design qualities of other developments in the area; and
 - c. Utilities are placed underground.
 - 4. Curbs, gutters, sidewalks, and boulevard landscaping in adjacent rights-of-way shall be developed or upgraded to current public works design and construction standards. Travel surfaces may, where appropriate, be required to be repaired or upgraded. Boulevard landscaping shall include grass and tree species approved by the parks department. Boulevard landscaping shall not include rocks, gravel, or similar non-vegetative treatments.
 - 5. Development or physical improvement shall provide sufficient landscaping to assure a pleasant and aesthetic on-site environment and provide protective screening, when necessary. This may include landscaping for the front yard or any yard adjacent to any public right-of-way, along any lot adjacent to a residential zone, or in association with off-street parking areas. All landscaping shall be continually maintained including necessary watering, weeding, pruning and replacing, in a substantially similar manner as approved.
- (d) Power to Amend Plans. When approving an application for a site design and use, the Zoning Administrator will include any or all of the following conditions, if they find it necessary to meet the intent and purpose and the criteria for approval of this ordinance:
- 1. Require such modifications in the landscaping plan as will insure proper screening, aesthetic appearance, and use of appropriate material within the right-of-way.
 - 2. Require the retention of existing trees, rocks, water ponds, or courses and other natural features.
 - 3. Require the retention and restoration of existing historically significant structures on the project site.
 - 4. Require the modification or revision of the design or remodeling of structures, signs, accessory buildings, etc. to be consistent with all Town codes, ordinances, policies and guidelines.

5. Require on-site fire protection during the construction phase of a project.
 6. Require placing all utilities underground.
 7. Require on-site pedestrian access and connectivity to adjacent facilities, separate pedestrian access ways, and sidewalks/bike paths.
- (e) **Permit Issuance for Site Plans.** The Town Council shall issue a permit for the development upon a finding that all applicable Town regulations and guidelines of this section have been adhered to upon recommendation from the Zoning Administrator.
- (4) **Appeals.** Any applicant for site plan approval may file an appeal when aggrieved by a decision or interpretation made by the Zoning Administrator.
- (a) A written appeal and payment of a fee as prescribed by the Town Council must be received in the office of the Town Clerk within 30 days from the time the officer(s) charged with the enforcement of this section have made a written interpretation or determination on the site plan application.
 - (b) The Town Clerk shall review the appeal and transmit the appeal and associated materials to the Town Council.
 - (c) The Town Council shall act on the appeal within 30 days following receipt of the appeal by the Town Clerk.
 - (d) Decisions by the Town Council shall be by Resolution. The basis for the decision on each appeal and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.

27.20.130: Special Events. Special events such as car shows, boat shows, RV shows, carnivals, concerts and similar outdoor activities are permitted in the “B”, “I”, and “P” zones provided they do not exceed seven days in a one month period.

27.20.140: Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots as to provide safe convenient access for servicing, fire protection, and required off-street parking.

27.20.150: Sublots. Sublots may be created in any zoning district other than the R-1. Sublots are subject to subdivision approval and, if required, a conditional use permit.

Figure 2: Sublots**SUBLOTS****(1) Site Requirements.**

- (a) The allowable number of sublots shall be determined by dividing the gross area of the parent lot by the density limits of the applicable zoning district. In the event that the design utilizes common ownership of common areas, the area of the lot(s) plus the common area shall be divided by the density limits of the applicable zoning district to determine the allowable number of sublots.
- (b) In no case, however, shall a sublot located in an “R” or “CR” zone have more than one dwelling unit thereon.

(2) Building Limitations.

- (a) The yard, height, and area requirements of the district shall apply to the entire area of the parent lot.
- (b) Common ownership of the yards is permitted.
- (c) The shared interior property boundary(ies) is/are required to be developed at a zero lot line.
- (d) Sublots shall not be used to develop detached units. (See figure 2 above)

- 27.20.160: Visibility at Intersections.** In any residential district, fences, signs, walls, hedges, or other planting may be permitted in any required yard, provided that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede a clear vision triangle. (See definitions).
- 27.20.170 Water, Sewer, Storm, Street and other Infrastructure Installation.** Any water main, sewer main, storm sewer, street or any other infrastructure required as a result of the impacts related to site development are the responsibility of the developer. The Town of Froid will not cover any costs associated with extension of public or private utilities or streets to benefit private development.

CHAPTER 27.21 NONCONFORMING LOTS, USES AND STRUCTURES

Sections:

27.21.010	Intent
27.21.020	Nonconforming Structures
27.21.030	Nonconforming Uses
27.21.040	Nonconforming Accessory Uses and Structures
27.21.050	Changes to Historically Significant Residential Structures
27.21.060	Reconstruction

- 27.21.010:** **Intent.** It is the intent of this chapter to permit nonconformities which were lawful before the adoption of this code to continue until they are removed. It is further the intent of this chapter that nonconformities shall not, unless otherwise permitted by this chapter, be enlarged upon or expanded, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this title and which actual building construction has been carried on diligently. A change of tenancy, ownership, or management of any legally existing nonconforming use is allowed.

- 27.21.020:** **Nonconforming Structures.** If a structure was lawfully constructed (conforming to zoning regulations then in effect) prior to the effective date of adoption or amendment of this code and does not conform with the current standards of this code, the structure may remain as long as it remains otherwise lawful and subject to other conditions set forth herein.

- (1) 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.
- (2) **Changes to Nonconforming Structures.** A structure conforming with respect to use but nonconforming with respect to other standards may be enlarged or altered provided that the enlargement or alteration does not further deviate from these regulations. For example, an extension, whether horizontal along a property line or vertical with additional height, of a structure within a setback area creates a further deviation beyond the existing nonconformity.

(3) Repairs and Maintenance.

- (a) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or portion thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

27.21.030 Nonconforming Uses. If the lawful use of a structure or land was established prior to the effective date of adoption or amendment of this code (conforming to zoning regulations then in effect) and does not conform with the current standards of this code, the use may continue as long as it remains otherwise lawful and subject to other conditions set forth herein.

- (1) 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.
- (2) The removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming status of the use.
- (3) If both a structure and land are nonconforming, the removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (4) Whenever a nonconforming use of a structure or a premise is abandoned for 180 days, the structure or land shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (5) A structure devoted to a nonconforming use may only be enlarged, extended, constructed or structurally altered, and a use of land devoted to a nonconforming use may only be enlarged or extended, if a conditional use permit is obtained.
 - (a) Any change(s) allowed by such permit(s) is/are limited to a cumulative increase of 50% in the area devoted to the nonconforming use. The allowable increase shall apply to each of the following:
 - 1. The gross square footage of land occupied by the use;
 - 2. The gross square footage of the footprint of the structure(s); and
 - 3. The gross square footage of the floor area of the structure(s).
 - (b) Whenever the expansion of a nonconforming use involves a cumulative increase of 25% or less of the area devoted to the nonconforming use, an administrative conditional use permit shall be required.

- (c) A conditional use permit shall be obtained for any expansion involving an increase of more than 25%, but less than or equal to 50%.

27.21.040: Nonconforming Accessory Uses and Structures. No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the zoning district in which it is located. Nonconforming signage shall be further regulated by Section 27.22.170 of this ordinance.

27.21.050: Changes to Historically Significant Residential Structures. Modifications to existing historically significant residential structures that may be eligible or are on the historical registry will be allowed to encroach into the setback area established for the district in which they are located if:

- (1) The purpose of the modification is to regain the historical integrity of the building; and

27.21.060: Reconstruction.

- (1) A nonconforming building, structure or use upon the land having been wholly or partially damaged or destroyed by fire or other calamity may be reconstructed, provided that:
 - (a) The process of reconstruction is commenced within 180 days of the date of destruction.
 - (b) Any reconstruction must be completed without unreasonable delay.
 - (c) This provision shall not exempt the structure or use from other applicable regulations nor does it allow the replacement of structures or uses that were willfully demolished, destroyed, or removed.
- (2) If reconstruction has not commenced within 180 days, the property, building and structure or use upon the land shall not thereafter be occupied, except by a use which is permitted in the district in which it is located.

CHAPTER 27.22 ZONING ADMINISTRATOR

Sections:

27.22.010: Creation. There is hereby created the position of a Froid Zoning Administrator who shall be a duly appointed person charged with the administration and interpretation of these zoning regulations.

27.22.020: Powers and Duties. The Zoning Administrator, his assistant or designee will:

- (1) Enforce the provisions of these regulations.
- (2) Keep complete, accurate and secure records.
- (3) Accept applications and appeals and ensure their appropriateness and completeness.
- (4) Accept and remit fees as established in the adopted administrative procedures.
- (5) Update these regulations and the official zoning map as directed by the Froid Town Council.
- (6) Provide for the accuracy and security of the official zoning map.
- (7) Undertake any other administrative function appropriate to the office of the Zoning Administrator.
- (8) Report to the Town manager any recommendations for changes and improvements in these regulations and the procedures therein.
- (9) Issue any permit granted by the Board of Adjustment or Froid Town Council and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent.
- (10) Receive and investigate allegations of noncompliance or violation of these regulations and file a complaint where such allegations are based on apparent fact.
- (11) Refer any matters under appeal to the Board of Adjustment for their action.
- (12) Make recommendations to the Board of Adjustment in connection with any application for variance.

- (13) Determine the location of any district boundary shown on the zoning map adopted as part of these regulations when such location is in doubt as provided for in section 27.02.030 of these regulations.
- (14) Refer to the Board of Adjustment of any appeal of the determination of the Zoning Administrator as relative to section 27.02.040.
- (15) Issue zoning lot determinations upon request for a landowner who desires to utilize multiple contiguous lots as a single parcel for application of the bulk and dimensional requirements of this ordinance.

27.22.030: Limitations of Power. The Zoning Administrator shall not:

- (1) Make any changes in the uses categorically permitted in any zoning classification or zoning district, or make any changes in the terms of these zoning regulations, or make any changes in the terms, classifications or their boundaries on the official zoning map without the prior specific direction of the Town Council following the procedures herein set forth by these regulations.
- (2) Issue any variance without the specific direction to do so from the Board of Adjustment.

CHAPTER 27.23 ZONING COMMISSION

Sections:

- 27.23.010: Creation.** There is hereby created the “Zoning Commission” also known as the Froid Zoning Commission for the Town of Froid in accordance to 76-2-307 (MCA).
- 27.23.020: Membership.** The membership of the “Zoning Commission” shall consist of seven members, having terms and qualifications as set forth by 76-1-221 through 224, MCA. The members of the Zoning Commission shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Zoning Commission.
- 27.23.030: Powers and Duties.** It shall be the duty of the Zoning Commission to hold public hearings where necessary and make recommendations to the Town Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, the amendments of these regulations, conditional use permits, and any other matter within the scope of the zoning power. The Zoning Commission is also authorized to confer and advise with other Town, county, regional, or state planning or zoning commissions.

CHAPTER 27.24 ADMENDMENTS AND CHANGES

Sections:

27.24.010: Initiation and Amendment.

