

# FALLON COUNTY INDUSTRIAL DISTRICT ZONING REGULATIONS

FALLON COUNTY, MONTANA

ADOPTED RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_, 2008

ON FILE

PERMANENT FILE NO. \_\_\_\_\_

RECORDS OF FALLON COUNTY, MONTANA  
AND AS AMENDED

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## CHAPTER 1

### GENERAL PROVISIONS

#### SECTION 1.01 TITLE

1.01.010 These regulations and the accompanying map(s) shall be known as, and shall be cited and referred to as, the “Fallon County Zoning Regulations” in accordance with and exercising the authority of Section 76-2-201, M.C.A.

#### SECTION 1.02 PURPOSE

1.02.010 The purpose of these regulations is to promote the health, safety, and general welfare of the community; to conserve natural resources; to provide adequate accommodations for transportation of people and goods; to provide adequate light and air; to facilitate the provisions for public works requirements such as water, sewer, and environmental needs; to ensure orderly development according to the Growth Plan adopted for all or parts of Fallon County; to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentages of a lot that may be covered by impervious surfaces, the size of yards and other open spaces, the location and use of buildings, structures, and land for trade, industry, residences, and/or other uses; and the protection of the aesthetic resources of Fallon County. It is not the intent of this document to regulate the AGRICULTURAL INDUSTRY either present or future.

#### SECTION 1.03 SEVERABILITY

1.03.010 If any provision of these regulations is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of these regulations are declared to be severable.

#### SECTION 1.04 SCOPE

1.04.010 It is not intended for these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the adoption of these regulations, or with restrictive covenants running with the land to which the Board of County Commissioners is a party. Where these regulations impose a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of these regulations shall control.

- 1.04.020 In cases where a neighborhood plan, addendum to the Growth Plan, or other adopted document contains aspects related to zoning and is under the jurisdiction of these regulations, the provisions that are more restrictive shall control.
- 1.04.030 When a proposed amendment to the zoning designations of Fallon County falls within the jurisdiction of the City-County Planning Board of an incorporated city, the City-County Planning Board shall have the authority to review the request and make a recommendation to the Board of County Commissioners for a final determination.
- 1.04.040 These regulations may be applied throughout the County, regardless of planning jurisdictions, wherever a County zoning district is created.
- 1.04.050 These regulations do not apply to any AGRICULTURAL USE.

## CHAPTER II

### ADMINISTRATION

#### SECTION 2.01 ZONING ADMINISTRATOR

2.01.010 There is hereby created the position of Zoning Administrator, who shall be a duly appointed person charged with the administration, interpretation, and enforcement of these zoning regulations. In the absence of another appointment, the Fallon County Planner shall serve in the capacity as Zoning Administrator.

2.01.020 Duties of Zoning Administrator:

The Zoning Administrator, her assistant, or designee shall:

1. Enforce any and all 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 any associated maps as directed by the Board of County Commissioners.
6. Undertake any other administrative function appropriate to the Office of Zoning Administrator upon written approval of the Board of County Commissioners;
7. Report to the Board of County Commissioners any recommendations for changes and improvements in these regulations and procedures therein;
8. Issue any permit granted by the Board of County Commissioners or the Board of Adjustment, and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his/her agent;
9. Receive and investigate allegations of non-compliance or violations of these regulations, report findings to the Board of County Commissioners, and file a complaint where such allegations are based on apparent fact;
10. Refer any matters under appeal to the Board of Adjustment for their action;

11. Make recommendations to the Planning Board or to the Board of County Commissioners in connection with any subdivision review or to the Board of Adjustment in connection with any application for Conditional Use Permit, variance, or appeal, such conditions as he may deem necessary in order to fully carry out the provisions and intent of these regulations.
12. Determine the location of any district boundary shown on the zoning districts adopted as part of these regulations when such location is in doubt; and
13. Refer to the Planning Board for placement of all uses not categorically permitted and not sufficiently similar to listed uses for the Zoning Administrator to administratively declare them allowable.

**SECTION 2.02 PLANNING BOARD**

2.02.010 The Planning Board for Fallon County shall be known as the “Fallon County Planning Board: and may be referred to as the “Planning Board” (Section 76-1-101, M.C.A.)

2.02.020 The membership of the Planning Board shall consist of nine (9) members representative of the Board’s jurisdiction with terms, status and appointments as set forth in Section 76-1-211 and 212, M.C.A.

2.02.030 The members of the Planning Board shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Planning Board.

2.02.040 It shall be the duty of the Planning Board to hold public hearings and to make recommendations to the Board of County Commissioners on all matters relating to the creation and amendment of the Growth Plan; the creation of zoning districts and the regulations to be enforced therein; amendments to the zoning districts of Fallon County; and future amendments to these regulations; (Section 76-1-106, M.C.A.) The Planning Board is also authorized to confer with and advise other City, County, Regional, or State planning and/or zoning commissions.

Refer also to Section 2.08.050.

2.02.050 The jurisdiction of the Fallon County Planning Board for the review of the creation of new zoning districts and the re-zoning of existing zoning districts shall be made up of those areas outside of the planning jurisdictions of the incorporated cities of Fallon County.

**SECTION 2.03 BOARD OF ADJUSTMENT**

2.03.010 There is hereby created a “Board of Adjustment”.

2.03.020 The Board of Adjustment shall consist of five members appointed by the Board of County Commissioners.

2.03.030 Board members shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Board.

2.03.040 Board members shall be appointed for a term of 2 years. The powers, duties, and terms of office, including hearing appeals, variances, and Conditional Use Permits are set forth in Section 76-2-221 through 76-2-228, M.C.A., and any supplemental Rules of Procedure adopted by the Fallon County Board of Adjustment.

**SECTION 2.04 APPEALS (BOARD OF ADJUSTMENT)**

2.04.010 Any person, unit of government or agency may file an appeal when aggrieved by a decision or interpretation by the Zoning Administrator, provided that the appeal is based on an allegation that:

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

2.04.020 Application and Procedure

1. Appeals must be filed in the manner provided, and after payment of fees 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 refundable after an appeal is filed and such fee paid.
3. The Zoning Administrator shall fix a reasonable time for a hearing and give public 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 hearing.
4. 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 right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.
5. An appeal under the terms of these regulations stays all proceedings in the matters appealed unless the Zoning Administrator certifies to the Board of Adjustment hearing the application that, by reason of the facts stated in the certification, 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 a court of record.
6. Decisions of the Board 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.

7. The concurring vote of three 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 appellant on any other matter.
8. A hearing may be continued at the request of the appellant 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, condition 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 appeal itself.
10. Any person aggrieved by a decision of the Board of Adjustment may file an appeal with a court of competent jurisdiction within 30 days of the filing of the decision by the Board (Section 76-2-227, M.C.A.). The decision is considered filed on the day that the Zoning Administrator mails notification of the Board's decision.

**SECTION 2.05 VARIANCES (BOARD OF ADJUSTMENT)**

2.05.010 Certain circumstances may exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There are 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. However, a variance that would allow the placement of a use that is not normally allowed under the zoning of the site shall be neither considered nor granted.

2.05.020 Application for a Variance

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 variances 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 Fallon County Board of Commissioners shall be submitted to the Zoning Administrator.
4. No part of any such fee shall be refundable after an application is filed and such fee paid.

2.05.030 Procedure for Consideration

1. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Board of Adjustment for their review and evaluation. The Zoning Administrator shall set a hearing date, publish notice thereof as provided for in these regulations, and notify all parties of interest. Public 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 right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.
3. Findings are required to be made by the Board for approval of a variance. No variance shall be granted unless the Board finds that all of the following conditions are met or found to be not pertinent to the particular case:
  - A. Strict compliance with the provisions of these regulations will:
    - (1) Limit the reasonable use of the property, and
    - (2) Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.
  - B. The hardship is the result of lot size, shape, topography, or other circumstances over which the applicant has no control.
  - C. The hardship is peculiar to the property.
  - D. The hardship was not created by the applicant.
  - E. The hardship is not economic (when a reasonable or viable alternative exists).
  - F. Granting the variance will not adversely affect the neighboring properties or the public.
  - G. The variance requested is the minimum variance which will alleviate the hardship.
  - H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.
4. 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 above criteria required to grant a variance under these regulations shall be construed as

limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with these regulations.

5. In approving a variance, the Board may impose such conditions as are, in its judgment, necessary to promote the general provisions of these regulations.
6. It shall take the affirmative vote of three members of the Board to grant a variance. Failing such vote the request for variance is denied.
7. 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.
8. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.
9. 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.
10. 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 determination shall be made by the Zoning Administrator within 60 days of final action of the Board.
11. Any persons aggrieved by a decision of the Board of Adjustment may file an appeal with a court of competent jurisdiction within 30 days of the filing of the decision by the Board (Section 76-2-227, M.C.A.).

## **SECTION 2.06            CONDITIONAL USE PERMITS (BOARD OF ADJUSTMENT)**

- 2.06.010            No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized by the Board of Adjustment and issued by the Zoning Administrator.
- 2.06.020            Structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.
- 2.06.030            Application

1. Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the Zoning Administrator.
2. The completed application and fee as set by the Fallon County Board of Commissioners shall be submitted to the Zoning Administrator. Said fee is not refundable.

#### 2.06.040

##### Procedures for Consideration

1. After acceptance by the Zoning Administrator or her designee, the completed application shall be transmitted to the staff of the Board of Adjustment for their review and evaluation.
2. The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Board of Adjustment at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Board at which the application is to be considered.
3. The Zoning Administrator shall also mail written notice to all abutting and adjacent property owners within 150 feet of the subject property not less than 15 days prior to the date of formal review by the Board. When the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting side.
4. Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.
5. The Board shall consider the application at its next regular meeting following the public notice process.
6. In certain circumstances, the Board of County Commissioners may elect to place certain required Conditional Use Permits into an administrative review category; for example, those that may be required for minor amendment to the already approved Conditional Use Permit, whereby the Zoning Administrator may issue such an Administrative Conditional Use Permit in compliance with guidelines set forth by the Board of Adjustment. This provision shall not be construed so as to give the power to grant or deny the Conditional Use Permit to other than the Board of Adjustment, and shall apply only to specific categories of instances predetermined by the Board of County Commissioners and the Board of Adjustment.