- (1) The Town Council may, from time to time, amend, supplement, or change the text of this ordinance and the official zoning map. An amendment, supplement, or change may be initiated by the Town Council or Zoning Commission.
- (2) A property owner affected by these regulations may also seek an amendment or change to the official zoning map via petition and application to the Town planning department.
- (3) Any individual may submit a petition and application regarding amendments relating to the text of this ordinance.

27.24.020: Investigation of Amendment. Upon initiation of an amendment by the Town Council or the Zoning Commission, or upon petition from a property owner, the Zoning Commission shall cause to be made such an investigation of facts bearing on such initiation or petition as will provide necessary information to assure that the action of each such petition is consistent with the intent and purpose of this title.

When considering an application for amendment to the official zoning map, the Zoning Commission and Town Council shall be guided by and give consideration to the following:

- (1) Whether the new zoning was designed in accordance with the growth policy.
- (2) Whether the new zoning will affect motorized and nonmotorized transportation systems.
- (3) Whether the new zoning will secure safety from fire and other dangers.
- (4) Whether the new zoning will promote public health, public safety and general welfare.
- (5) Whether the new zoning includes the reasonable provision of adequate light and air.
- (6) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

- (7) Whether the new zoning gives consideration to the character of the district and its peculiar suitability of the property for particular uses.
- (8) Whether the new zoning was adopted with a view of conserving the value of buildings.
- (9) Whether the new zoning will encourage the most appropriate use of land throughout the municipality.

27.24.030: Hearing for Amendment. The Zoning Commission shall hold public hearings on the matters referred to in such initiation or petition at which parties in interest and citizens shall have an opportunity to be heard.

- (1) At least 15 days notice of time and place of such hearing shall be published in an official paper or paper of general circulation in the Town.
- (2) All property owners within 150 feet of the site of the proposed zone change shall be notified via the United States mail at least 15 days prior to the public hearing.
- (3) Names and addresses of adjoining property owners will be provided to the Town planning department by the applicant and will be certified by the county clerk and recorder's office or an authorized title company.
- (4) After such hearing or hearings, the Zoning Commission will make reports and recommendations on said petition or initiation to the Town Council.
- (5) Based on the results of the Zoning Commission hearing, the staff report and the findings of the Zoning Commission, the Town Council shall by ordinance render a decision to grant, amend or deny the requested amendment.
- (6) Such amendments shall not become effective except by the favorable vote of two-thirds of present members of the Town Council whenever a protest signed against such changes is signed by the owners of 25% or more of the area of:
 - (a) The lots included in such proposed change; or
 - (b) Those lots immediately adjacent on either side thereof within the block; or

- (c) Those directly opposite thereof extending 150 feet from the street frontage of such opposite lots.

CHAPTER 27.30 BOARD OF ADJUSTMENT

Sections:

- 27.30.010: Creation.** There is hereby created the “Board of Adjustment” for the Town of Froid in accordance to 76-2-321, MCA.
- 27.30.020: Membership.** The membership of the Board of Adjustment shall consist of five members having terms and qualifications as set forth by 76-2-322, MCA. The members shall serve without compensation.
- 27.30.030: Powers and Duties.** The Board of Adjustment shall have authority to:
- (1) 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 part or of any ordinance adopted pursuant thereto; and
 - (2) Authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
- 27.30.040: Limitations of Power.** The Board of Adjustment shall not by either variance or appeal process make any change in the uses categorically permitted in any zoning classification or zoning district; or amend the zoning text or map.
- 27.30.050: Meeting Procedures.**
- (1) Meetings of the board shall be held at least once a month; provided, there is business to transact and at such other times as the chairman of the board may determine.
 - (2) All regular board meetings shall be open to the public.
 - (3) The board shall adopt its own rules of procedure and keep minutes of its proceedings, findings and action in each case and the vote of each member present on each question considered in the proceedings, unless a member disqualifies himself.
 - (4) The presence of four members shall be necessary to constitute a quorum.

- (5) Four affirmative votes shall be necessary for granting a variance or appeal.
- (6) No proxy vote is permissible.

CHAPTER 27.31 APPEALS

Sections:

27.31.010: Basis of Appeal. Any person, the Town of Froid, or federal, state, county, school district or Town government agency, may file an appeal when aggrieved by a decision or interpretation made by the Zoning Administrator, provided that the appeal is based on an allegation that:

- (1) The Zoning Administrator made an error in interpretation of these regulations; and
- (2) The erroneous interpretation specifically aggrieves the appellant.

27.31.020: Application and Procedure.

- (1) Appeals must be filed in the manner provided, and after payment of fees as prescribed by the Town Council, within 30 days from the time the officer charged with enforcement of these regulations has made a written interpretation or determination of these regulations.
- (2) No part of any such fee shall be returnable after an appeal is filed and such fee is paid, except upon petition by the appellant and approval by the Zoning Administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded, provided that a refund shall be allowed upon petition by the applicant if the board rules in favor of the applicant.
- (3) The appeal, fee, and supporting materials must be received in the office of the Zoning Administrator at least 30 days prior to the next regularly scheduled meeting of the board.
- (4) The Zoning Administrator shall fix a reasonable time for the hearing and give notice thereof to the parties of interest and the public by publishing notice in a newspaper of general circulation in the community, at least 15 days prior to such hearings.
- (5) Where an appeal concerns a particular piece of property, all property owners within 150 feet of the subject property shall be notified by mail at least 15 days prior to said hearing. (When the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to this right-of-way along the abutting side.)

- (6) The zoning administrator shall transmit any appeal with all supporting materials to the Board of Adjustment within three days of the scheduled public hearing.
- (7) An appeal under the terms of these regulations stays all proceedings in the matter appealed from unless the Zoning Administrator certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the board hearing the appeal or by a court of record on application and notice to the Zoning Administrator from whom the appeal was taken and on due cause shown.
- (8) Decisions of the Board of Adjustment shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.
- (9) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter.
- (10) A hearing may be continued at the request of the applicant or upon motion of the board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.
- (11) Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.

27.31.030: Appeals from the Board of Adjustment. Appeals from the Board of Adjustment to a court of record are governed by Section 76-2-327, MCA.

CHAPTER 27.32 VARIANCES

Sections:

27.32.010: Application. Certain circumstances exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There is hereinafter provided provisions for the granting of a variance from the provisions of these regulations, so that the public welfare is secured and substantial justice can be done to those so affected. Application procedures for a variance follow:

- (1) Application for a variance may be filed by any property owner or their designated agent for the affected property.
- (2) Such application shall be made on a form provided by the office of the Zoning Administrator. Multiple requests for variance for the same project may be filed on a single application and charged a single fee.
- (3) The completed application and fee as set by the Town Council shall be submitted to the Zoning Administrator.
- (4) The application must be complete and received with the required fee in the office of the Zoning Administrator at least 30 days prior to the next regularly scheduled meeting of the Board of Adjustment.
- (5) No part of any such fee shall be refundable after an application is filed and such fee paid, except under petition by the applicant and approval by the Zoning Administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded.

27.32.020: Processing of Application.

- (1) Notice of the hearing shall be placed in a newspaper of general circulation in the community at least 15 days prior to the date of the hearing.
- (2) Written notice shall be mailed to all property owners within 150 feet of the subject property at least 15 days prior to the said hearing. (Where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to this right-of-way along the abutting side.)
- (3) The zoning administrator shall transmit any appeal with all supporting materials to the Board of Adjustment within three days of the scheduled public hearing.

- (4) Before any variance can be granted, the board shall make findings of fact based upon evidence produced at a public hearing setting forth and showing that the following circumstances exist:
 - (a) In considering all proposed variances to this ordinance, the board shall, before making any findings in a specified case, first determine that the proposed variance will not amount to a change in the use of the property to a use which is not permitted within the district;
 - (b) That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provision of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance;
 - (c) That the special conditions and circumstances do not result from the actions of the applicant;
 - (d) That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same district;
 - (e) That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;
 - (f) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land;
 - (g) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - (h) The fact that property may be utilized more profitably will not be the sole element of consideration before the Board of Adjustment.

- (5) Every decision of the Board of Adjustment shall be made by motion and shall be based upon "Findings of Fact" and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to grant a variance under these regulations shall be construed as limitation on the power of the board to act.
- (6) In approving a variance, the board may impose such conditions as are in its judgment necessary to promote the general provisions of these regulations.
- (7) It shall take the affirmative vote of four members of the board to grant a variance.
- (8) A hearing may be continued at the request of the applicant or upon motion of the board, provided however, that the granting of the continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.
- (9) Decision on continuance of a hearing can be reached by a simple majority; but must be made prior to voting on the application itself.
- (10) A variance shall be valid indefinitely, provided it is exercised within one year of the date of issuance, or as otherwise provided for by the Board of Adjustment.

27.32.030: Appeal from Board of Adjustment.

- (1) A request may be re-heard only when there has been a manifest error affecting the board's decision; or it appears that a substantial change in facts, evidence or conditions has occurred. Such determinations shall be made by the Zoning Administrator within 60 days of final action by the board.
- (2) Any person aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after the filing of decision in the office of the Board of Adjustment. Appeals from the Board of Adjustment to a court of record are governed by Section 76-2-327 MCA.

CHAPTER 27.33 CONDITIONAL USE PERMITS

Sections:

27.33.010	General Provisions
27.33.020	Application
27.33.030	Processing of Application - Full Conditional Use Permit Only
27.33.040	Administrative Conditional Use Permits
27.33.050	Violations and Revocation of Permit
27.33.060	Termination and Transferability
27.33.070	Denial of Application
27.33.080	Review Criteria
27.33.090	Burden of Applicant
27.33.100	Decision Based on Findings

27.33.010: General Provisions.

- (1) No structure, building or land shall be used, constructed, altered, moved or expanded where a Conditional Use Permit (as used in this section “Conditional Use Permit” includes both a full Conditional Use Permit and an Administrative Conditional Use Permit unless otherwise noted) is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been issued.
- (2) Any use which was lawfully established prior to the adoption, extension or application of these regulations and which is now permitted by these regulations subject to a Conditional Use Permit, may continue in the same manner and to the same extent without securing a Conditional Use Permit.

27.33.020: Application.

- (1) Application for a Conditional Use Permit shall be made by the owner of the affected property on a form obtainable from the Zoning Administrator.
- (2) The completed application and associated fee shall be submitted to the Zoning Administrator. Said fee is not refundable.

27.33.030: Processing of Application – Full Conditional Use Permit Only.

- (1) The Zoning Administrator shall:
 - (a) Accept the completed application;

- (b) Circulate the application to Town departments and other advisory agencies as deemed necessary for evaluation;
 - (c) Set a public hearing date;
 - (d) Publish a notice advertising the public hearing before the Planning Board at least once in a newspaper of general circulation in the community at least 15 calendar days prior to the meeting of the Planning Board at which the application is to be considered;
 - (e) Mail written notice to all property owners within 150 feet of the subject property not less than 15 calendar days prior to the time of the Planning Board hearing (where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to the right-of-way along the abutting side); and
 - (f) Prepare a staff report which establishes the basis for a recommendation on the requested conditional use.
- (2) The Planning Board shall hold the public hearing.
- (a) Testimony should be specific in establishment of the level and degree of positive or negative impacts associated with the project.
 - (b) Based on factual findings, the Planning Board shall make a recommendation to the Town Council to approve, approve with conditions, or deny the application.
- (3) The Town Council shall, based upon the record, approve, conditionally approve, or deny the conditional use permit request.
- (4) The Zoning Administrator shall notify the applicant of the council decision and forward a conditional use permit with conditions, if any, or a letter of denial as appropriate.

27.33.040: Administrative Conditional Use Permits

- (1) Administrative uses fall into three categories:
 - (a) Designated as ACUP in the zoning district standards;

- (b) Up to 25% cumulative expansions of non-conforming uses (see Section 27.23.030); and
 - (c) Up to 25% cumulative expansions of existing CUPs.
- (2) Application.
 - (a) A completed application shall be submitted to the Zoning Administrator.
 - (b) The application shall contain:
 - 1. A certified list of property owners within 150 feet (excluding adjacent rights-of-way);
 - 2. The fee as established by the Town Council; and
 - 3. Other information as requested by the Zoning Administrator.
- (3) The Zoning Administrator shall:
 - (a) Accept the completed application;
 - (b) Mail written notice to all property owners within 150 feet of the subject property providing at least 15 days for formal comment (where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to the right-of-way along the abutting side); and
 - (c) Review the application pursuant to the review criteria contained in this chapter.
- (4) If no public comment is received, the Zoning Administrator shall approve, conditionally approve, or deny the application as appropriate.
- (5) If public comment is received, the Zoning Administrator shall contact the applicant.
 - (a) If the comment can be satisfactorily resolved by additional information or appropriate conditions, the Zoning Administrator shall approve, conditionally approve, or deny the application as appropriate.

- (b) If the comment is of substance and cannot be mitigated, the Zoning Administrator shall schedule the conditional use permit for the next available Planning Board public hearing and follow the procedures as outlined above for the processing of an application for a full CUP.
- (6) If the applicant wishes to appeal the Zoning Administrator's decision regarding the application, the application shall be forwarded to the Planning Board for consideration. Their recommendation shall be forwarded to the Town Council for a determination as to whether the permit should be approved, conditionally approved, or denied. Any appeal by the applicant must be submitted in writing to the Zoning Administrator within 30 days from the date the permit was issued or denied. The applicant shall be responsible for paying a fee equal to the difference between an Administrative and a full Conditional Use Permit at the time the request for appeal is submitted. Any application forwarded to the Planning Board shall be processed as a full Conditional Use Permit, including, but not limited to, public notice as provided in section 27.33.030.

27.33.050: Violations. Failure to comply with the terms and/or conditions of a Conditional Use Permit is a violation of the zoning ordinance in addition to a violation of any other applicable ordinance or policy.

27.33.060: Termination and Transferability.

- (1) The Conditional Use Permit shall run with the lot, building, structure, or use and shall not be affected by changes in ownership.
- (2) The Conditional Use Permit shall terminate 18 months from date of authorization if commencement of the authorized activity has not begun:
 - (a) Unless otherwise spelled out in the conditions of approval; or
 - (b) Unless the applicant can demonstrate and maintain a continuous good faith effort (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity. An extension request must be submitted to the Zoning Administrator, who may grant up to two one year extensions.

27.33.070: Denial of Application.

- (1) In the event an application is denied by the Town Council, no re-submittal of an application for a Conditional Use Permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate that circumstances have altered and that further consideration of the application is warranted. In such an event, the re-submittal application shall follow the same procedures as the original, and shall be treated as a new application.
- (2) Denial of an application for a Conditional Use Permit may be appealed to a court of competent jurisdiction within 30 days from the date of such a denial.

27.33.080: Review Criteria.

- (1) No Conditional Use Permit shall be issued except upon a finding that the proposed use conforms to the requirements set forth in this chapter and that the proposed conditional use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. An authorized conditional use may not be denied arbitrarily or if no specific adverse effect is found.
- (2) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit Criteria, as well as to all other applicable criteria that may be requested:
 - (a) That the site is suitable for the use. This includes:
 - 1. adequate usable space;
 - 2. height, bulk and location of structures;
 - 3. adequate access; and
 - 4. the absence of environmental constraints (floodplain, slope, etc.).
 - (b) That the site plan for the proposed use will provide the most convenient and functional use for the lot. Consideration should include:
 - 1. parking scheme;
 - 2. loading areas;
 - 3. exterior lighting;
 - 4. traffic circulations;

5. open space;
 6. fencing/screening;
 7. landscaping; and
 8. signage.
- (c) That the following services and facilities are available and adequate to serve the needs of the use as designed and proposed:
1. sewer;
 2. water;
 3. storm water drainage;
 4. garbage collection;
 5. fire protection;
 6. police protection;
 7. streets;
 8. sidewalks and bike trails; and
 9. other public services.
- (d) That the proposed use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include:
1. excessive traffic generation;
 2. noise or vibration;
 3. dust, glare, heat;
 4. smoke, fumes, gas, or odors; and
 5. inappropriate hours of operation.
- (e) That the historical uses and established use patterns be weighed with recent change in trends in the neighborhood.
- (f) That the proposed use will not cause or contribute to a decline in property values of adjacent properties.

27.33.090: Burden of Applicant. The burden of proof for satisfying the aforementioned criteria considered for approval shall rest with the applicant and not the Town Council. The granting of the Conditional Use Permit is a matter of grace, resting in the discretion of the Town Council and a refusal is not the denial of a right, conditional or otherwise.

27.33.100: Decision Based on Findings. Every decision of the Town Council pertaining to the granting, denial or amendment of a request for a Conditional Use Permit shall be based upon “Findings of Fact”, and every finding of fact shall be supported in the records of its proceedings.

CHAPTER 27.34 ADDITIONAL REQUIREMENTS FOR SPECIFIC CONDITIONAL USES

Sections:

27.34.010	Animal Hospitals, Pounds, Kennels, Animal Shelter, and Veterinary Clinics
27.34.020	Bed and Breakfast
27.34.030	Building Height (Additional)
27.34.040	Casinos
27.34.050	Day Care Centers – 13 or more individuals
27.34.060	Dwellings, Multi-family
27.34.070	Electrical Distribution Stations
27.34.080	Extractive Industries
27.34.090	Mini-Storage, Recreation Vehicle Storage
27.34.100	Sexually Oriented Business
27.34.110	Transmission Towers and Cellular Communication Towers, Equipment and Facilities

27.34.010: Animal Hospitals, Pounds, Kennels, Animal Shelters, and Veterinary Clinics

- (1) Household animals (specifically dogs and cats) boarded overnight should be kept in climate-controlled, sound-proofed buildings. Where facilities are not sound-proofed, no partially or fully enclosed structure or fenced open area (runs, pens, etc.) used to confine animals shall be closer than 100 feet to an adjacent property line.
- (2) Household animal excreta shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.

27.34.020: Bed and Breakfast.

- (1) The Conditional Use Permit shall specify the number of rental rooms and total number of guests permitted in the facility.
- (2) The bed and breakfast uses shall be limited to the principal structure and not extend to any accessory structure.
- (3) Room rentals shall not exceed fourteen consecutive days.
- (4) The bed and breakfast facility must maintain an up-to-date guest register.

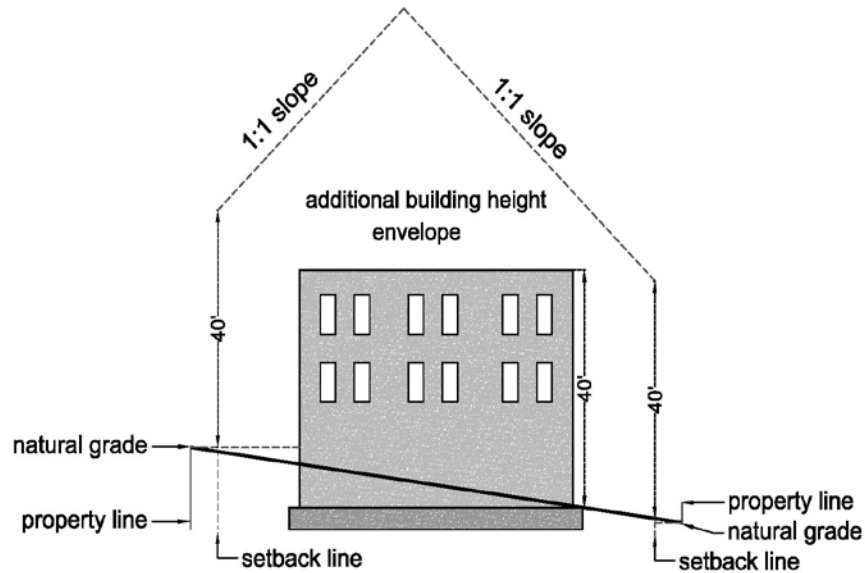
- (5) The owner(s) of the dwelling or the manager of the facility must be in permanent residence and maintain full use of the kitchen, dining room, living room, and at least one bedroom and bathroom not accessible to the overnight lodgers.
- (6) Overnight lodgers shall not have direct access to cooking facilities although the permanent resident(s) of the dwelling may provide breakfast service to the guests.
- (7) The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a non-residential appearance except for signage as provided under Chapter 27.22.
- (8) The use of the bed and breakfast facilities shall be limited to the exclusive use of the residential dwellers and their overnight guests. No other use such as a restaurant, bar or otherwise which attracts non-boarding customers is permitted. No alcoholic beverages shall be sold on the premises.
- (9) No people, other than the residents of the dwelling may be employed or otherwise assist in the operation of a bed and breakfast facility.

27.34.030: Building Height (Additional)

- (1) Structures requiring a Conditional Use Permit due to additional building height, in addition to any other applicable standards, are subject to the following standards.
 - (a) No additional height shall be allowed within 150 feet of any R or RA zone. Any right-of-way adjacent to the subject property shall be excluded from the measurement.
 - (b) No structure (subject to Section 27.20.030 regarding exceptions to height regulations) shall extend above a 1:1 slope established with a beginning point at the applicable setback line at an elevation equal to the elevation at natural grade at the nearest point on the property line, plus the maximum height allowed in the zoning district. (Figure 12)
- (2) The Architectural Review Committee shall submit a recommendation which shall be considered as a material factor in the consideration of the application.

Figure 12: Additional Building Height Allowance

Calculating additional building height allowance
(based on a 40 foot maximum building height)



27.34.040: Casinos

- (1) Casinos shall be a minimum of 300 feet from churches, schools, parks, Town residential zones, and other casinos, measured from property line to property line.
- (2) Casinos may be located closer than 300 feet from churches, schools, parks, Town residential zones, and other casinos, measured from property line to property line if the casino is considered a minor accessory use and meets the parameters of both Sections 3 & 4 below.
- (3) A casino is considered a minor accessory use to a primary use if the primary use (e.g. restaurant or bar, but not shopping center or other multi-use designation) and its associated facilities constitute at least 90% of the proposed floor space and the casino constitutes no more than 10% of the proposed use. In addition, the casino is generally shielded or screened from view of the primary use and patrons.
- (4) The following design standards as appropriate may be placed on the casino:

- (a) Limiting or prohibiting the on-premise signage or building from using the following:
 - 1. Any terms such as gaming, gambling, cards, dice, chance, etc.
 - 2. Any reference to any associated activity or any symbols or words commonly associated with gaming.
 - 3. Any words, terms, figures, art work, or features intended or designed to attract attention to the fact that a casino is on site.
 - 4. Neon Lighting.
- (b) Limiting the number and location of entrances into the casino.
- (c) Increasing landscaping requirements in order to create a buffer between the casino and adjacent land uses.