#### 2.06.045

##### Administrative Conditional Use Permit Procedure

1. In certain circumstances, the Board of County Commissioners may elect to place certain required Conditional Use Permits into an administrative review category; for example, those that may be required for minor amendment to the already approved Conditional Use Permit, whereby the Zoning Administrator may issue such an Administrative Conditional Use Permit in compliance with guidelines set forth by the Board of Adjustment. This provision shall not be construed so as to give the power to grant or deny the Conditional Use Permit to other than the Board of Adjustment, and shall apply only to specific categories of instances predetermined by the Board of County Commissioners and the Board of Adjustment.
2. Upon receipt of a complete application and filing fee as set by the Fallon County Board of Commissioners, the Zoning Administrator or his designee shall prepare a notice containing the pertinent facts to the application and shall have said notice served by first class mail upon property owners within 150 feet of the subject property. When the subject property abuts a right-of-way a 150-foot measurement shall be in addition to the right-of-way width along the adjacent side. The notice shall provide a reasonable period of time, not less than 15 calendar days, for interested parties to submit comments on the proposed activity. Within 10 working days of the end of the comment period a written determination shall be mailed to the applicant approving or denying the Permit.
3. The application and format used for the submittal of the Administrative Conditional Use Permit shall be the same as found in the Fallon County Zoning Regulations for Conditional Use Permit applications. All information required for the application shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be the same criteria as outlined in Section 2.06.080 (Criteria Required for Consideration of a Conditional Use Permit) of the Fallon County Zoning Regulations. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the Fallon County Zoning Administrator.
4. If there is no written public opposition and the project meets the criteria, the project will be approved. The Zoning Administrator shall issue a Grant of Administrative Conditional Use Permit with or without conditions of approval, which will be indicated on the face of the permit.
5. When written opposition from the property owners within 150 feet of the property subject to the request are received prior to the end of the comment period and the expressed concerns of the opposition cannot be

resolved by the applicant, the Administrative Conditional Use Permit will be scheduled for the next available Board of Adjustment meeting for a decision. The applicant shall be responsible for all additional information and filing fees required.

6. If the Administrative Conditional Use Permit is denied by the Zoning Administrator the denial may be appealed. This appeal shall be made in accordance with Section 2.04 (Appeals) of the Fallon County Zoning Regulations. The appellant is responsible for all information and additional filing fees required.

**NOTE:**

DESIGNATION OF ADMINISTRATIVE CONDITIONAL USE PERMITS AND ADMINISTRATIVE USES.

The following uses that are provided for as conditional uses in all County Zones, shall be designated as Administrative Conditional Uses:

- Caretaker Units
- Certain Types of Community Residential Facilities
- Minor Expansion of an Existing Use that Required a Conditional Use Permit
- Airplane Hangars in Conjunction with an Airport
- Temporary Housing
- Temporary Structures
- Family Hardship Dwellings

2.06.050 Approval of Application and Granting of Conditional Use Permits.

Upon rendering a decision to grant a Conditional Use Permit, the Board of Adjustment shall notify the Zoning Administrator of their decision, and he shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the Zoning Administrator.

2.06.060 Termination and Transferability.

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

1. Run with the lot, building, structure, or use and shall not be affected by change of ownership.
2. Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:

- A. Unless otherwise specified in the conditions of approval, or
- B. Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

2.06.070 Denial of Application

In the event an application is denied by the Board of Adjustment, no resubmittal 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 to him that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.

2.06.080 Criteria Required for Consideration of a Conditional Use Permit.

- 1. 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. Site Suitability.

That the site is suitable for the use. This includes:

- (1) adequate usable space,
- (2) adequate access, and
- (3) absence of environmental constraints.

- B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

- (1) parking scheme,
- (2) traffic circulation,
- (3) open space,
- (4) fencing, screening,
- (5) landscaping,
- (6) signage
- (7) lighting, and
- (8) noxious weeds management plan conforming to the State of Montana and the Fallon County Weed Board.

- C. Availability of Public Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (1) sewer,
- (2) water,
- (3) storm water drainage,
- (4) fire protection,
- (5) law enforcement, and
- (6) streets.

D. Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding properties in general. Typical negative impacts which extend beyond the proposed site include but are not limited to:

- (1) excessive traffic generation,
- (2) noise or vibration,
- (3) dust, glare, or heat,
- (4) smoke, fumes, gas, or odors,
- (5) inappropriate hours of operations, and
- (6) noxious weeds as defined by Montana law.

2.06.090 Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment and a refusal is not the denial of a right, conditional or otherwise.

2.06.100 Board of Adjustment Decision Based on Findings.

Every decision of the Board of Adjustment 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. The conditions in Section 2.06.080 as they relate to matters, which the Board of Adjustment is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of Adjustment to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

**SECTION 2.07 NON-CONFORMING USES**

2.07.010 If, at the time of adoption of these regulations or of any amendments thereto, or at the time a zoning district to which these regulations are applied is created, any lot, structure, or building being used in an otherwise lawful manner that does not conform to the use provisions of these regulations, or if any structure or building was located or erected in an otherwise lawful manner that does not conform to

the yard, lot coverage, height limit, or parking and loading provisions of these regulations, such use of such location or erection shall be deemed to be a non-conforming use and may continue in the manner and to the extent that it existed or was being used at the time of adoption of these regulations. Such non-conforming status will run with the lot, building, structure, or use and shall not be affected by changes in ownership.

2.07.020 Any non-conforming use may be continued except if any such non-conforming use is abandoned or deserted, or voluntarily or by legal action caused to be discontinued for a period of 12 months, then any subsequent use of the lot, building, structure, or use of the land shall be required to be in conformity with the provisions of these regulations.

2.07.030 Any building for which a building permit has been issued or, if a building permit is not required, on-site construction has begun prior to the adoption or amendment of these regulations, or creation of a zoning district to which these regulations apply, and the erection of which is in conformity with the plans submitted and approved for such permit, but does not conform to the provisions of these regulations, is a non-conforming use.

2.07.040 Changes Permitted to Non-Conforming Uses.

1. Routine maintenance and repair or those modifications required by applicable health and safety codes shall be permitted.
2. A non-conforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform with these regulations.
3. A building or structure conforming with respect to use but non-conforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.
4. A non-conforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of these regulations.
5. If no structural alterations are made to a non-conforming building or other structure, the non-conforming use may, upon approval and issuance of an Administrative Conditional Use Permit, be changed to another non-conforming use of the same or more restricted use classification, provided that said new non-conforming use is no more deleterious to the neighborhood, considering all factors, than was the previous non-conforming use.
6. The existing use of a legal, non-conforming Class B or Class C manufactured home in any zoning district can be upgraded without being

subject to a Conditional Use Permit, as required under Section 2.07.040(4), provided that the manufactured housing to be installed meets all of the criteria outlined in Section 7.13.010(2), Class B Manufactured Housing, of these regulations.

7. Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.

2.07.050

**Reconstruction of Damaged Non-Conforming Buildings.**

A non-conforming use or building that is damaged or destroyed by fire, explosion, or unforeseeable natural act (flood, wind storm, lightning strike, etc.) shall be allowed to be rebuilt by a person with an interest in the structure or use, upon the issuance of a Building Permit (where applicable), in such a fashion that the structure or use is no larger and is equally or more in conformance with these regulations than it was prior to the disaster. 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. All applicable permits shall be obtained within twelve (12) months of the damage or destruction.

**SECTION 2.08**

**AMENDMENTS TO TEXT OR DISTRICTS (PLANNING BOARD)**

2.08.010

The provisions of these regulations may, from time to time, and for the furtherance of public necessity, convenience, and welfare and in recognition that circumstances and conditions may be altered substantially as time passes, be amended, supplemented, changed, modified, or replaced.

2.08.020

**Amendments to the Text.**

Amendments to the provisions of the text of these regulations:

1. Requests to amend the text of these regulations may be initiated by the local governing body, the Planning Board, or any affected party or entity on a form provided by the Zoning Administrator.
2. The completed application and fee shall be submitted to the Zoning Administrator or his designee. Such fee is non-refundable.
3. The completed application shall be processed as per the adopted administrative procedures.
4. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning Board for their review and evaluation.

5. The Zoning Administrator shall set a public hearing date and publish a public notice 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.
6. The Planning Board shall consider the application at its next regular meeting following the public notice process. The Board shall make a recommendation to the Board of County Commissioners to grant, amend, or deny the application.
7. Upon receipt of the recommendation of the Planning Board, the Board of County Commissioners shall hold a public hearing. This hearing shall be advertised twice in a newspaper of general circulation in the community. Based on the results of the hearing, other public input, the staff report and findings of the Planning Board, the Fallon County Board of Commissioners shall render a decision to grant, amend, or deny the requested amendment.
8. In the event that the Board of County Commissioners approves or amends the requested amendment, a Resolution of Intent shall be passed and a notice of intent to adopt shall be published in a newspaper of general circulation. The publication of the notice shall begin a thirty (30) day protest period on the proposed resolution, after which the final reading of the resolution may be considered.
9. In the event that a written protest against a proposed amendment is filed in the office of the Board of County Commissioners within thirty (30) days of the first publication of the advertisement of the adoption of a Resolution of Intent by the Board of County Commissioners by forty percent (40%) of the freeholders of land within the districts zoned pursuant to Section 76-2-201, et. seq., whose names appear on the latest update of the tax rolls as of the beginning of the protest period, or by freeholders representing 50% of the titled property ownership whose property is taxed for agricultural purposes the Board of County Commissioners shall not adopt the resolution and no further zoning resolution shall be proposed for the district for a period of one (1) year.
10. Should the proposed amendment be adopted by resolution, the Board of County Commissioners shall officially notify the Zoning Administrator of the amendment now in force and he/she shall incorporate the amendment into the appropriate chapter, section or paragraph of these regulations.
11. In the event that an application to amend these regulations is denied by the Board of County Commissioners or that the application for amendment is withdrawn after the hearing of the Planning Board, the Zoning Administrator shall have the authority to refuse to accept another

application for any similar amendment for one (1) year from the date of hearing of the previous application by the Board.

2.08.030

Amendments to the Zoning Districts

1. An amendment proposing changes to the zoning districts shall follow substantially the same procedures as provided for in Section 2.08.020 with the following additional requirements to be met.
  - A. The applicant shall provide names and addresses of all property owners within 150 feet of the proposed amendment area.
  - B. The application for amendment shall be signed by an owner of record or his authorized agent in the space provided on the application.
  - C. When rezoning a previously zoned tract of land, the staff of the Planning Board shall mail a notice to all property owners included in the proposed amendment area and all property owners adjacent to and within 150 feet of the boundary of the proposed amendment area. (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 sides.) Such notice shall be mailed no less than 15 days prior to the Planning Board hearing date.
  - D. In the event that the Board of County Commissioners approves or amends the requested amendment, a Resolution of Intent shall be passed and a notice of intent to adopt shall be published in a newspaper of general circulation. The publication of the notice shall begin a thirty (30) day protest period on the proposed resolution, after which the final reading of the resolution may be considered.
  - E. In the event that a written protest against a proposed amendment is filed in the office of the Board of County Commissioners within thirty (30) days of the first publication of the advertisement of the adoption of a Resolution of Intent by the Board of County Commissioners by forty percent (40%) of the freeholders of land within the district of the proposed amendment whose names appear on the latest update of the tax rolls as of the beginning of the protest period, or by freeholders representing fifty percent (50%) of the titled property ownership whose property is taxed for agricultural purposes, the Board of County Commissioners shall not adopt the resolution and no further zoning resolution shall be proposed for the district for a period of one (1) year.