27.34.050: Day Care Centers – 13 or more individuals.

- (1) Where outside recreation facilities are provided, a minimum four-foot high sight-obscuring fence around the recreation area may be required to be maintained and the recreation area should be situated in the rear half of the site.
- (2) In all residential (R-1 through R-4) zones:
 - (a) Existing residential structures shall not be significantly modified so as to exhibit a non-residential appearance;
 - (b) Signage shall be architecturally compatible with the primary building;
 - (c) Preference is given to day care centers located on collector or arterial streets; and
 - (d) Any new construction allowed in a residential zone for the operation of a day care facility shall substantially resemble a conventional single-family dwelling.

27.34.060: Dwellings, Multi-family.

- (1) All multi-family dwellings shall provide pedestrian access from the main entrance(s) of the building(s) to the right-of-way.
- (2) For multi-family dwellings with five or more units (including common developments which contain five or more units), one of the following shall be provided:
 - (a) 500 square feet of land per unit which has recreational value for the residents;
 - (b) Recreational amenities equivalent to the fair market value of 500 square feet of undeveloped land per unit;
 - (c) Equivalent funds payable to the Town to develop neighborhood facilities in the immediate vicinity; or
 - (d) A combination of any of the above.

27.34.070: Electrical Distribution Stations. When located within an R, RA, or B zone, electrical distribution stations shall meet the following requirements:

- (1) The station shall be completely surrounded by a security fence that shall be at least eight feet in height.
- (2) The perimeter of the electrical distribution station shall be landscaped with sight-obscuring trees, shrubs or bushes. Such landscaping shall be designed to improve the appearance of the site while allowing for normal operational and safety factors of the station.
- (3) A parcel of land that does not meet the minimum lot area requirement of the zone may be created for the placement of an electrical distribution station. The site shall be large enough to accommodate any required landscaping.

27.34.080: Extractive Industries. Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut or Strip Mine Reclamation Act, Title 82, Chapter 4, M.C.A., but shall be in addition to the requirements of said Act.

- (1) Operational requirements. The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations. Consideration shall be given to noise, light, dust, smoke and vibration and how they affect adjoining properties. Blasting operations shall be restricted to Monday through Friday between the hours of 8 am and 5 pm. Off-street parking areas adequate for all employee vehicles and trucks shall be provided.
- (2) Plan for development of the site. The plan to be submitted with the application for a Conditional Use Permit shall include a plan for development of the subject property which shall consist of two phases: The exploitation phase and the re-use phase.
 - (a) Exploitation phase. The plan for the exploitation phase shall show the proposed development as planned in relation to surrounding property within three hundred feet and shall include topographic surveys and other materials indicating existing conditions, including soil and drainage and the conditions, including drainage, topography and soil which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five feet in areas where slope is 10% or greater and two feet in areas where slope is less than 10%.
 - (b) The plan for the exploitation phase shall demonstrate the feasibility of the operation proposed without creating hazards or causing damage to other properties. This plan shall also show the different states of exploitation, where and how traffic will be handled, where equipment will be operating, the location and dimension of structures, the manner in which safeguards will be provided, including those for preventing access by children and other authorized persons to dangerous areas. The final stage of this plan shall indicate how the project is to be finished in accordance with the phase for reuse.
 - (c) Reuse phase. The plan for the reuse phase shall indicate how the property is to be left in a form suitable for reuse for purposes permissible in the district, relating such reuses to uses existing or proposed for surrounding properties. Among items to be included in such plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil including measures to be taken to replace topsoil or establish vegetation in excavated areas in order to make the property suitable for the proposed reuse and treatment of slopes to prevent erosion.

27.34.090: Mini-Storage, Recreation Vehicle Storage.

- (1) This section shall apply to the review of mini-storage and recreational vehicle storage facilities proposed to be located in districts that require a Conditional Use Permit for the establishment of such uses.
 - (a) All buildings shall meet the required setback of the district. However, on sites where the rear property line is adjacent to a commercial district, no rear setback is required.
 - (b) Landscaping that produces a sight-obscuring barrier shall be provided in areas adjacent to residentially zoned areas and to collector and arterial streets. Landscaping shall consist of a variety of hardy evergreen materials consisting of trees, low-, medium-, and high-profile shrubs, together with suitable ground cover such as native grasses, bark, ornamental gravel, or a combination thereof.
 - (c) Building heights shall be limited to one story (18 feet at the peak).
 - (d) One (1) parking space shall be provided for the on-site manager with two (2) additional spaces provided at the leasing office.
 - (e) Parking shall be provided by parking/driving lanes adjacent to the storage units. These lanes shall be at least 26 feet wide.
 - (f) All storage shall be kept within an enclosed building, except fossil fuel engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored in screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
 - (g) Any use other than storage is prohibited. The offering for sale or sale thereof of any item from or at mini-storage or recreational vehicle storage facilities is expressly forbidden, except that the facility owner may hold liquidation sales of contents of rental units to recover rental fees except as allowed by law.
 - (h) The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any fossil fuel engine or fossil fuel storage tank or any boat or vehicle incorporating such components is

prohibited within any structure on a tract of land designated as a mini-storage or recreational vehicle storage facility.

- (i) The exterior architecture of the structures shall be designed to conceal the industrial and storage use of the property. The design shall also focus on neighborhood compatibility, particularly along collector and arterial streets.

27.34.100: Sexually Oriented Business.

- (1) A sexually oriented business shall not be located within 1, 000 feet of any of the following:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of any residential district;
 - (d) A public park adjacent to any residential district;
 - (e) The property line of a lot devoted to residential use;
 - (f) Another sexually oriented business.
- (2) Consideration and evaluation of a proposed sexually oriented business shall address the relationship of the proposed business with the surrounding character of the area. At a minimum, conditions of approval shall address the following land use features:
 - (a) Traffic, ingress/egress;
 - (b) Signage;
 - (c) Exterior lighting;
 - (d) Landscaping and screening;
 - (e) Exterior colors of structure; and
 - (f) General site plan characteristics such as parking and extension of utilities.

27.34.110: Transmission Towers and Cellular Communication Towers, Equipment and Facilities.

- (1) The location of the transmission towers and cellular communication towers, equipment and facilities shall take into consideration the following:
 - (a) Visual effects;
 - (b) Height;
 - (c) Structural integrity;
 - (d) Radiation emissions;
 - (e) Effects on adjoining land use;

- (f) Possibility of shared use;
 - (g) Effects on Town airport operations;
 - (h) Effects on other communication devices; and
 - (i) Site location alternatives.
- (2) General requirements of a Conditional Use Permit for locating a transmission tower or cellular communication tower shall include:
- (a) Required collocation on an existing tower or other structure whenever possible and practical;
 - (b) Screening equipment and structures when located adjacent to a residential district;
 - (c) Engineer's certification regarding structural safety;
 - (d) Location of the tower so that visual impact to adjacent property owners is limited to the greatest extent possible;
 - (e) That the structure be placed to avoid location on the crest of a mountain or hill or extension into the skyline thus creating aesthetic concerns;
 - (f) Address potential FAA (Federal Aviation Administration) lighting requirements for aviation safety;
 - (g) That the structure/tower be camouflaged to blend in with the surrounding environment;
 - (h) The new structure shall allow for collocation with a minimum of four other users;
 - (i) That all transmission and cellular communication towers be located a minimum of one mile apart, unless collocation opportunities do not exist;
 - (j) If a security fence is proposed, a five foot tall dense landscaping screen shall be planted around the security fence of any structure/tower;
 - (k) Where a new tower is proposed, the applicant shall demonstrate that there is no feasible existing structure on which to locate; and
 - (l) A freestanding tower shall be setback from the right-of-way line(s) a distance equal to the height of the tower.
- (3) Should any cellular communication tower, facility or antenna be abandoned or cease to operate for a period of 180 days, the structure/tower shall be removed **at the expense of the owner**. It shall be the responsibility of the structure/tower owner to promptly notify the Town if a facility is abandoned or ceases operation.

CHAPTER 27.35 ADMINISTRATIVE ADJUSTMENTS

Sections:

27.35.010	Intent
27.35.020	Authority
27.35.030	Procedure
27.35.040	Standards Subject to Administrative Adjustment
27.35.050	Criteria
27.35.060	Additional Criteria Related to Specific Standards
27.35.070	Termination and Transferability

27.35.010: Intent. The intent of this chapter is to provide administrative relief in the form of minor deviations from specific requirements under this code. The administrative relief is to be provided upon a showing by an applicant that certain circumstances exist which are beneficial to the community to design around rather than strictly applying the code. Only those sections specifically listed are eligible for relief, and only upon the appropriate showing.

27.35.020: Authority. The Zoning Administrator is authorized to review and approve, conditionally approve, or deny an application for an administrative adjustment in accordance with this chapter.

27.35.030: Procedure.

- (1) An applicant shall submit a completed application form and fee to the Town Clerk, who will forward the application to the Zoning Administrator.
- (2) After reviewing the application for compliance with this code and in particular with the criteria listed in this chapter, the Zoning Administrator shall approve, conditionally approve, or deny the application.
- (3) The Zoning Administrator may grant a lesser modification than the maximum allowed by this chapter.

27.35.040: Standards Subject to Administrative Adjustment.

Standard	Allowable Modification
Height limits for buildings (contained in development standards for each zoning district)	10%
Building setbacks (contained in development standards for each zoning district)	20%
Required setback for parking spaces (Section 27.24.030(2))	30%
Minimum required number of parking spaces (Section 27.24.050)	10%

27.35.050: Criteria. Administrative adjustments shall be approved upon a finding that the applicant has met the following criteria:

- (1) **General.** The request is consistent with the character of development in the surrounding area, and will not result in incompatible uses.
- (2) **Mitigates Adverse Impacts.** Any adverse impacts resulting from the adjustment will be mitigated to the maximum extent practicable.
- (3) **Technical Nature.** The request is of a technical nature (i.e. relief from a dimensional or design standard) and is based on three or more of the following:
 - (a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (b) Supporting an objective or goal from the purpose and intent statements of the zone district where located;
 - (c) Proposed to provide improved architectural appearance or site design;
 - (d) Proposed to save healthy existing trees (recommendation to be provided by the parks department based upon age, caliper, condition, and value); or
 - (e) Proposed to maintain the historic integrity of a structure which is on, or is eligible to be on, the historic registry.

- (4) **Does Not Substantially Interfere with Adjacent Land.** The request will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to public health or safety.

27.35.060: Additional Criteria Related to Specific Standards.

- (1) **Height Limits.** An adjustment to building height is allowable when the additional height is necessitated by a specific function of the building or constraint of the site. The height shall not exceed the standards set forth for additional height permitted by conditional use permit.

27.35.070: Termination and Transferability.

- (1) The Administrative Adjustment shall:
 - (a) run with the lot, building, structure, or use;
 - (b) shall not be affected by changes in ownership; and
 - (c) terminate 18 months from the date of approval if commencement of the authorized activity has not begun unless otherwise stated in the approval; and
- (2) The Administrative Adjustment may be extended by the Zoning Administrator for an additional 12 months if it is demonstrated that the applicant has made a continuous good faith effort to commence the approved development.

CHAPTER 27.36 ENFORCEMENT

Sections:

- 27.36.010: Penalty for Violation.** Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, may be subject to penalties as a municipal infraction. Each day of continued violation shall constitute a separate, additional violation. The Zoning Administrator or his authorized agent is hereby authorized to enforce the Town of Froid Zoning Ordinance by issuing a civil citation.
- 27.36.020: Use of Available Remedies Authorized.** In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Town Council in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

CHAPTER 27.37 DEFINITIONS

Sections:

27.37.010: Definitions. All words in this ordinance shall be first defined as provided herein and, if not defined herein, shall have their customary dictionary definitions. For the purposes of this ordinance certain words and terms used herein are defined as follows:

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word “shall” is always mandatory, the word “person” includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual; the word “lot” includes the words “plot” or “parcel”; the word “building” includes the word “structure”; the words “used” or “occupied,” as applied to any land or building, shall be constructed to include the words “intended, arranged, or designed to be used or occupied”; the words “map” or “zoning map” mean the zoning map(s) of the zoning jurisdiction of the Town of Froid that delineate the area to be governed by these regulations.

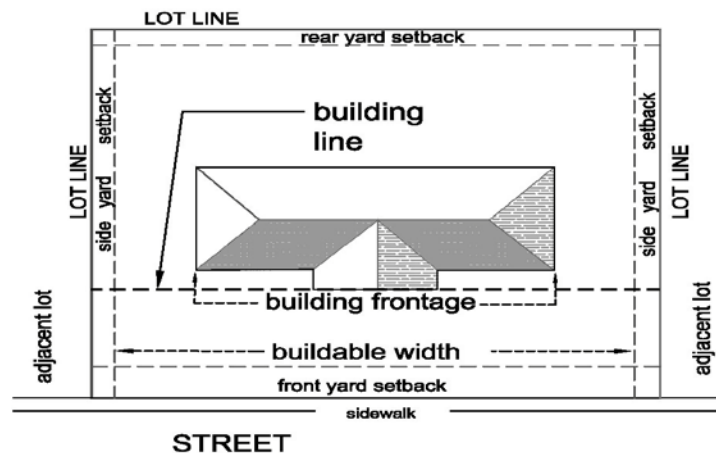
- (1) **Abandonment.** The act of intentionally and permanently giving up, surrendering, deserting or relinquishing property, or a property right. In regard to a use, it is the actual cessation of a “nonconforming use” coupled with the intent not to put the premises again to the same use. Proof of said intent not to abandon must be clearly inferable from existing facts, such as actively pursuing in good faith the sale of lease of a property as a continuation of the existing use.
- (2) **Accessory Building/Structure.** A detached subordinate building/ structure situated on the same lot with the principal building/structure and used for an accessory use.
- (3) **Accessory Use.** A subordinate use of a building, other structure, or use of land:
 - (a) Which is clearly incidental to the primary use of the principal building, other structure, or use of land; and
 - (b) Which is used customarily in connection with the principal building, other structure, or use of land; and
 - (c) Which is located on the same zoned lot with the principal building, other structure, or use of land.

- (4) **Agriculture.** The use of land for agricultural, horticultural and silvicultural purposes, including farming, dairying, pasturage, grazing land, animal and poultry husbandry, feed lots, and includes the necessary accessory uses for packing, treating, storing or shipping of products. Does not include the manufacturing aspects of timber or agricultural activities such as animal slaughtering, wood processing plants, etc.
- (5) **Airport.** Any runway, landing area or other facility whether publicly or privately owned and operated, and which is designed or used either by public carriers or by private aircraft for the landing and taking off of aircraft and/or helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (6) **Alley.** A passage or way, open to public travel, and dedicated to public use, affording a secondary means of vehicular and pedestrian access to abutting lots and not intended for general traffic circulations.
- (7) **Alteration.** A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.
- (8) **Arterial.** A street having the primary function of moving traffic and secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of traffic and provide limited access to abutting property.
- (9) **Assembly – Heavy.** The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique which may include the construction, stamping, or reshaping of any of the component parts. Heavy assembly may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site. Activity may occur both indoors and outdoors.
- (10) **Assembly – Light.** The fitting together of already manufactured parts into a complete or semi-complete unit. (This would not limit the casting or forming of some components on site but such processes would typically not generate noise, vibration, smoke or odor.) Typically, all activity usually occurs indoors.
- (11) **Assembly halls/stadiums/convention hall facilities.** An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

- (12) **Athletic Club.** A facility designed for the major purpose of physical fitness which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, swimming pools and lockers.
- (13) **Auction Yards, Livestock.** Any sale where livestock is sold by an auctioneer in an outdoor setting.
- (14) **Automobile Sales and/or Repair.** An area, other than a street, used for the display, sale or repair of new or used automobiles, boats, RVs, motorcycles, or trailers, whether inside a structure or in an outside area.
- (15) **Automobile Detailing Shop.** A facility wherein automobiles are cleaned. The seats and carpet are generally shampooed and the engine compartment degreased. The exterior is generally waxed. Customary and incidental associated uses shall not include painting, body work, or mechanical repair.
- (16) **Automobile or Vehicle Body Shops.** A facility which provides collision repair services, including, but not necessarily limited to, welding, body frame straightening, replacement of damaged parts, and painting.
- (17) **Automobile Service Station.** Any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, but excluding body and fender work, engine overhauling, painting, welding, storage of automobiles not in operating condition or other work involving noise, fumes, glare or smoke.
- (18) **Automobile Wrecking/Salvage.** The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts.
- (19) **Bakery.** An establishment primarily engaged in the retail sale of bakery products, but which may involve the production of baked goods for off-site sales.
- (20) **Banks and Financial Institutions.** An establishment that is open to the public and primarily engaged in the receipt, disbursement of exchange of funds and currencies, and that performs closely related functions such as making loans, investments, and fiduciary activities.
- (21) **Barber and Beauty Services.** Includes barber shops, hair styling, salons, nail care, hair removal, ear piercing, and other such similar businesses.

- (22) **Bars and Taverns.** An establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises.
- (23) **Bed and Breakfast.** “Bed and Breakfast” means a single-family dwelling with a resident family or manager in permanent residence where bedrooms without individual cooking facilities are rented for overnight lodging. Breakfast may be provided by the resident(s) to the overnight patrons.
- (24) **Boarding House:** A building or place where for compensation and by prearrangement for definite periods lodging and/or meals are provided for no less than 3 and no more than 10 individuals, excluding bed and breakfast and nursing/rest home facilities.
- (25) **Buffer.** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.
- (26) **Buildable Width.** The distance between the required side setbacks (or side and side corner setbacks) of a lot. (Figure 13)

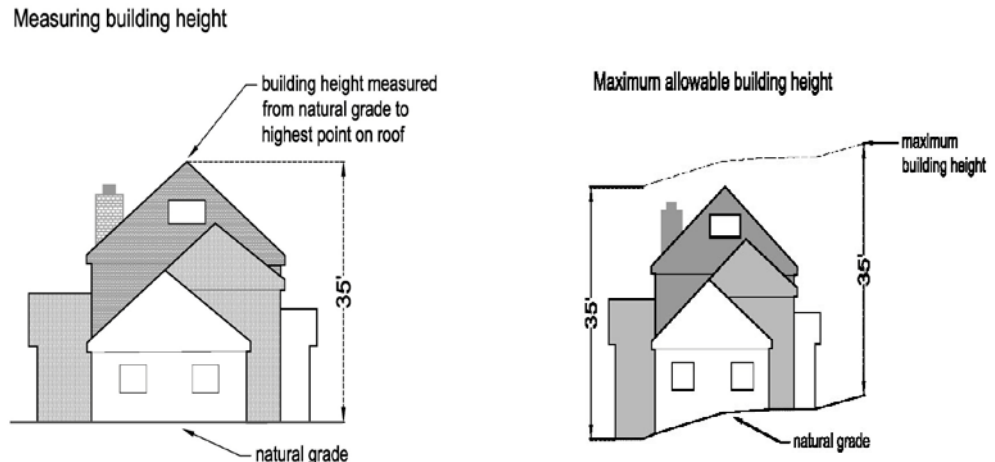
Figure 13: Building Width, Building Frontage, and Building Line



- (27) **Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.
- (28) **Building Frontage.** The maximum width of a building measured in a straight line parallel with the abutting street, or, if the abutting right-of-way is a curved line, parallel with a line tangent to the property line at its midpoint. (See figure 13 above)

- (29) **Building Height, Maximum.** The maximum allowable vertical distance from the undisturbed ground level at the eave line of the building to a plane that is parallel with that undisturbed ground at the highest point of the roof or parapet wall. Variable slopes would require multiple planes to be established. (Figure 14)

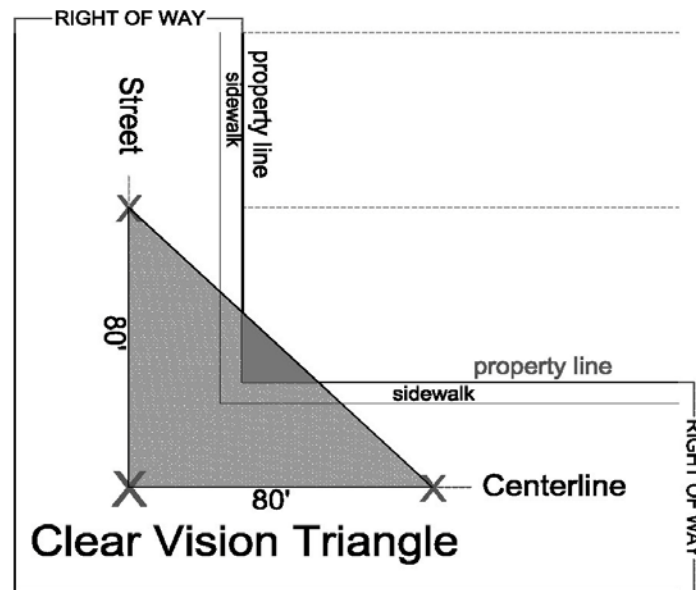
Figure 14: Building Height, Maximum



- (30) **Building Line.** The line of that face, corner, roof or part of a building nearest the property line. A building line shall be established parallel to the property line which that side of the building faces or, if the abutting right-of-way is a curved line, parallel with a line tangent to the property line at its midpoint. (See figure 13 above)
- (31) **Business.** The purchase, sale, offering for sale, or other transaction involving 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, recreation or amusement enterprises, or the maintenance and use of buildings, offices, structures, or premises by professions and trades or persons rendering services.
- (32) **Campground.** Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits (see also: Recreational Vehicle Park).
- (33) **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (34) **Carport.** A structure to house or protect motor vehicles which has at least fifty percent of the total area of its sides open to the weather.