2. In the event that the Board of County Commissioners grants the application to amend or re-zone by resolution, they shall notify the Zoning Administrator of their action and he shall be responsible for updating the maps. Said updating shall include the posting on the face of the appropriate map of the date and the number of the resolution amendment of said map.
3. In the event an application to amend (re-zone) is denied by the Board of County Commissioners or that the application is withdrawn after the Planning Board hearing, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment within one (1) year from the date of the hearing of the previous application before the Board.

2.08.040 Evaluation of Amendment Requests.

When considering an application for amendment to the provisions of these regulations or the zoning districts, the Planning Board and Board of County Commissioners shall be guided by and adopt findings of fact based upon the following:

1. Whether the new zoning was designed in accordance with the Growth Plan.
2. Whether the new zoning was designed to lessen congestion in the streets.
3. Whether the new zoning gives reasonable consideration to the character of the district.
4. Whether the new zoning will secure safety from fire, panic, and other dangers.
5. Whether the new zoning will promote health and general welfare.
6. Whether the new zoning will prevent the overcrowding of land.
7. Whether the new zoning will avoid undue concentration of people.
8. Whether the new zoning will provide adequate light and air.
9. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
10. Whether the new zoning gives consideration to the particular suitability of the property for particular uses.
11. Whether the new zoning was adopted with a view of conserving the value of property.
12. Whether the new zoning will encourage the most appropriate use of land throughout the jurisdiction.

2.08.050 When a proposed zone change or zoning district falls within the jurisdiction of a City-County Planning Board, the board, shall have the authority to review the request and make a recommendation to the Board of County Commissioners.

2.08.060 New Zoning Districts.

The creation of new zoning districts shall be done in accordance with Sections 76-2-201 to 76-2-211, inclusive, M.C.A.

**SECTION 2.09 ENFORCEMENT**

2.09.010 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 found guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not to exceed six (6) months or both. Each day of continued violation after notification shall constitute a separate, additional violation.

2.09.020 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 Board of County Commissioners, 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 III**

**ESTABLISHMENT AND DEFINITION OF DISTRICTS**

**SECTION 3.01 USE DISTRICTS**

3.01.010 Intent

These zoning regulations are adopted with the purpose and intent of:

1. Implementing and promoting the Fallon County Growth Plan;
2. Lessening congestion in the streets;
3. Securing safety from fire, panic, and other dangers;
4. Promoting health and the general welfare;
5. Providing adequate light and air;
6. Preventing the overcrowding of land;
7. Avoiding undue concentration of population;
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
9. Giving reasonable consideration to the character of the district;
10. Giving reasonable consideration to the peculiar suitability of the property for particular uses;
11. Conserving the value of buildings;
12. Encouraging the most appropriate use of land; and,
13. Protecting the aesthetic resources of the County.

3.01.020 For the purpose of applying these regulations to the zoned areas of Fallon County, said areas are hereby divided into the following use districts:

<u>District</u>	<u>Title</u>	<u>Minimum Lot Size</u>
Industrial	Light Industrial	7,500 sq. ft.

**SECTION 3.02 LOCATION AND BOUNDARIES OF DISTRICTS**

3.02.010 The location and boundaries of the various use districts are established in the resolutions by the Board of County Commissioners that adopt the zoning districts. These regulations and the resolutions made to create the zoning districts are to be used in conjunction with each other.

3.02.020 Where uncertainty exists as to the boundary of any district that cannot be clarified by examination of the map of the particular zoning district, the exact location of the boundary shall be determined by the legal description of the boundaries adopted with the resolution that created the zoning district.

3.02.030 District boundaries shall generally take into consideration property boundaries as platted and not divide a platted lot, parcel, or tract of land into two or more use districts. If, however, a property is divided into two use districts, the property may be utilized in conformance with one zoning designation or the other as long as the use is principally confined to that portion of the property that is zoned for the chosen use.

**SECTION 3.03 PERMITTED/CONDITIONAL USES AND DIMENSIONAL REGULATIONS**

3.03.010 General Provisions

These zoning regulations shall apply to all private and public lands and structures within the adopted zoning districts in the jurisdiction of Fallon County.

3.03.020 Except as provided for elsewhere in these regulations:

1. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as permitted by these regulations.
2. No lot dimension, yard, or off-street parking area existing on or after the effective date of these regulations shall be reduced below the minimum requirements contained herein.
3. Except as otherwise specified in these regulations, multiple uses may be allowed on single lots in other zoning districts upon the issuance of a Conditional Use Permit.
4. A lot or the aggregate of contiguous lots or parcels platted prior to the adoption of these regulations which has an area or dimension that does not meet the requirements of these regulations, may be put to a use permitted in that zone subject to all other requirements of the zone in which it is located.
5. In the event that a parcel is made up of multiple adjacent lots, the property owner should obtain a zoning lot determination from the Zoning Administrator. Such determination would indicate the property lines from which setbacks would be measured for compliance with these zoning regulations. A form requesting such a determination is available from the Zoning Administrator.
6. The following types of structures or structural parts are not subject to the building height limitations of these regulations: chimneys; water tanks; church spires, belfries, and domes; public monuments approved by the

State and/or local government; fire and hose towers; transmission towers (subject to issuance of a Conditional Use Permit); radio and television towers, masts, and aerials (subject to issuance of a Conditional Use Permit); cooling towers; and other similar projections.

7. Setback shall be measured from the property line or, where applicable, the edge of the right-of-way, whichever is closer to the proposed or existing building.
8. Public utility maintenance or service stations, fire stations and other public utility or facility stations are exempt from the minimum lot size requirement of the zoning district. A determination from the Zoning Administrator shall be required prior to creating the lots for these uses.
9. For the purpose of applying Section 76-2-209, M.C.A., which addresses the application of zoning regulations for sand and gravel extraction operations and associated asphalt and concrete batch plants, any zoning or use district, including those overlaid with a Planned Unit Development, which provides for Dwellings, Single Family, Single Family Residential, Single Family Dwelling or Dwellings, Resort 1 – 4 plex, or similar residential use categories as a permitted use, is zoned as residential. In those districts the zoning regulations adopted and provided for herein shall specifically apply to sand and gravel extraction and asphalt or concrete batch plant use.

3.03.030 In the interpretation of Sections 3.04 through 3.33, where a use or class of use is not specifically listed, its status shall, upon request, be determined by the Zoning Administrator, as per Section 2.01.020, by reference to that 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.

## **SECTION 3.04 LIGHT INDUSTRIAL**

3.04.010 Definition.

A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein. This limitation shall not apply to AGRICULTURAL uses.

3.04.020 Permitted Uses Light Industrial.

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinics and animal hospitals, taxidermy, aviaries and ferrier services.

3. Art foundries.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service stations.
7. Boat sales, new and used.
8. Bus stations.
9. Car washes.
10. Cellular towers.
11. Churches and other places of worship.
12. Contractors' storage yards and building supply outlets, provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic.
13. Day care centers – 12 or fewer individuals.
14. Direct mailing and telemarketing.
15. Farm equipment sales.
16. Feed, seed and farm supply, including grain elevators.
17. Financial institutions.
18. Food stores, supermarkets, and delicatessens.
19. Health clubs.
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. Hotels, motels.
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
  - A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
  - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.
  - C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
  - D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
  - E. Storage and warehousing such as mini-storage, boat and vehicle storage.
26. Lodges and fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain.

27. Lumber yards, building materials; storage and sales.
28. Manufactured home sales and storage.
29. Nurseries and landscape materials, wholesale and retail.
30. Offices.
31. Parcel delivery services.
32. Parks and publicly owned recreational facilities.
33. Public transportation shelter stations.
34. Public utility service installations. (A minimum of five feet of landscaped area shall surround such building or structure.)
35. Quasi-public buildings (fire stations, government offices, etc.)
36. Radio and television broadcast stations.
37. Recreational facilities, high-impact.
38. Recreational facilities, low-impact.
39. Recreational vehicle parks.
40. Recycling drop-off stations.
41. Rental stores and yards.
42. Research laboratories and institutions.
43. Residential Construction
44. Retail sales and services.
45. Restaurants.
46. Security guard services.
47. Theaters, housed in permanent indoor structures.
48. Tire recapping and retreading.
49. Truck terminals.
50. Wholesale trade and warehousing.

### 3.04.030

#### Conditional Uses Industrial Zoning

1. Auction yards, livestock.
2. Automobile wrecking yards, junkyards, salvage yards.
3. Colleges, business schools, trade schools, music conservatories, dance schools.
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.\*
5. Commercial recreation areas.
6. Communication towers/masts.
7. Convention hall facilities.
8. Electrical distribution systems.
9. Golf driving ranges and putting courses.
10. Landfills, sanitary for disposal of garbage and trash.
11. Mini-storage, RV storage.
12. Mortuaries.
13. Radio and television broadcast stations.
14. Recycling processing plants.
15. Small wood product processing with five (5) or less employees.
16. Taverns.
17. Temporary buildings or structures.\*

- 18. Water storage facilities.
- 19. Day care centers – 13 or more individuals

\*Administrative Conditional Use Permit (See Section 2.06.045)

3.04.040 Exempt activities

The following activities are exempt from review and shall be granted a written exemption by the Zoning Administrator upon application and request:

- 1. Normal oil and gas production activities, including drilling or re-working wells, laying of pipelines, and construction of well sites and access roads, if the same are duly approved and permitted by the appropriate state or federal agency.
- 2. Development activities specific to wind power and geothermal energy, if the same are duly approved and permitted by the appropriate state or federal agency.

Applicants for a written exemption shall apply, in writing, to the Zoning Administrator and shall provide such information as necessary to determine whether the proposed activity falls within an exempt classification, including but not limited to copies of state and federal permits and approval.

3.04.050 Bulk and Dimensional Requirements Industrial Zoning

- 1. Minimum Lot Area: 7,500 sq. ft.
- 2. Minimum Lot Width: 75 feet.
- 3. Setbacks:
  - A. Minimum Yard Requirements:
    - Front: 20 feet.
    - Side: 10 feet each.
    - Side Corner: 20 feet.
    - Rear: 20 feet.
  - B. A 20-foot setback is required from streams, rivers and unprotected lakes, waterways which do not serve as property boundaries.
  - C. Increase yard requirements as follows when property fronts:
    - County Road:\* 20 feet.

\* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

- |    |                         |                                     |
|----|-------------------------|-------------------------------------|
| 4. | Maximum Height:         | 40 feet.                            |
| 5. | Permitted Lot Coverage: | Not applicable.                     |
| 6. | Maximum Fence Height:   |                                     |
|    | Front:                  | 10 feet.                            |
|    | Side:                   | 10 feet.                            |
|    | Rear:                   | 10 feet.                            |
| 7. | Off-Street Parking:     | See Chapter VI-Parking and Loading. |

**CHAPTER IV  
CONDITIONAL USE STANDARDS**

**SECTION 4.01      ANIMAL HOSPITALS, POUNDS, KENNELS, ANIMAL  
SHELTERS, and VETERINARY CLINICS**

4.01.010            Household animals (specifically dogs and cats) boarded overnight shall be kept in climate-controlled, soundproofed buildings. Where facilities are not soundproofed, no partially or fully enclosed structure or fenced open area (runs, pens, etc.) used to confine any animals shall be closer than 150 feet to an adjacent property line.

4.01.020            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.

**SECTION 4.02      COMMERCIAL CARETAKER’S FACILITY IN INDUSTRIAL  
DISTRICTS**

4.02.010            Subject to an Administrative Conditional Use Permit, a detached accessory structure in conjunction with a business is allowed for the purpose of providing housing for the owners, watchmen or facility managers which may not be rented to the general public and which may not be subdivided as a separate use. Class B manufactured homes are allowed under this category in the Industrial districts.

**SECTION 4.03      CONTRACTOR’S STORAGE YARDS**

4.03.010            Subject to an Administrative Conditional Use Permit, private contractor’s storage yards shall be allowed in the district subject to the following conditions:

1.        That the yard is used for a staging area only and no retail sales from the property will be conducted;
2.        That any outdoor storage of equipment or materials is adequately screened from public view with fencing or accessory structures which are in compliance with the standards for the district;
3.        That employee parking will be limited to a maximum of three additional vehicles and parking shall be met on-site; and
4.        That signage shall be limited to six square feet.

**SECTION 4.04 DAY CARE CENTERS – 13 OR MORE INDIVIDUALS**

4.04.010 Day care centers must be properly licensed by the State of Montana.

4.04.020 Day care centers must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be 160 square feet of signed drop-off/pick-up area for every eight (8) individuals.

4.04.030 Where outside recreation facilities are provided, a six-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.

**SECTION 4.05 ELECTRICAL DISTRIBUTION STATIONS**

4.05.010 Electrical distribution stations shall meet the following requirement:

The station shall be completely surrounded by a security fence that shall be at least eight (8) feet in height.

4.05.020 A parcel of land that does not meet the minimum lot area requirement of the district may be created for the placement of an electrical distribution station.

**SECTION 4.06 EXTRACTIVE INDUSTRIES**

4.06.010 Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut Mining Act, 82-4-401, et seq, M.C.A., as administered by the Montana Department of Environmental Quality, Helena, Montana, but shall be in addition to the requirements of said Act. Prior to the approval by the Board of a Conditional Use Permit, a reclamation contract shall be signed and approved by the owner or operator and the Montana Department of Environmental Quality.

4.06.020 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, vibration, and traffic, and how they affect adjoining properties. Landowner(s)/Lessee(s) shall be notified prior to the event. Blasting operations shall be restricted to Monday through Friday between the hours of 7:00 A.M. and 7:00 P.M.

**SECTION 4.07      MINI-STORAGE, RECREATIONAL VEHICLE STORAGE**

- 4.07.010      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.
- 4.07.020      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.
- 4.07.030      Appropriate fencing or landscaping that produces a sight-obscuring barrier shall be provided in areas adjacent to residentially zoned areas. The landscaping shall be designed, placed, and maintained in such a manner that no wall, fence, sign, or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within 15 feet of the intersection of any street right-of-way line or driveway.
- 4.07.040      Building heights shall be limited to two stories (35-feet at the peak).
- 4.07.050      One (1) parking space shall be provided for the on-site manager with two (2) additional spaces provided at the leasing office.
- 4.07.060      Parking shall be provided by parking/driving lanes adjacent to the storage units. These lanes shall be at least twenty-six (26) feet wide when storage units open to one side of the lane only and at least thirty (30) feet wide when storage units open onto both sides of the lane.
- 4.07.070      All storage shall be kept within an enclosed building. Propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, may be stored within an enclosed building with only nominal amounts of fuel contained in the engine's or vehicle's primary fuel tank. No fuel or other flammable substances may be stored in any accessory container except in screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
- 4.07.080      The sale 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.
- 4.07.090      The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline 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.

**SECTION 4.08 RECREATIONAL FACILITIES**

4.08.010 Due to the diverse nature of the potential recreational facilities that may be proposed or developed in the planning jurisdiction, no specific standards are established. However, proposed uses that must obtain a Conditional Use Permit may be reviewed subject to a number of criteria. These criteria may include, but are not limited to, traffic generation, parking availability, impact on surrounding uses, landscaping, noise generation, and accessibility. Mitigation strategies for the possible impacts of recreational facilities that must obtain a Conditional Use Permit may be submitted with the permit application materials.

**SECTION 4.09 TEMPORARY USES**

4.09.010 Temporary uses not exceeding 12 months in duration may be approved by the issuance of an Administrative Conditional Use Permit from the Zoning Administrator. Such an administrative permit shall not be renewable. Any extension to the permit must be granted by an application to and permit approval by the Board of Adjustment.

4.09.020 Temporary uses of a duration exceeding 12 months shall be approved in writing through the granting of a temporary Conditional Use Permit by the Board of Adjustment. Conditions may be placed on the use to promote neighborhood compatibility and to mitigate health and safety issues.

4.09.030 Temporary uses shall comply with all setback requirements of the district.

4.09.040 A Class B manufactured home on a temporary foundation or RV may be allowed on an occupied site when either a building or demolition permit (when applicable) has been secured for that lot and the occupants of the temporary use are actively involved in demolishing and clearing the site or constructing a new primary building.

4.09.050 Temporary uses must be connected to approved water and sewer utilities, where appropriate.

4.09.060 Seasonal temporary uses such as fireworks stands, Christmas tree sales and produce stands shall have specific and definable time frames to coincide with the particular season and shall be considered to be permitted uses in non-residential districts during the appropriate time frame.

## CHAPTER V

### PERFORMANCE STANDARDS

#### SECTION 5.01 ACCESSORY USES

The uses of land, buildings, and other structures permitted in each of the districts established by these zoning regulations are designated by tables or lists of principal uses permitted. In addition to such principal uses, this section shall regulate uses customarily incidental to any principal uses permitted in the district.

##### 5.01.010 General Provisions

Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, extent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

##### 5.01.020 The accessory uses, buildings or other structures permitted in each district may include the following:

1. In the industrial districts:
  - A. Offices.
  - B. Employee cafeteria.
  - C. Watchman's quarters.
  - D. Signs as regulated by Chapter V.
  - E. Parking and loading as regulated by Chapter VI.

##### 5.01.030 Accessory Use Restrictions:

The following is a list of restrictions on accessory uses and structures:

1. No accessory structures except fences or hedges shall be constructed in any front yard. Accessory structures shall not be located any closer than five (5) feet to a rear or side lot line. Signage shall be located on a lot in conformance to the requirements of Chapter V.

2. When a garage or carport is entered from an alley, it shall not be located closer than ten (10) feet from the alley right-of-way line.
3. Attached accessory buildings shall be located pursuant to the setback requirements for principal buildings.
4. Without an Administrative Conditional Use Permit showing future construction and placing of the principal structure, 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.
5. Guest houses and caretaker facilities are subject to the same setback requirements as the primary structure.

**SECTION 5.02 CLEAR VISION TRIANGLE**

5.02.010 A clear vision triangle, as defined by Chapter VII, shall be maintained on all public and private property at the intersection of roadways or of a roadway and an alley or a railroad. The clear vision triangle shall contain no trees, shrubs, or other plantings; nor fences, walls, signs, or other temporary or permanent sight obstructions of any nature exceeding thirty (30) inches above the centerline elevation of the adjacent roadway, except that trees with a maximum trunk diameter of eight (8) inches may be permitted if all branches and foliage is removed to a height of nine (9) feet above the existing centerline of the adjacent roadway.

**SECTION 5.03 FENCES**

5.03.010 Height limitations of fences in the zoning district is designated in Chapter III.

5.03.020 Open wire fences exceeding the designated height may be built around schools or other public or quasi-public institutions when necessary for the safety or restraint of the occupants.

5.03.030 Open wire fences may, at the discretion of the Zoning Administrator, be built around tennis courts, swimming pools, and other recreational facilities, after considering safety, proposed location, and effect on the surrounding area.

5.03.040 Security fences are allowed in side and rear yards up to ten (10) feet in height when used to enclose commercial storage areas.

5.03.050 Barbed wire and/or electric fences used for confining livestock are allowed only in agricultural areas. Additionally, they are allowed along the boundary of any district which directly abuts an agricultural property.

**SECTION 5.04 GREENBELTS**

5.04.010 All sites in an industrial district (“I” designation) having a common boundary with a residence or residential area shall have either (1) planted and maintained along such common boundary a view-obscuring greenbelt of shrubs and trees at least eight (8) feet in height at maturity and at least ten (10) feet in width for screening purposes and controlling access, or (2) an appropriate enclosure fence as prescribed herein.

5.04.020 The preceding requirements shall be met within one year of the zoning change, building permit sign-off or start of construction in areas outside of building permit jurisdictions, or before final plat approval, whichever case is applicable. The proposed greenbelt shall be shown on the plat or site plan.

**SECTION 5.05 HOME OCCUPATIONS**

5.05.010 Operators of home occupations shall submit to the Zoning Administrator a notarized certification that the home occupation is in conformance with the provisions of this Section.

5.05.020 Home occupations are permitted in any dwelling unit, subject to the following provisions:

1. All home occupations shall comply with the following standards:
  - A. No outdoor storage shall be permitted.
  - B. Exterior signs shall be restricted to those permitted in the district in which the home occupation is located.
  - C. No home occupation shall be conducted in a manner which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
  - D. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard.
  - E. The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by more than one (1) at a given time or by more than eight (8) all day.

- F. No home occupation shall generate as a by-product for disposal or cause to be dumped any hazardous waste including chemicals and cleaners, other than the volume and types that would be normally generated by a typical single-family home.