- (35) **Casino.** An establishment that offers any form of legalized gambling authorized under Title 23, Chapter 5, Parts 1 (except for Section 23-5-160 regarding shaking dice or shake-a-day games) and 3 through 6, Montana Code Annotated, either as a primary use or as an accessory use. Organizations and facilities designated as exempt under state law shall not be classified as casinos.
- (36) **Catering Establishment.** An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.
- (37) **Change of Use.** The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.
- (38) **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (39) **Clear Vision Triangle.** An area established within a triangular area formed by the intersection of the center lines of the adjoining streets and a straight line connecting points on such center lines eighty feet from such intersection, in which the height of landscaping and vegetation is limited. (Figure 15)

Figure 15: Clear Vision Triangle

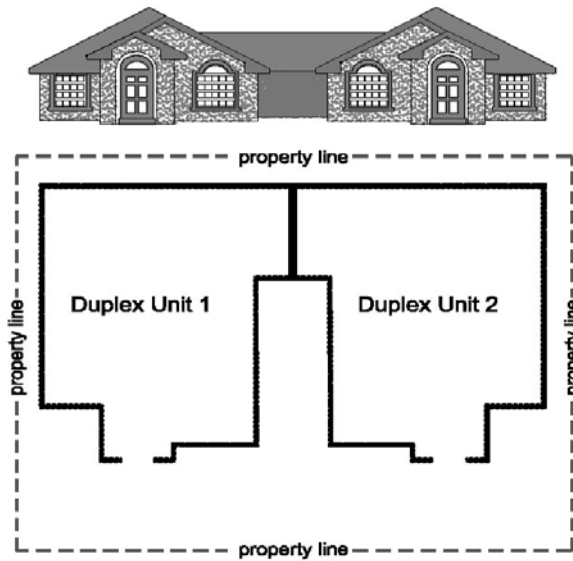


- (40) **Club.** An incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary or charitable purposes whose activities are confined to the members and their guests and are not extended to the general public.
- (41) **Collector.** A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two traffic lanes and two parking lanes.
- (42) **Commence.** To start or begin; in relation to a project, “commence” means taking active steps towards starting a project, as opposed to intentions, and includes, but is not necessarily limited to, good faith efforts to secure financing, finalize plans, acquire additional permits necessary for construction, site preparation/construction, and/or actually beginning operation of the business/use. See also: abandonment.
- (43) **Commercial.** Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.
- (44) **Community Center.** A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs. It is not operated for profit and generally open to the public and designed to accommodate and serve the community.
- (45) **Conditional Use.** “Conditional use” means a use that may be allowed in one or more zones as defined by this ordinance but which, because of characteristics peculiar to such use, or because of the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvement or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.
- (46) **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store.
- (47) **Contractor’s Storage Yard.** 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.
- (48) **Day Care.** A use which means care for children or adults other than the parent or other person living with the individual on a regular basis for daily periods of less

than 24 hours, whether that care is for daytime or nighttime hours. Family day care home means a place in which supplemental care is provided to three to six children or adults on a regular basis. Group day care home means a place in which supplemental care is provided to seven to 12 children or adults on a regular basis. Day care center means a place in which care is provided to 13 or more children or adults on a regular basis.

- (49) **Density.** The number of dwelling units per gross acre in any residential development.
- (50) **Detached.** A building/structure surrounded on all sides by open space.
- (51) **Developed Properties.** A lot upon which a principal structure is located upon or a lot that is developed for its intended use (e.g. parking lot or park.)
- (52) **District, Use.** An area defined as to boundaries and location on an official zoning map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this ordinance.
- (53) **Dwelling.** A building used for human residential purposes.
- (54) **Dwelling, Duplex.** A building designed as two structurally joined dwelling units and occupied exclusively by one family per dwelling unit living independently of each other, and with separate entrances. “Structurally joined” means a substantial structural connection with a roof and other features. “Structurally joined” shall not include such improvements as decks, patios, architectural embellishments, below-grade connections, or other connections not involving a substantial roof connection. (Figure 16)

Figure 16: Dwelling, Duplex



- (55) **Dwelling, Multi-Family.** A building or buildings attached to each other and containing three or more dwelling units. The term “multi-family dwelling” is intended to apply to such dwelling types as triplex, fourplex, or apartments where any dwellings have their primary access to a common hallway or corridor or directly to the outside.
- (56) **Dwelling, Single-Family.** A building designed with living quarters for occupancy by one household only, and containing one dwelling unit on a lot.
- (57) **Dwelling, Townhouse.** Ownership of a parcel of land with an attached single-family dwelling unit that is connected with one or more similar dwelling units but separated from the other similar dwelling unit(s) by a common party wall having no doors, windows or other provisions for human passage or visibility. In order to be considered a townhouse as opposed to another dwelling type, such as a duplex or multi-family dwellings, each of the attached dwelling units must have (a) independent water and sewer service lines and metering pursuant to the applicable plumbing code and any other Town regulations; and (b) a two hour fire wall separating the unit from any adjoining units.
- (58) **Dwelling Unit.** One or more rooms designed for or occupied by one household for living or sleeping purposes and containing kitchen and bathroom facilities for use solely by one household. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
- (59) **Energy Production.** Any facility or installation such as a windmill, hydroelectric unit or solar collecting which is designed and intended to produce energy from

natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for primarily off-site use.

- (60) **Enlarged.** For structures, additions which increase the square footage of the structure; for uses, expansion of services offered or an increase in the square footage of the building or lot occupied.
- (61) **Environmental Factors.** Physical characteristics such as streams, rivers, hills, ponds, wetlands and high ground water which affect development of the land. This includes but is not limited to slopes in excess of 30%, the 100-year floodplain and critical wildlife habitat.
- (62) **Extractive Industries.** “Extractive industries” are commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel or any mineral.
- (63) **Fence.** A masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls.
- (64) **Floodplain.** The channel of a river or stream and the area adjoining a river or stream, which would be covered by floodwater of a base flood except for designated shallow flooding areas that receive less than one foot of water per occurrence. The floodplain consists of a floodway and a floodway fringe.
- (65) **Food Bank.** An establishment operated by a non-profit entity for the distribution of groceries to the general public for free.
- (66) **Food Processing – Heavy.** The preparation, processing, or canning and packaging of food products. Associated preparation, processing, canning or packaging of food may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site.
- (67) **Food Processing – Light.** The preparation, processing, or canning and packaging of food products. Associated preparation, processing, canning or packaging of food would typically not generate noise, vibration, smoke or odor outside of the structure housing the activity.
- (68) **Frontage.** The length of the property line of any one premise along a public right-of-way on which it borders.
- (69) **Frontage, Lot.** The distance for which the front boundary line of the lot and the street line are coincident.

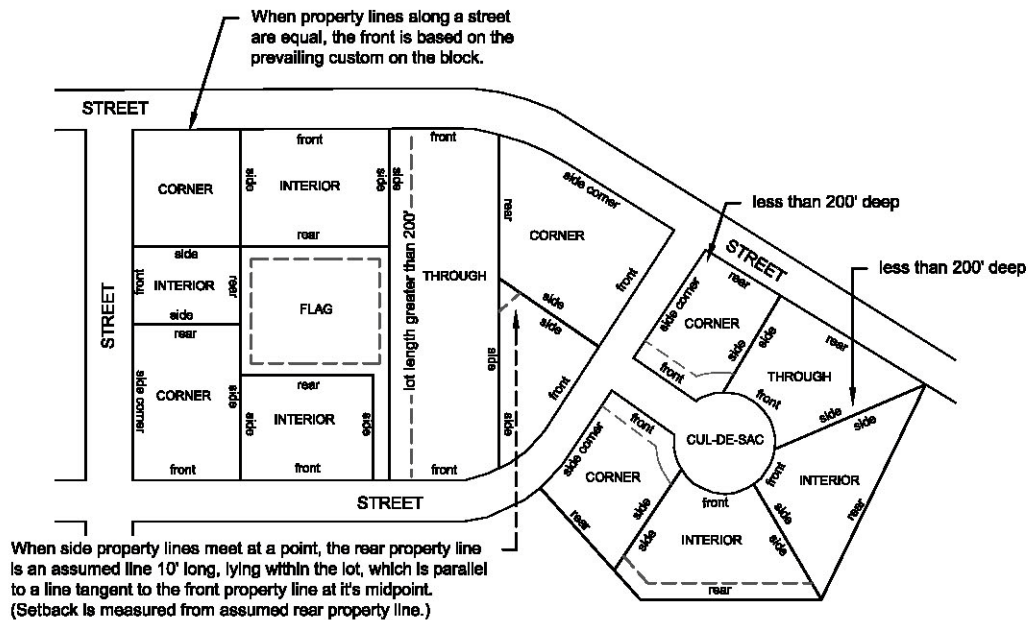
- (70) **Garage.** An accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter of vehicles owned or operated by the occupants of the main building or buildings and which does not exceed 1,000 square feet in size.
- (71) **Golf Course.** A tract of land laid out for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (which may include a restaurant, bar and limited retail), restrooms, driving range, and shelters as accessory uses.
- (72) **Grade.** The average level of the finished ground surfaces surrounding a structure, within a distance of 20 feet.
- (73) **Greenhouses, Nursery, Landscaping Materials.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings and includes the storage and sale of dirt, rocks, bark, mulch and similar complimentary materials for the landscaping and growing of flowers, shrubbery, vegetables and trees.
- (74) **Gross Acreage.** The entirety of the area within the boundaries of the proposed development properties.
- (75) **Gross Area.** The area of a lot including all private accessways, roadway and/or alley easement within the lot boundaries.
- (76) **Group Home.** A residential facility for eight or fewer persons (as a protected use under state law) or for nine or more persons, excluding the supervisors/operators, providing living facilities, sleeping rooms and meals and which shall have a permit issued by the appropriate governmental agency (See Section 76-2-412, MCA). This definition also includes a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as further defined in Section 52-2-602 MCA; a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons; a licensed adult foster family care home; or an assisted living facility licensed under Section 50-5-227 MCA.
- (77) **Growth Policy.** A general long range plan which guides development and growth of the Town and is officially adopted by the Froid Town Council.
- (78) **Heavy Equipment, Sales and Service.** The sale and repair of large equipment including but not limited to: trucks with greater than a one and one-half ton rating,

cranes, crawler-type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.

- (79) **Heavy Industrial.** Industrial uses and services that include the processing of raw materials (timber, wood chips, minerals, gravel, etc.) and use yards or out buildings for the storage and manipulation of the raw materials. Uses include, but are not limited to, mills, refineries, crushing facilities, stamping facilities, etc. These uses are often, but not always, associated with by-products.
- (80) **Home Occupation.** A home occupation is any occupation, profession, activity or use which is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- (81) **Homeowner's Park.** A park which has been dedicated as part of a subdivision for the primary use by the property owners within the subdivision, and is maintained through private funds provided from annual fees paid to the homeowner's association. A homeowner's park may include a community center.
- (82) **Hotel/Motel.** A building, containing five or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees. Where a hotel/motel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted upon proper licensure. However, any use classified as a "casino" shall be considered to be a separate principal use on the property and shall be subject to the appropriate regulations under this ordinance.
- (83) **Interior Lot Lines.** The common boundary line between two or more adjoining lots under common ownership.
- (84) **Kennel, Animal Shelters.** The boarding, breeding, raising, grooming, or training of five or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.
- (85) **Laboratories, Tech Research, Development and Testing.** A building or group of buildings in which are located facilities for scientific research, development, testing, assembly, repair, and manufacturing such as: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware

and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.

- (86) **Landfills.** A lot or portion thereof used for the burial of non-hazardous and non-medical farm, residential, institutional, commercial, or industrial waste.
- (87) **Landscaping.** Some combination consisting primarily of planted, living trees, shrubs, hedges, vines, ground cover and flowers suitable for the climate, exposure and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as foundations, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.
- (88) **Light Manufacturing.** The manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All such processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line. Furthermore, all new materials and final components should be limited in size, bulk and weight so that they could be handled by one worker without the aid of machines.
- (89) **Loading Space.** A space or berth used for the loading or unloading of cargo, products, or materials from vehicles.
- (90) **Lot.** A parcel of land, tract, or lot on file and of record in the office of the Clerk and Recorder, Flathead County, Montana. A zoning lot may include multiple contiguous lots held in single ownership upon written determination by the Zoning Administrator.
- (91) **Lot Area.** The total horizontal area within the boundary lines of a lot. Where surface utility or street easements are located within a parcel, lot area computation shall not include that area contained within the easement.
- (92) **Lot Coverage.** The total area of a lot covered by the principal and accessory buildings, or structures including any area occupied by overhangs or roofs and any attachment to a building or structure, but excluding (a) open decks less than 30 inches in height. (Measured from grade to top of the platform); and (b) an eave extending up to two feet from the exterior wall of the building or structure.

Figure 17: Lot Types and Setbacks**LOT TYPES AND SETBACKS**

- (93) **Lot, Flag.** An irregularly shaped lot typified by being almost entirely land-locked and having limited access and/or no direct frontage. Access to a public or private street is typically by an extended strip of land either deeded or by easement. For development setbacks, the property boundary abutting a public or private street shall be the front of the lot with the associated front setback; all other lot line setbacks shall adhere to the rear setback requirement of the district.
- (94) **Lot, Interior.** A lot fronting on one street. (See Figure 17 above)
- (95) **Lot, Length.** The length (or depth) of a lot shall be:
- (1) If the front and rear lines are parallel, the shortest distance between the lines.
 - (2) If the front and rear lines are not parallel, the shortest distance between the midway point of the front lot line and midpoint of the rear lot line.
 - (3) If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet long lying along the rear of the lot but still wholly within the lot.

(96) **Lot Line.** (See Figure 17 above)

- (1) Lot, Front – The front property line of a lot shall be determined as follows:
 - (a) Corner Lot – The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.
 - (b) Interior Lot – The front property line of an interior lot shall be the line bounding the street frontage.
 - (c) Through Lot – The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots each with its own frontage.
 - (d) Lot, Rear – The rear property line of the through lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
 - (e) Lot, Side – The side property lines of a lot are those lot lines connecting the front and the rear property lines of a lot.
 - (f) Lot, Side Corner – On a corner lot, it is the remaining street frontage after the front lot line has been determined.

(97) **Lot, Through.** A lot fronting on two streets that do not intersect on the parcel's lot lines. May be referred to as "double frontage lot". (See figure 17 above)

- (98) **Lot Width.** The dimension of the lot line at the street, or in an irregular shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.
- (99) **Manufactured Home.** A single-family dwelling, built off-site in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding materials that are customarily used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.
- (100) **Manufacturing – Heavy.** The manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent lands uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. Heavy manufacturing may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site. Activity may occur both indoors and outdoors.
- (101) **Manufacturing – Light.** An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials where such process would not typically generate noise, vibration, smoke or odor. Typically, all manufactured fabricated parts and the final assembled or packaged product would be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines. Furthermore, all activity usually occurs indoors.
- (102) **Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- (103) **Media (newspaper, radio, TV).** Establishments primarily engaged in the provision of broadcasting, electronic or printed publications containing information and editorials on current events and news of general interest.
- (104) **Media, towers and facilities (accessory).** A tower, pole, or similar structure that supports a telecommunications antenna operated for receiving

or transmitting communication signals in the day to day operations of a media company. Such tower, pole, or similar structure shall be located on the same lot as the media company utilizing such equipment.

- (105) **Micro-Brewery, Brew Pub and Mini-Brewery.** A brewery where the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year and is licensed in accordance with state law.
- (106) **Mini-Storage/Recreational Vehicle Storage.** Storage facilities intended primarily for domestic usage and generally do not exceed 400 square feet per unit.
- (107) **Moved.** The physical act of transporting a structure from one location on a lot to another location on the same lot or from one lot in the Town to a different lot in the Town.
- (108) **Nameplate.** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (109) **Neighborhood.** Less than Town-wide in scale. Typically this would be an area of one-half (1/2) mile, but not more than one mile, in radius which has a set of unifying characteristics such as housing style or quality, similar income strata, economic livelihood, topographic features, local recreational facilities or convenience shopping. Residents would normally be within walking distance of basic convenience services. Factors such as a railroad and highway rights-of-way, major streets, rivers and severe topographic constraints will form boundaries and serve to separate neighborhoods.
- (110) **Nonconforming.** A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.
- (111) **Office – Medical with Limited Overnight Stay.** A facility other than a hospital where human patients may be lodged overnight for up to five days for examination and treatment by a group of physicians or other health care professionals.
- (112) **Office, Professional/Governmental.** An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists,

psychologists, and the like (but wherein no overnight care for patients is given). This would also include, but not be limited to, title companies, travel agencies, insurance companies, real estate offices, and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

- (113) **Office Zoning Map.** The map delineating the boundaries of zoning districts which, along with the zoning text, comprises the zoning ordinance.
- (114) **Off-Street Loading Berth.** A space, exclusive of driveways, aisles, maneuvering areas, ramps, and landscaping areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.
- (115) **Off-Street Parking.** Parking facilities for motor vehicles on other than a public street or alley.
- (116) **Open Space.** Any part of a lot unobstructed by structure(s) from the ground upward. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed open space.
- (117) **Pack and Ship Shops.** A small, primarily retail establishment which, in addition to selling supplies for mailing and shipping, would accept packages for shipping through private carriers. A public post office is not a pack and ship shop.
- (118) **Parent Lot.** In instances where sublots are created, the parent lot is defined as the land within the exterior boundaries of those sublots which are intended to have adjoining structures and intended to be developed with townhouse-style construction with no setbacks along the interior subplot lines within the parent lot. Setbacks and other property development standards are applied to the external boundaries of the parent lot.
- (119) **Parks.** A noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Such facilities include mini parks, neighborhood parks, community parks, large urban parks, regional parks, and special use areas, linear parks and open spaces, all as described in the Parks and Recreation Comprehensive Master Plan. Such facilities may also include, but shall not be limited to, ball fields, football fields, soccer fields, and pools/spray parks if they meet the above definition. Commercial amusement facilities, such as water slides, go-cart tracks, and

miniature golf courses and passive open spaces shall not be considered parks. (See also: Homeowner's Park)

- (120) **Permanent.** Having attachment to the ground through the use of a footing and foundation system in conformity with existing building codes.
- (121) **Permanent Residence.** An individual's primary place of abode.
- (122) **Permitted Use.** Any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.
- (123) **Person.** For the purposes of this chapter, any individual, corporation, association, firm, partnership, or similarly defined interest.
- (124) **Photographic Studios.** An establishment primarily engaged in the business of taking and processing photos, typically with a room designed for portrait sessions, as distinguished from a retail store which would process photos taken by a customer.
- (125) **Platted Lot Lines.** Lot lines established through the subdivision process.
- (126) **Pre-Release Center.** Pre-release centers are community based correctional facilities operated by either the State or non-profit Montana corporations under contract with the Department of Corrections. The facilities provide supervision, counseling, assistance in locating employment, life skills training, and guidance. They function as a component of the State correctional system.
- (127) **Principal Use.** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.
- (128) **Principal Structure.** The main structure on a property which would typically house a principal use.
- (129) **Print and Copy Shops.** An establishment primarily engaged in the business of providing services related to photocopying, printing, and production of documents for individual customers, as opposed to larger scale printing/publishing operations.
- (130) **Property Development Standards.** Standards general relating to bulk and dimensional requirements which govern the development of land and/or structures.

- (131) **Quasi-Public.** Any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.
- (132) **Reconstructed.** The rebuilding of a structure in such a manner and to such an extent as to substantially replace the existing structure.
- (133) **Recreational Area, Indoor.** A commercial recreational land use conducted entirely within a building, including, but not necessarily limited to, an arcade, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, or tennis court.
- (134) **Recreational Area, Outdoor.** Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, go-karts, miniature golf, swimming pools, and tennis courts.
- (135) **Recreation Vehicle.** A travel trailer or camping trailer designed to be towed, motorized homes, and pick-up campers or coaches designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation and is not intended for permanent or year-round habitation.
- (136) **Recreational Vehicle Park.** Any lot, tract or parcel of land used or offered for use in whole or in part with or without charge for the parking of occupied recreational vehicles, tents or similar devices used for temporary (i.e. 180 days or less) living quarters for recreational camping or travel purposes. (See also: Campground).
- (137) **Repairs and Maintenance.** The repair or replacement of fixtures, wiring, roofing, plumbing, or structural components not exceeding 25% of the replacement value of the building or structure.
- (138) **Residential.** Regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. In situations where a dwelling is rented or leased, a residential use would involve lease periods of one month or more.
- (139) **Residential Care Home or Facility.** A facility that provides for long-term residence with one or more of the following types of care: 24-hour per day substitute care, food, lodging, training, education, supervision, habilitation,

rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

- (140) **Restaurant.** Any land, permanent building, structure or portion thereof, where food is provided for sale for consumption on the premises for three or more persons, or where food is prepared and sold for consumption off the premises, including a café, coffeehouse, lunchroom, tearoom, dining room, drive-in, carry-out, or other similar establishments, shall be considered a restaurant; however, any establishment where the preparation of food is merely incidental to the sale of food products, such as grocery stores and food markets, shall not be included. Restaurants and cafeterias connected with the operations of hospitals, nursing homes, boarding houses, schools, and private industry for employees and their guests shall be considered as accessory to the principal use.