**SECTION 5.06 LIVESTOCK**

5.06.010 The keeping of fowl and livestock is allowed provided the following minimum requirements are met:

- 1. The lot or tract of land must have at least one (1) acre. If there is less than one (1) acre of usable pasture, supplemental feed shall be provided.
- 2. The number of animals shall be limited to one animal unit (A.U.) per acre. Animal unit values shall be as follows:
  - A. Horse, cow, donkey, etc. – 0.50 A.U. (2 per acre).
  - B. Sheep, goat, llama, etc. – 0.20 A.U. (5 per acre).
  - C. Chickens, geese, fowl, etc. – 0.04 A.U. (25 per acre).
- 3. This Section shall not be deemed to allow the keeping of livestock on parcels where they are precluded by other text, ordinances, or covenants.

**SECTION 5.07 LOTS**

5.07.010 A lot, as defined, shall be subject to the following special regulations:

- 1. Where two or more lots are used as a building site and where main buildings cross lot lines, then the entire area shall be considered as one lot, except that the front of the parcel shall be determined to be the front of the individual lots as platted, subdivided, or laid out. Refer also to Section 3.03.020(5).
- 2. For the siting of dwellings for rent or lease, each dwelling shall be on a single tract of record.

## **SECTION 5.08        SIGNS**

### **5.08.010            Signs permitted in the district (exempt signs):**

1.        Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding thirty-two (32) square feet in area.
2.        Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
3.        Flags and insignias of any government except when displayed in connection with commercial promotion.
4.        Legal notices; identification, information, or directional signs erected or required by governmental bodies.
5.        Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
6.        On-premise signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall not exceed 16 square feet.
7.        Bulletin boards for churches, schools, or other public, religious, or educational institution provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.
8.        Political signs, each not exceeding thirty-two (32) square feet, not erected more than thirty (30) days prior to, and removed not more than one (1) week after, the election or event to which the sign pertains.
9.        One construction sign per street frontage, per contractor of a building, which is under construction, provided the advertising display area of such a sign, shall not exceed thirty-two (32) square feet.
10.      Signs identifying the entrances to subdivisions bearing only the name of the subdivision and the distance and direction to the subdivision. Where off-premise, such signs shall not exceed 32 square feet per sign face and no part of the sign structure may

exceed 12 feet in height. Where on-premise, such signs shall not exceed 60 feet per sign face and no part of the sign structure may exceed 16 feet in height unless affixed to or suspended from a gate or other entry structure. Off-premise signs visible from any public roadway shall have an earth tone background with white lettering which may be reflective. On-premise signs shall be constructed of native material visually compatible with the surroundings. Lighting is prohibited on off-premise signs. Lighting is allowed for on-premise signs and may be external and indirect only.

5.08.020

General Standards for All Signs

All signs permitted as accessory uses in industrial districts are subject to the following regulations:

1. Animation: Signs shall not rotate, move, flash, change or blink, except if utilized by a government agency for public safety or information. An electronic message center may display changing information but shall not flash or blink the message or picture display.
2. Wall Signs: Projection of wall signs shall not exceed two (2) feet measured from the face of the building. No wall sign may project above the highest point of roof structure of the building to which it is attached.
  - A. When building frontage is less than 200 feet the maximum sign area for the property shall be equal to one and one half (1.5) square feet for each lineal foot of building frontage length.
  - B. When building frontage exceeds 200 feet, the maximum sign area shall be equal to 300 square feet plus one (1) square foot for each lineal foot of building frontage length.
  - C. As applicable to shopping centers or lots containing multiple businesses or where common signage is shared between two or more adjacent lots, the calculation of allowable sign area shall be as per A and B above.
  - D. The sign allowance shall be calculated on the basis of the length of the building frontage, which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street, the owner of a building may designate the one building frontage which shall be used for the purpose of calculating the sign allowance.
3. Freestanding, Ground, and Off-Site Signs

- A. Free-standing, ground, or off-site signs shall meet the requirements found in Table 1 of this Section.
- B. No free-standing, ground, or off-site sign may be erected or placed closer than 25 feet from a side or rear lot line abutting a zoned residential district.
- C. The height of a free-standing, ground, or off-site sign shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structure.
- D. A single sign may be permitted on a lot having at least 25 feet of frontage along a public road, except up to two (2) signs may be permitted when the frontage of the lot along a single road exceeds 500 feet. A corner lot with frontage along two public roads is eligible for a single sign along each frontage.
- E. Area and setbacks of signs shall be permitted in accordance with Table 1.

TABLE 1

Distance to Edge Of Right-of-Way* (Feet)	Maximum Size Allowed per Face (Square Feet)
0-10	72
11-20	84
21-30	96
31-40	108
41-50	120
51 and greater	150

\*No signs shall be placed within any public right-of-way.

- F. When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground and shall be in accordance with the National Electrical Code.
- G. Free-standing, ground, and off-site signs shall be set back from the edge of the right-of-way as found in Table 1 above. The signage setback shall be measured from the edge of the right-of-way of the road, street, or highway fronting the property to the closest plane of the sign.
- H. The maximum surface area per side for off-site signs shall be 64 square feet per side. Each business is allowed two

directional signs not to exceed 12 square feet, which are exempt from the overall sign calculations.

4. Revolving Signs: No revolving signs shall be permitted.
5. Projecting Signs: The sign shall be erected at right angles to the building face and be at least nine (9) feet above grade and shall not extend over any vehicular right-of-way. The maximum area per sign face shall not exceed sixty-four (64) square feet.
6. Roof Signs: No roof sign shall extend beyond 28 feet and/or the highest point of the roof.
7. Height: No freestanding, ground, or off-site sign shall exceed 28 feet in height.

The height of free-standing signs, ground signs, pole-signs, and billboards shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structure.

8. Permitted Surface Area: The total surface area of all signs on a property is limited to:

Wall signs:	40% of exposed street-front façade
Billboard/painted bulletin signs:	432 square feet

9. Illumination: Signs, if illuminated, shall be lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it. (Neon is permitted.)
10. Manual Changeable Copy: Any permitted sign may include manually changeable copy in up to seventy (70%) percent of its area. Portable or moveable reader boards may be displayed on-premise to advertise special events or grand openings in commercial or industrial districts for a period not to exceed 10 calendar days within any three month period subject to written approval of the Zoning Administrator.
11. Allowable Signage: The maximum sign area allowance for a particular property shall be calculated as follows unless otherwise specified in this chapter.

A. Building Frontage Length:

TABLE 2

Building Frontage (lineal feet)	Maximum Sign Area (square feet)
0-50	75
51-100	150
101-150	225
151-200	300
201-250	375
251 and over	432

- 1) As applicable to shopping centers or lots containing multiple businesses, the allowable sign area can be divided in any way desired by the property owner.
- 2) The sign allowance shall be calculated on the basis of the length of the building frontage which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street, the owner of a building may designate which shall be used for the purpose of calculating the sign allowance.

B. Lot Length:

In lieu of using the length of building frontage as the means of calculating sign area allowance, the calculation may be based on lot frontage. In no event shall the total sign allowance for any property be more than one and a half (1.5) square feet of sign allowance for each lineal foot of lot frontage.

C. Distribution of Sign Allowance:

The sign allowance for a building may be distributed in any manner among its frontages.

D. Sign Area Calculation:

The calculation of maximum total sign area shall be restricted to measuring only one face of multiple faced signs.

5.08.030 Billboard Signs Requiring A Permit

1. No billboard sign shall exceed 432 square feet.
2. A billboard sign may be either single face or back-to-back, with no more than one face visible and readable from the same direction. Back to back would permit a “V” shaped sign provided that the angle of the “V” is no more than 30 degrees.
3. No billboard sign shall exceed 28 feet above grade. The height shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structures.
4. No billboard sign may be constructed within 500 feet of any other billboard sign as measured along the road right-of-way.
5. No billboard sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses in the district in which they are placed. No sign may be erected or placed closer than 25 feet from a side or rear lot line abutting a residential district.
6. A billboard not completely constructed on the effective date of these regulations shall not thereafter be constructed or completed nor may any billboard structure be moved to a different location. No billboard structure may be increased in size or height, notwithstanding any provision to the contrary in Section 2.07 of these regulations.
7. When electrical service is provided to a billboard sign, all such electrical service shall be installed underground and shall be in accordance with the National Electrical Code.
8. Illumination of billboard signs shall be continuous, stationary, shielded light sources directed solely at the sign.
9. All proposed construction, reconstruction, replacement or any type of alteration beyond the normal change of copy and normal maintenance, shall be preceded by an application for, and issuance of, a conformance permit from Fallon County Planning & Zoning Office, prior to the start of any work.

5.08.040

Permitted Signs in Zoning Districts

1. Permitted signs in Industrial districts shall be as follows:
  - A. Affiliation sign not exceeding 16 square feet;
  - B. Billboard/painted bulletin signs;
  - C. Exempt signs listed herein;
  - D. One or the combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.08.020:
    - 1) Free-standing signs
    - 2) Ground signs
    - 3) Off-site signs
  - E. Message sign;
  - F. Projecting signs;
  - G. Wall signs.

5.08.050 Maintenance

All signs shall be kept in a neat, clean, and attractive condition. This includes the periodic cleaning, painting, repairing, and/or general maintenance of the sign. Maintenance shall also include the updating of the information provided by signs such as:

- Current goods and prices
- Change of ownership/occupant
- Name change

This maintenance shall be the responsibility of the sign owner. Any sign that is not properly maintained shall be deemed to be an illegal non-conforming use.

5.08.060 Enforcement and Remedies

Any violation or attempted violation of this Section or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Section shall be considered a violation of the zoning regulations of the County. The remedies of the County shall include the following:

1. Issuing a stop-work order for any and all work on any signs on the same lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

3. Imposing any penalties that can be imposed directly by the County under the zoning regulations;
4. Seeking in court the imposition of any penalties that can be imposed by such court under the zoning regulations; and
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as is available to the County under the applicable provisions of the zoning regulations for such circumstances.
6. The County shall have other such remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning regulations.
7. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
8. Removal of Signs by the Zoning Administrator:

The Zoning Administrator may cause the removal of an illegal sign in the cases of emergency, or for failure to comply with written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Zoning Administrator together with an additional ten percent (10%) for inspection and incidental costs.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten (10%) percent penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Zoning Administrator, as in the case of a leased sign. For purposes of removal, the definition of "sign" shall include all sign embellishments and structures designed specifically to support the sign.

5.08.070

Non-Conforming Signs

1. Existing signs which do not conform to the specific provisions of these regulations and which were legally constructed prior to the adoption of these regulations are designated as legal non-conforming signs.
2. All legal non-conforming signs shall be removed or brought into compliance with these regulations upon the earlier of the following events:
  - A. The sign is relocated or replaced, except when the sign is displaced for right-of-way or utility easement condemnation.
  - B. The structure or size of the sign is altered in any way except toward compliance with these regulations. This does not refer to change of copy or normal maintenance.
  - C. The sign suffers more than 50% appraised damage or deterioration except in the case of vandalism.
  - D. For signs, which are flashing or blinking: one (1) year from the date of adoption of these regulations.
  - E. All non-conforming billboards shall be brought into compliance within 10 years from the adoption of these regulations or by Year 2018.