- (141) **Retail.** A business serving the consumer needs of the general public as opposed to a business that is a producer or a wholesaler of goods. Retail businesses include, but are not limited to the following: shops/stores/businesses that sell gifts, cards, appliances, art, art supplies, automobile parts, bicycles, books, stationary, camera supplies, clothing, flowers, groceries, furniture, garden supplies, hardware, toys, paint, shoes, sporting goods, wall and floor coverings, jewelry, electronics, pet and pet supplies, and/or crafts. Except as otherwise referenced elsewhere in this ordinance, other uses specifically listed as permitted or conditional uses in Section 27.04 through 27.18 shall not be deemed retail businesses for the purpose of this ordinance.

- (142) **Retail, Limited.** A retail use limited to a specified list provided in the ordinance.

- (143) **Right-of-Way.** Any road or street maintained and used for access and travel. A right-of-way includes not only the constructed roadway, but also the entirety of the strip of land acquired by reservation, dedication, prescription, or condemnation, or otherwise set aside, for purposes of the right-of-way. A right-of-way may be either private (not publicly owned and maintained) or public.

- (144) **Right-of-Way Line.** The lines that form the boundaries of the right-of-way.

- (145) **Road.** See "Street."

- (146) **Safe Houses.** A safe house is typically operated as a community based non-profit organization intended to stop abuse in the family environment by providing crisis intervention, shelter services for abuse victims, counseling, advocacy and education without regard to gender, age, race or economic status. The safe house will typically operate on a 24 hour basis providing victims of domestic violence and their children a refuge from their abusers.
- (147) **School, Commercial.** A building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from K-12 schools and college/universities endowed and/or supported by public taxation, or similar private institutions. This category of use would also include such forms of instruction as music lessons, martial arts studios and dance studios.
- (148) **Scrap Processing Yard (Recycle/Metal Yard).** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling.
- (149) **Service Area.** An outdoor area on a lot primarily used for loading, waste disposal, deliveries, and/or similar activities.
- (150) **Setback.** The horizontal distance required between any structure (i.e. the furthest extension of the structure, typically an eave line or deck) and a lot line. This distance is to be measured at right angles to the lot line. The setback line shall be parallel with the lot line.
- (151) **Shelter.** A facility operated by a public or private party wherein the temporary boarding of the transient, homeless, or indigent is provided as a public service to satisfy a demonstrated public need.
- (152) **Shooting and Archery.** The use of an outdoor area (outdoor) or a structure (indoor) for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.
- (153) **Shopping Center.** One or more buildings containing at least three separate businesses planned, developed and managed as a unit, with off-street parking provided on the property.
- (154) **Showroom.** A use that is primarily industrial in nature but provides limited show room and/or retail floor area for the purpose of display and sales. The

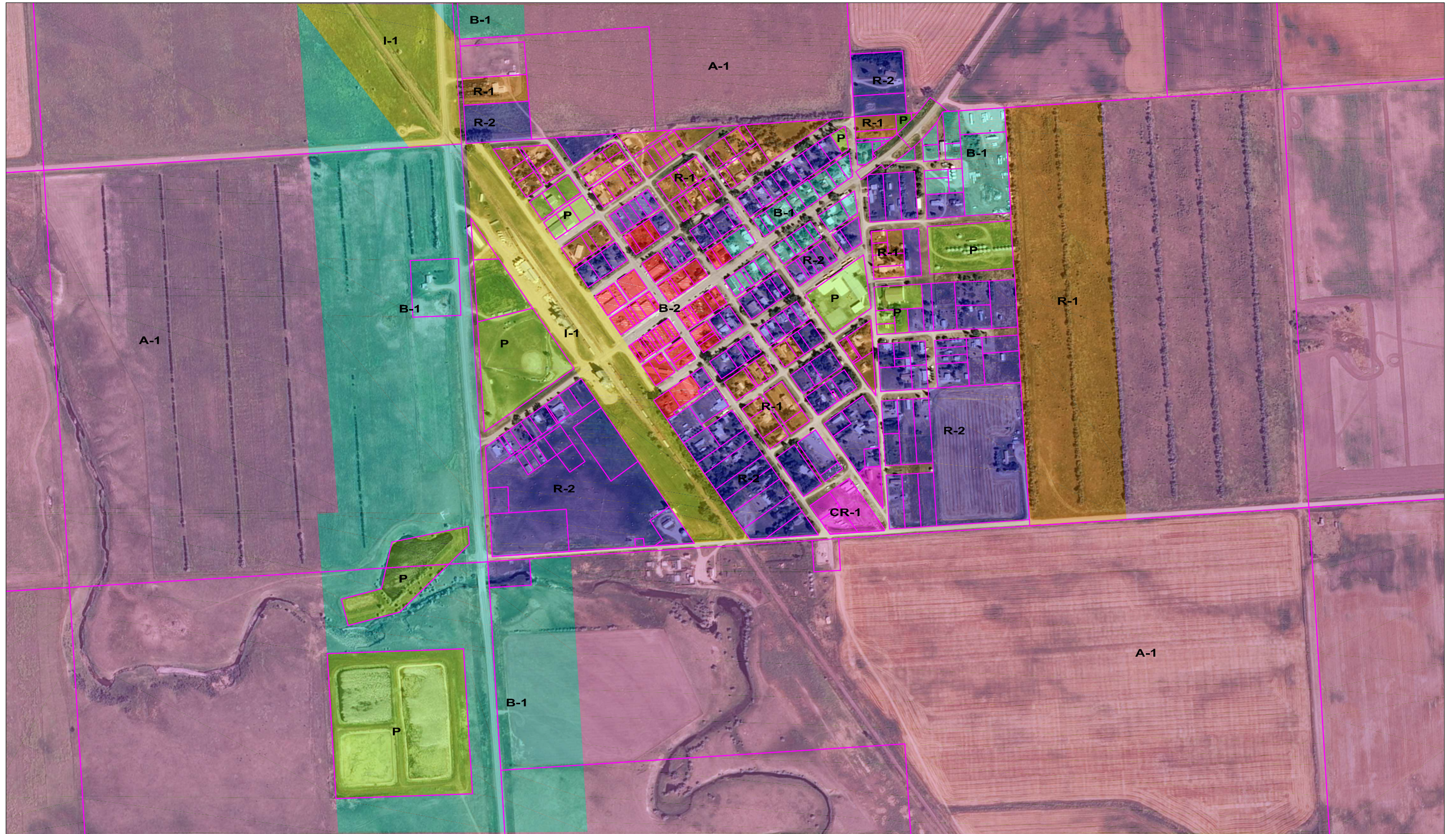
predominate industrial character of the business would be established by recognized product storage, warehousing, and distribution of products. These business uses should include the manufacture, storage and distribution of items as a primary component of the business. The use may include delivery of items as a routine and regular part of conducting business. This may include warehousing, staging and rental or sale of large items or products. This would not include large scale retail outlets that routinely warehouse and hold large inventories.

- (155) **Site Built Home.** A residential structure constructed on the lot where it is intended to be permanently located.
- (156) **Small Engines.** Engines generally associated with lawnmowers, motorcycle engine, outboard motors, chain saws, tillers and the like. Does not include automobile engines.
- (157) **Storage Containers.** Any factory-built container or part thereof designed or used for freight or storage and includes Conex boxes and sea-land containers. Conex boxes are lockable box-like containers designed for use by businesses to ship supplies overseas. Sea-land trailers are semi-truck trailers with detachable undercarriages that can be stacked for ship or rail transport.
- (158) **Storage Warehouse/Yard.** Any lot, or portion of a lot, which is used for the sole purpose of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.
- (159) **Street.** A public or private thoroughfare which affords the principal means of access to abutting properties.
- (160) **Structure.** A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, including signs. Not included are residential fences less than six feet in height, driveways, sidewalks, patios and other at grade improvements, retaining walls, rockeries, and similar improvements of a minor character less than three feet in height.
- (161) **Structural Alterations/Modifications.** Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, sign supports and frames, or any substantial change in the roof or in the exterior walls.

- (162) **Structural Expansion.** Any work which results in the enlargement of a structure's height, footprint, cubic content, or other measurement of size.
- (163) **Sublot.** A portion of a platted lot designed for separate ownership from other portions of the lot and used for townhouse or other construction that has separate ownership of parcels. Areas of common ownership to be utilized as open space, setback areas, or for other purposes are not considered to be sublots.
- (164) **Tattoo Parlor.** A commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method. A tattoo parlor would also involve body piercing on any body part below the neck, as opposed to beauty services.
- (165) **Telecommunication Companies and/or Radio Common Carriers.** A company that provides wireless services. As used in this subsection, "carrier" shall also include companies that build telecommunications towers and lease tower space to carriers.
- (166) **Telecommunication Towers and Cellular Communications Towers.** A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures, as distinguished from accessory media towers and facilities.
- (167) **Temporary.** For the purposes of these regulations, temporary shall mean a limited period of time, generally less than 180 days when in reference to a time frame, or not having or requiring permanent attachment to the ground, or involving structures which have not required permanent attachment to the ground.
- (168) **Truck Terminal.** Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.
- (169) **Use.** 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.
- (170) **Use District.** (See District, Use)

- (171) **Utilities (Primary Distribution Site).** A public or quasi-public service performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services. Such services would typically include, but are not limited to, water tanks, electric substations, and TV cable antenna farms. This category is not intended to cover utility lines, lift stations, and other standard minor infrastructure components.
- (172) **Utility Storage Yards and Associated Offices.** Open spaces used for the storage of machinery, equipment, materials, and supplies used by the utility, and offices used in support of the utility company.
- (173) **Veterinary Clinic, Large Animals.** A building or premises for the medical or surgical treatment of small or large animals or pets, including dog, cat, livestock or other large animals. the boarding of hospitalized animals, but excluding the boarding of animals not subjected to medical or surgical treatment.
- (174) **Veterinary Clinic, Small Animals.** A building or premises for the medical or surgical treatment of small animals or pets, including dogs and cats but not livestock or other large animals. This category includes the boarding of hospitalized animals, but excludes the boarding of animals not subjected to medical or surgical treatment.
- (175) **View-Obscuring.** (See Sight-obscuring)
- (176) **Warehousing and Distribution.** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.
- (177) **Woodworking Shops, Mill Work.** An establishment, relatively small in scale, where furniture or other items made primarily of wood are constructed through manual labor (with or without the use of power tools) as opposed to larger scale operations, particularly those using automated equipment.
- (178) **Yard.** A space on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this ordinance. (See also: Lot line)
- (179) **Yard, Required.** The minimum dimension of a front, side, rear, or side corner yard as established by the use regulations for each district.

- (180) **Zero Lot Line.** In relation to sublots, zero lot line means that there is no required setback from the interior subplot boundaries within the parent lot.



LEGEND

	PUBLIC (P)		R-1 RESIDENTIAL (R-1)
	INDUSTRIAL (I-1)		R-2 RESIDENTIAL (R-2)
	GENERAL BUSINESS (B-1)		RESIDENTIAL/COMMERCIAL (CR-1)
	CENTRAL BUSINESS (B-2)		AGRICULTURE (A-1)



ZONING MAP Town of Froid, Montana

0 300 600
SCALE IN FEET



Water/Wastewater ▪ Transportation ▪ Grant Administration ▪ Development ▪
Surveying ▪ Environmental Resources ▪ Planning ▪ Construction Management

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