**SECTION 5.09 YARD, STREET AND SECURITY LIGHTING**

- 5.09.010 The intent of this section is the enhancement of the visual integrity of the natural environs of the community area, particularly pertaining to the unwarranted and/or unwanted intrusion of artificial lighting in areas not desiring such light which detracts from the beauty and naturalness of the hours of normal darkness.
- 5.09.020 All porch and yard lighting shall be hooded, screened or directed in a manner such that the light source or the diffuser emitting the light shall not be deleterious to the adjoining property owners or occupants.
- 5.09.030 Any lights provided to illuminate any public or private parking area or vehicles sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential land use district or residential use.
- 5.09.040 Any non-conforming lighting situation shall be brought into compliance within 90 days after official notice by the Zoning Administrator that a non-conforming situation exists.

## **SECTION 5.10 CELLULAR COMMUNICATIONS TOWERS**

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district or overlay in which they are to be located.

- 5.10.010 If feasible, personal wireless service facilities shall be located on existing structures, including, but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more personal wireless service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.
- 5.10.020 Among the considerations in granting an application under this part is the provision or necessity of adequate fencing to protect the proposed facility and alternate use and users of the property.
- 5.10.030 Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days.
- 5.10.040 No advertising is permitted anywhere on the facility, with the exception of identification signage.
- 5.10.050 If at any time, the use of the facility is discontinued for 12 months, the facility shall be declared abandoned. Upon abandonment or discontinuation of use, the carrier shall physically remove the communication facility within 90 days from the date of abandonment. Physically remove shall mean: removal of antennas, mount, equipment shelters and security barriers from the subject property, proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations, and restoring the location of the facility to its natural state.
- 5.10.060 No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA.
- 5.10.070 “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.

5.10.080 Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

5.10.090 Definitions

Antenna: An antenna is defined as a device that transmits and/or receives an electronic signal for the purposes of facilitating the communication of cellular telephone or personal communication services (PCS) messages. There are several varieties.

Collocation: The siting of antennas owned and/or operated by separate companies on the same structure, monopole, lattice tower or specialty pole and/or several mounts on an existing building or structure by more than one carrier.

Equipment Shelter: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment, located on the same parcel as the telecommunications tower.

Guyed Tower: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice Tower: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

Monopole: The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform for panel antennas arrayed at the top.

Security Barrier: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

5.10.100 Wireless telecommunication towers located within one-quarter (1/4) mile from the centerline of the right-of-way of all State and Federal highway's shall:

- A. Be a permitted use in all areas zoned for commercial and industrial uses.
- B. In all other zoning designations or overlay areas, is a permitted use if sixty (60) feet or less in height and located sixty (60) feet or less from the edge of the right-of-way of State or Federal highways. If the tower is not located on or within one-quarter (1/4) mile of a State or Federal highway, the underlying zoning regulations shall prevail.

- C. If a wireless telecommunications tower exceeds sixty (60) feet in height or is located more than sixty (60) feet from the edge of the right-of-way of a State or Federal highway, it may be permitted as a conditional use provided that the tower be set back twenty (20) feet from the edge of the right-of-way for every one (1) foot in height in excess of sixty (60) feet.
- D. Unless otherwise specified herein, should a conflict arise between these standards and other provisions of these regulations, the provisions of Section 5.13.110 shall prevail.

## CHAPTER VI

### PARKING AND LOADING

#### SECTION 6.01 GENERAL REQUIREMENTS

- 6.01.010
1. Except as herein provided, no building or structure shall be erected, altered, or converted to any use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained here, except that an established use lawfully existing at the effective date of these regulations need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.
  2. Parking Space Dimensions:
    - A. Standard vehicle – 9 by 20 feet;
    - B. Compact vehicle – 8 by 16 feet;
    - C. Bus space – 12 by 60 feet.
  3. Handicapped Parking – All non-residential uses shall comply with the parking requirements set forth in the Americans With Disabilities Act (ADA) with regard to the number and location of spaces.
  4. Fractional Measurements: When units or measurements determining the number of required off-street parking and off-street loading spaces results in a requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded, and fractions of one-half (1/2) and over shall require one off-street parking or loading space.
  5. For uses listed as Commercial Accommodations or Recreational Areas, up to ten percent (10%) of the required parking may be met with bus parking (1 bus space = 20 car spaces). That is, at least ninety percent (90%) of the required parking shall be met with car spaces.
  6. Compact parking spaces may be permitted for parking lots containing more than four (4) parking spaces. No more than 20 percent (20%) of the off-street parking requirement shall be met by the use of compact spaces and all such spaces shall be suitably marked on the site. A compact car space shall not be smaller than

eight (8) feet by sixteen (16) feet. This requirement shall not prevent the provision of additional compact spaces when the minimum number of spaces required by this chapter has been satisfied.

6.01.020 Off-street overflow/visitor parking shall be provided for multi-family housing developments, mobile home parks and recreational vehicle parks. This overflow parking may be provided in parking modules throughout the development, as additional parking per unit or space, or in a single parking area. The amount of parking provided shall equal at least one (1) parking space for every four (4) living units/spaces.

**SECTION 6.02 COMMERCIAL ACCOMMODATIONS PARKING REQUIREMENTS**

6.02.010 Bed and Breakfast 2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift

6.02.020 Boarding house 1 space per guest room plus 2 spaces for residential family

6.02.030 Hotels, motels and cabins 1 space per guest room or suite plus 1space for every 2 employees per maximum shift

6.02.040 Convention and meeting facilities accessory to hotel, motel, or other use 1 space per 10 fixed seats or 100 square feet of gross floor area used for assembly purposes, whichever is greater

6.02.050 Convention and meeting facilities, sole use 1 space per 5 seats or 40 square feet gross floor area used for assembly purposes, whichever is greater

**SECTION 6.04 INSTITUTIONS PARKING REQUIREMENTS**

6.04.010 Animal hospitals, pounds, shelters or commercial kennels 1 space per 400 square feet of gross floor space; minimum 4 spaces

6.04.020 Auditoriums, theaters, churches or other places of assembly 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater

6.04.030	Hospitals	1 space per bed
6.04.040	Libraries, museums and art galleries	1 space for every 500 square feet of gross floor area plus 1 for every 2 employees per maximum shift
6.04.050	Mortuaries	1 space per 75 square feet of gross floor area used for assembly

**SECTION 6.05      SCHOOLS PARKING REQUIREMENTS**

6.05.010	Day care	1 space per 10 supervised children or adults plus 1 for every employee per maximum shift
6.05.020	Kindergarten through junior high schools	1 space per employee and faculty member, but not less than assembly facility area requirements of 1 space per 4 seats
6.05.030	High schools	1 space for every 4 students plus 1 space per staff member
6.05.040	Colleges and universities	1 space for every 2 students plus 1 space for each staff member

**SECTION 6.06      RECREATIONAL AREAS PARKING REQUIREMENTS**

6.06.010	Boat launching areas, marinas	1 boat trailer space per 1,500 square feet of developed area plus 1 single car space per 3 required trailer spaces
6.06.020	Bowling alleys	4 spaces per lane plus 1 space for each employee on maximum shift
6.06.030	Golf courses	3 spaces per hole of main course
6.06.040	Private clubs and lodges, special centers, athletic clubs and the like	1 space per 400 square feet of gross floor area
6.06.050	Ski areas, cross-country	2 spaces per mile of trail served by trailhead
6.06.060	Ski areas, downhill	1 space per 4 skiers, based on skier per day capacity

6.06.070	Stadiums, special arenas and similar open assemblies.	1 space 5 seats or 1 space for every 100 square feet of assembly space without seats, whichever is greater
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**SECTION 6.07 FOOD AND BEVERAGE PLACES PARKING REQUIREMENTS**

6.07.010	Drive-in restaurants	1 space per 80 square feet of gross floor area with 10-space minimum
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6.07.020	Restaurants, cafeterias, food and beverage establishments	1 space per 4 seats plus 1 space per employee on maximum shift. Drive-through windows must be provided with 5 stacking spaces per window
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**SECTION 6.08 BANKS AND FINANCIAL INSTITUTIONS PARKING REQUIREMENTS**

6.08.010	Banks and financial institutions	1 space per 400 square feet of gross floor area. Drive-in windows must be provided with 4 stacking spaces per window
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6.08.020	Offices.	1 space per 400 square feet of gross floor area
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6.08.030	Offices not providing customer services	1 space per 4 employees, but not less than 1 per 400 square feet of gross floor area
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6.08.040	Medical and dental offices	1 space per 150 square feet of gross floor area
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**SECTION 6.09 BUSINESSES PARKING REQUIREMENTS**

6.09.010	Retail or personal service stores	1 space per 300 square feet of gross floor area
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6.09.020	Service stations	3 spaces per service bay and 1 space per 2 fuel pumps
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**SECTION 6.10 MANUFACTURING AND WAREHOUSING PARKING REQUIREMENTS**

6.10.010	Manufacturing uses, research testing and processing, assembling, all industries	1 space per 2 employees on maximum shift
6.10.020	Warehouse, storage and wholesale business and freight terminals	1 space per 2 employees on maximum shift

**SECTION 6.11      PARKING REQUIREMENTS SPECIAL CONDITIONS**

6.11.010      All parking areas and access driveways shall have at a minimum:

1.      Adequate drainage so that injuries will not be caused to adjacent properties nor will water drain across a public walk;
2.      Appropriate bumper guards or curbs where needed to define parking spaces, limits of paved area and setback area. Parking is allowed within the front yard setback areas within five (5) feet of the adjoining property boundary provided there is a five (5) foot maintained landscape buffer.
3.      A smoothly graded stabilized dust free surface that has been treated with dust retardants or paved.

6.11.020      Each property owner or lessee shall be responsible to see that their employees, visitors, guests, or customers park in the designated parking areas.

6.11.030      Visitor, guest or customer drop-off zones and parking shall be provided near visitor or customer entrances into buildings and shall be separated from all-day employee parking.

**SECTION 6.14      OFF-STREET PARKING DESIGN STANDARDS**

6.14.010      All parking surfaces must be designated properly by painted lines or other methods of demarcation.

6.14.020      One access shall be allowed per lot, as they exist on the effective date of these regulations, or one access shall be allowed for each 200 feet of frontage. Minimum distance between accesses shall be 100 feet except for service stations where only two accesses are allowed per lot with one frontage; a third access shall be allowed for the other street frontage on corner lots.

**SECTION 6.15      OFF-STREET LOADING, GENERAL REQUIREMENTS**

6.15.010 Each off-street loading space shall measure not less than 35 feet by 12 feet and shall have an unobstructed height of 14 feet 6 inches and shall be made permanently available for such purposes, and shall be surfaced (asphalt, concrete, etc.), improved and maintained.

6.15.020 Expansion and Enlargement

1. Whenever any building existing on the effective date of these regulations is subsequently altered to increase floor area by 50% or more, off-street loading spaces shall be provided as indicated. Nothing in these provisions shall be construed to require off-street loading areas for the portions of such buildings existing at the time of adoption of these regulations.

6.15.030 Minimum Standards

Required off-street loading spaces shall be in conformance with the following:

1. Department stores, retail or wholesale stores, eating and drinking establishments, warehouses, repair, general service, manufacturing or industrial establishments:

<u>Square feet or aggregate gross floor area</u>	<u>Required number of spaces</u>
Up to 19,999	1
20,000 to 39,999	2
40,000 to 59,999	3
Each additional 20,000	1 additional

2. Hotels, office buildings, hospitals or similar institutions, auditoriums or similar places of public assembly:

<u>Square feet or aggregate gross floor area</u>	<u>Required number of spaces</u>
Up to 59,999	1
60,000 to 89,999	2
90,000 to 119,999	3
Each additional 60,000	1 additional

**SECTION 6.16 STREET AND ROADWAY STANDARDS**

- 6.16.010 Access to businesses, service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided or as prescribed by the Approach Standards for Montana Highways (whichever requirements are greater).
- 6.16.020 Access shall be controlled as follows:
1. Access shall be by not more than two (2) roadways for each 100 feet, or fraction thereof, frontage on any street.
  2. No two (2) of said roadways shall be closer to each other than 12 feet on the same parcel, and no roadway shall be closer to a side property line than 2 feet. (See Section 6.13.030 for when a parcel may have two access points.)
  3. Each roadway shall be not more than 36 feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way. No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic.
  4. All accesses onto County roads shall have been approved by the County Road Department with the issuance of an encroachment permit. Such permits shall be obtained prior to the construction and/or use of such access.
- 6.16.030 On a corner lot, no roadway shall be closer than 20 feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.
- 6.16.040 In all cases where there is an existing curb or gutter or sidewalk on the street, the applicant for an encroachment permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Building Inspector or Zoning Administrator.
- 6.16.050 A safety barrier shall be established along the property line to limit access to and from the property when no curb and gutter exist. A sidewalk, curb, and gutter system may also be constructed.

## CHAPTER VII

### DEFINITIONS

#### SECTION 7.01 GENERAL REQUIREMENTS

7.01.010 For the purpose of these regulations, certain terms and words are hereby defined as follows: words in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The words “shall” and “must” are mandatory and not discretionary. The following words when applied in these regulations shall carry full force when used interchangeably: lot, plot, parcel, or premises; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct, erect, alter.

7.01.020 When there appears to be a conflict between the content of the text of these regulations and any definition given in the following chapters, the text shall control.

#### SECTION 7.02 DEFINITIONS “A”

7.02.010 Abandonment – The actual cessation of a non-conforming use.

7.02.020 Accessory Apartment – Dwelling units that are in the principal structure on lots zoned for light industrial use (I-1 districts). Accessory apartments may be used as on-site housing for owners, watchmen, facility managers, or rented to the general public. The gross floor area of the accessory apartment(s) and access may not exceed fifty percent (50%) of the gross floor area of the principal structure.

7.02.030 Accessory Building/Use – A use, building or structure, or part of a building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use of the same lot. If an accessory building is attached to the main building or structure by a common wall or roof, such accessory building shall be considered as part of the main building.

7.02.040 Agriculture – The use of land for agricultural purposes including farming, pasturage, grazing land, and animal husbandry, excepting there from commercial confined animal feeding operations.

7.02.050 Alley – A passage or way open to public travel and dedicated to public use affording a secondary means of access to abutting lots and not intended for general traffic circulation.

- 7.02.060 Alterations – 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.
- 7.02.070 Animal Farm – A property where the primary use is the raising of animals for pelts, feathers, live sale or leasing. Uses shall include the training and/or keeping of animals for use in circuses, advertisements, commercials, or other functions. The animals found on animal farms may include, but are not limited to, one or more of the following: Mink, chinchillas, foxes, mountain lions, ferrets, martens, wolves, ostriches, emus and other exotic birds, pot-bellied pigs, and non-domesticated animals. Such uses shall have any and all applicable permits. This definition shall not include the raising of cattle, sheep, horses, goats or pigs. or horses.
- 7.02.080 Apartment – A room or a suite of two or more rooms in a multiple family dwelling or in any other building, except a single-family dwelling or a two-family dwelling, occupied or suitable for occupancy as a dwelling unit for one family.
- 7.02.090 Apartment House – A building or a portion of a building arranged or designed to be occupied by three or more families living separately from each other and containing three or more apartments.
- 7.02.100 Arterial – See Street, Arterial.
- 7.02.110 Art Foundry – A facility wherein the casting and molding of metal into statuettes, busts, sculptures, and other artistic or aesthetic forms is the primary use. The products of such a facility are generally of such a size to allow them to be moved by a single person without assistance.
- 7.02.120 Automobile Repair Shop – A facility in which passenger cars and small trucks are serviced and repaired. Such services and repairs may include those offered by an automobile service station, engine removal for repair or replacement, transmission repair, bodywork and painting. Such facility shall not be involved in the dismantling of motor vehicles.
- 7.02.130 Automobile Service Station – See “Service Station”.
- 7.02.140 Automobile Wrecking Yard – Any premises devoted to the destruction, wrecking, and/or dismantling of motor vehicles and trailers or the storage, sale or dumping of wholly or partially dismantled, obsolete, or wrecked vehicles or their parts. The keeping of four or more discarded, ruined, wrecked or dismantled motor vehicles, including component parts, or inoperable vehicles which are not lawfully and validly licensed, and

remain inoperable or incapable of being driven constitutes an automobile wrecking yard.

**SECTION 7.03      DEFINITIONS “B”**

- 7.03.010      Basement – That portion of a building partly underground and having at least one-half of its height more than five (5) feet below the adjoining finished grade.
- 7.03.020      Bed and Breakfast – A single-family detached dwelling containing, in addition to living accommodations for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.
- 7.03.030      Billboard – A standard outdoor advertising sign larger than 250 square feet of total structural surface area, which is designed to convey a message or to advertise products, services or businesses not located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed and built with a surface on which poster panels or painted bulletins are mounted for the purpose of conveying visual messages or advertisements.
- 7.03.040      Board of Adjustment – A quasi-judicial body created under Section 2.03 of these regulations.
- 7.03.050      Boarding House – A dwelling or part thereof other than a hotel, motel, or restaurant where one or more meals per day and lodging for periods of one week or longer are provided for compensation for two or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- 7.03.060      Buildable Area – That portion of a lot upon which a building may be lawfully constructed.
- 7.03.070      Building – Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. 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.
- 7.03.080      Building Area or Footprint – The total horizontal area covered by enclosed building space including the total area of all covered open space except for open space covered by eaves and normal overhang of roofs, but not including uncovered entrance platforms, uncovered terraces, or uncovered

steps where such features do not themselves constitute enclosures for building areas below them.

- 7.03.090 Building Height – The vertical distance from the undisturbed ground level at the perimeter (drip edge) of the building to a parallel plane at the highest point of the roof or parapet wall. (See diagram in Appendix B)
- 7.03.100 Building Line – That part of the building nearest the property line including building corners, faces, covered decks or porches and decks over three feet in height. Eaves shall not extend more than two feet into the setbacks.
- 7.03.110 Building Permit – An official document, issued by the State of Montana or a local building official, that the proposed construction meets all applicable regulations. These regulations may include, but are not limited to, zoning regulations, Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, and floodplain regulations.
- 7.03.120 Business or Commercial Use – 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 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.

**SECTION 7.04 DEFINITIONS “C”**

- 7.04.010 Camp and Retreat Center – A camp or retreat center use is defined as a land use to provide camping or retreat center activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use.
- 7.04.020 Campground – An area or tract of land used or designed to accommodate two or more camping parties including cabins, tents, camping trailers, or other camping outfits.
- 7.04.025 Caretaker’s Facility – A dwelling which is constructed and designed to provide living quarters for caretakers and/or property managers and is clearly subordinate to the principal dwelling with regard to size and location.

- 7.04.030 Carport – A structure to house or protect motor vehicles which has at least 50% of the total area of its sides open to the weather.
- 7.04.040 Child Care Center – See “Day Care”.
- 7.04.050 Church – A building together with its accessory buildings and uses where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
- 7.04.060 Clear Vision Triangle – An area at the intersection of two roads or a road and railroad tracks, created by measuring along both roadways to a point 40 feet from the point of intersection and connecting those two points to form a triangle.
- 7.04.070 Clinic – A building designed and used for the medical or similar examination and treatment of persons on an outpatient basis.
- 7.04.080 Club – An incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary, or charitable purposes whose activities are confined to members and their guests and are not extended to the general public. Property occupied by a club shall be subject to the regulations governing public buildings and places.
- 7.04.090 Cluster – A pattern of residential development wherein units are grouped together around access courts with the remainder of the yard left as improved open space.
- 7.04.100 Commercial or Business Use – See “Business or Commercial Use”.
- 7.04.110 Commercial Confined Animal Feed Operation – A commercial activity that makes up the principal use of the property, wherein the feeders stock cattle, swine, etc. are enclosed in small areas, back grounded or fattened for sale and/or slaughter. Commercial confined animal feeding operations shall not include normal operations that include the pasturing of livestock.
- 7.04.120 Common Wall – The wall or walls extending from the basement or ground floor line of a building to the roof along a side lot line that is shared with an adjoining lot.
- 7.04.130 Community Center Building – A building, structure, facility or use constructed and designed to serve a broad base community need and purpose. Community center buildings are intended to be used for recreational, social, educational, and cultural activities, open to the public, or a designated part of the public, owned and operated by a nonprofit group or agency. This definition specifically excludes any use, structure,

building or facility that utilizes an on-premise alcohol consumption license.

- 7.04.140 Conditional Use – A use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, 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 district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.
- 7.04.150 Conditional Use Permit – The documented evidence of authority granted by the Board of Adjustment to locate a conditional use at a particular location.
- 7.04.160 Condominium – Ownership in common with others of a parcel of land and certain parts of a building together with individual ownership in fee of a particular unit or apartment in such building.
- 7.04.170 Cooperative Product Retailing – the sale of goods from one residence of products that are produced elsewhere. This would include such uses as craft sales and art work sales; the storage of products that are sold elsewhere (retailing of items such as food and kitchen storage items, household cleaning products, cosmetics, etc.) is not considered to be cooperative product retailing. Cooperative products retailing requires the issuance of a Conditional Use Permit.
- 7.04.180 Contractor - A person, firm, or corporation that, in the pursuit of an independent business, offers to undertake, undertakes, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish for another, and bid a building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate.
- 7.04.190 Court – An open, unoccupied space other than a yard, which is on the same lot as a building or buildings and is bounded on two or more sides by such building or buildings, including the open space of a house, court, or apartment providing access to the units thereof.

## **SECTION 7.05 DEFINITIONS “D”**

- 7.05.010 Dairy – Any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked and/or maintained as the

primary use of the property for the commercial sale of milk or milk products.

- 7.05.020 Day Care – A facility which provides daily care and supervision of five or more children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. Homes (5-12 individuals) must be registered with the appropriate state agency. Centers (13 or more individuals) must be licensed with the appropriate state agency.
- 7.05.030 Density – The number of dwelling units per gross acre in any residential development.
- 7.05.040 Detached Building – Any building surrounded on all sides by open space.
- 7.05.050 Developer – An owner or any person authorized by the owner who intends to improve or to construct improvements upon the owner’s property.
- 7.05.060 District – An area defined by boundaries established by resolution of the Board of County Commissioners 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 these regulations.
- 7.05.070 Dock – A basin for the storage of boats including a basin formed between the extension of two piers on the area between a bank or a key and a pier. Docking facilities may include moorage, docks or any place or structure connected with the shore or upon shore lands provided for the securing of a boat.
- 7.05.080 Drive-In/Drive-Through Restaurant – A use wherein its retail character is dependent upon a driveway approach and parking space on the premises for motor vehicles so as to either serve customers while in the vehicle or on the premises.
- 7.05.090 Dwelling – A building used for human residential purposes.
- 7.05.100 Dwelling, Duplex – A building designed to house two families living independently of each other in separate dwelling units but having one yard in common.
- 7.05.110 Dwelling, Family Hardship – A temporary dwelling used for housing a member of the immediate family whose physical or mental condition requires constant care or assistance. Such a use requires the issuance of a Conditional Use Permit.

- 7.05.120 Dwelling, Multi-Family – A building designed to house three or more families living independently of each other in separate dwelling units but having one yard in common.
- 7.05.130 Dwelling, Resort – A single-unit, duplex, or townhouse structure that offers lodging on a short-term basis. Such use may be under corporate ownership. If the total number of rooms or units exceeds five (5), the structure shall be defined as a hotel or motel.
- 7.05.140 Dwelling Unit – One or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A dwelling unit must contain a kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

**SECTION 7.06        DEFINITIONS “E”**

- 7.06.010            Electrical Distribution Substation – An assembly of equipment designed to receive energy from a high voltage distribution supply system, convert it to a form suitable for local distribution, and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.
- 7.06.020            Equestrian and Livestock Facilities – Those structures and facilities necessary for the care and keeping of livestock in conjunction with a recreational operation such as a dude ranch or resort community. Such facilities may include corrals, barns, silage structures, and similar uses. This use does not include rodeo arenas, feedlots, or sale barns.
- 7.06.030            Existing Use – The actual lawful use of the premises at the time these regulations were adopted or at the time a building permit has been issued, provided the work has actually been done thereon or a valid contract made for such work within the intent of the permit, and before the amendment of these regulations insofar as it affects the use allowed under the permit.
- 7.06.040            Extractive Industries – Commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel, or any mineral.

**SECTION 7.07        DEFINITIONS “F”**

- 7.07.010            Family – One or more persons related by blood, marriage, adoption, or a group of not more than five persons, excluding servants, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.
- 7.07.020            Family Hardship Dwelling – see “Dwelling, Family Hardship”.
- 7.07.030            Feed and Seed Processing/Cleaning – A commercial activity, that makes up the principal use of the property, wherein feed and seed products are processed for the sale to and use by the final consumer – normally a farming or ranching operation is the buyer.
- 7.07.040            Fence – A masonry wall or a barrier composed of parts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. Retaining walls are not considered to be fences.
- 7.07.050            Floor Area – The sum of the gross horizontal areas of the floors of a building or buildings measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include basement space where the ceiling is at least 30 inches above the ground

elevation of adjacent portions of the lot, elevator shafts and stairwells at each floor, mechanical equipment rooms, or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways, and open spaces.

- 7.07.060 Foundation, Properly Engineered – A foundation system that provides adequate support of the home’s vertical and horizontal loads and transfers these and other imposed forces, without failure, from the home to the undisturbed ground (below the frost line in frost-susceptible areas).
- 7.07.070 Fraternity, Sorority, or Student Cooperative – A building operated by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and regulated by such institution.

**SECTION 7.08 DEFINITIONS “G”**

- 7.08.010 Garage, Commercial – A building or portion thereof designed and used for the storage, repair, or servicing of motor vehicles or boats as a business.
- 7.08.020 Garage, Private – An accessory building or accessory portion of the main building enclosed on not less than three sides and designed to be used only for the shelter or storage of vehicles or other personal property owned or operated only by the occupants of the main building or buildings.
- 7.08.025 Geothermal energy - The production of energy using heat sources from within the earth.
- 7.08.030 Greenbelt – a strip of land variable in width for the planting, growing and maintaining of a sight-obscuring screen of healthy trees or cultivated landscaping.
- 7.08.040 Ground Elevation – The finish grade of a sidewalk adjacent to any front yard property line or the adjacent street right-of-way line if no sidewalks exist. On side and rear property lines ground elevation shall be the natural grade of said side or rear property line.
- 7.08.050 Guest Ranch – A centrally managed facility that provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A ranch resort shall include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A guest ranch may also include corporate or religious retreats or

conference facilities. Activities shall be provided on-site to the extent possible. Adjacent public lands and waterways may be used to supplement on-site activities if proper licenses and permits are obtained. Guest lodging within a ranch resort shall not be used for long-term residency beyond three (3) months. Hotels and motels are not considered guest ranches. All ranches providing guest services shall contain or have a use agreement for at least one hundred and sixty (160) acres.

## **SECTION 7.09      DEFINITIONS “H”**

- 7.09.010      Health Club - A public or private facility that promotes and provides for developing, maintaining, and enhancing strength, fitness, flexibility, and/or cardiovascular capacity. Such facilities may include swimming pools, tennis courts, racket sports, weight lifting and weight machines, aerobic conditioning and equipment, indoor tracks, golf related activity, indoor climbing walls, and similar items as well as professional athletic instruction related thereto. Accessory uses may include locker/shower rooms, saunas, steam baths, hot tubs, physical therapy, rehabilitation, medical diagnostic facilities, massage, the sale of athletic equipment and accessories to uses of the health club, and the sale of pre-packaged foods and non-alcoholic beverages. The facilities may be used for meetings, sporting events, and competitions relating to athletic and recreational activities.
- 7.09.015      High Tech Industrial Business – A high tech industrial business would include, but not be limited to, companies that are involved in the research and development or manufacture and distribution of bioelectronics, biotechnology, microelectronics, computer hardware or software, engineering systems, information technology, semiconductors, or telecommunications. It does not include engineering drafting or design, telemarketing, research services, wholesale or retail trade of goods.
- 7.09.020      Home Occupation – Any use conducted entirely within the dwelling and carried on by the members of the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith are no commodities sold from the premises except that which is produced thereof, except as provided for in Section 5.06. Such uses may include, but are not limited to, art and/or photography studios, computer programming, insurance sales, and handicrafts provided that the use does not involve more than one-third of the total square footage of the dwelling. The conducting of a hospital, barbershop, beauty shop, tearoom, tourist home, animal hospital, or other traffic generating use shall not be deemed to be a home occupation.

7.09.025 Homeowners Park – A park that has been dedicated as part of a subdivision for the exclusive use by the property owners within that subdivision, and is maintained through private funds provided from annual fees paid to the homeowners association. In subdivisions where a homeowner’s park provides common lake access, the common lake access shall be a minimum of one-half acre in size and contain a minimum of 100 feet of lakefront, except that an additional ten (10) feet of lakefront shall be added for each dwelling unit in excess of five (5).

7.09.030 Hospital – An establishment which provides accommodations, facilities, and services over a continuous period of 24 hours or more for observation, diagnosis and care of two or more individuals not related by blood or marriage to the operator, who are suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical or surgical services.

7.09.040 Hospital, Animal – A building or premises for the medical or surgical treatment of animals or pets, including dog, cat, and veterinary hospitals, including the boarding of hospitalized animals but not excluding the boarding of animals not subjected to medical or surgical treatment.

7.09.050 Hotel – 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 public for compensation, with or without meals, excluding accommodations for employees. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the serving of alcoholic beverages, shall be permitted under proper licensure.

**SECTION 7.10 DEFINITIONS “J”**

7.10.010 Junkyard – A lot, land or structure, or a part thereof used for the collection, storage, and sale of waste material, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, salvaging or sale of parts of machinery not in running condition.

7.10.020 Junk Vehicle – A vehicle which is wrecked, dismantled or inoperable, and unlicensed, and which is kept in a publicly visible front, rear or side yard.

**SECTION 7.11 DEFINITIONS “K”**

7.11.010 Kennel, Commercial – Any lot or building where four or more adult dogs and/or cats are kept, boarded, trained, or propagated as a commercial activity whether in special structures on runways or not.

**SECTION 7.12      DEFINITIONS “L”**

- 7.12.010      Livestock – Horses, bovine animals, sheep, goats, swine, donkeys, mules, and non-domesticated ungulates such as elk, deer, and moose.
- 7.12.020      Lot – A parcel of land on file in the Office of the Fallon County Clerk and Recorder.
- 7.12.030      Lot Area – The total horizontal area within the boundary lines of a lot. Where surface utilities or street easements are located within a parcel, lot area computations shall not include that area contained within the easement.
- 7.12.040      Lot, Corner – A lot at the junction of and fronting two or more intersecting streets.
- 7.12.050      Lot Coverage – That portion of the lot that is occupied by any building or structure.
- 7.12.060      Lot Depth – The mean dimension of a lot from the front street line to the rear line.
- 7.12.070      Lot, Front – The front of the property line of a lot shall be determined as follows:
- 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.
- Interior Lot – The front property line of an interior lot shall be the line bounding the street frontage.
- 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 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 two hundred feet deep shall be considered, for the purpose of this definition, as two lots each with its own frontage.
- 7.12.080      Lot, Interior – A lot fronting on one street.
- 7.12.090      Lot, Irregular (flag lot) – An irregularly shaped lot typified by being almost entirely land-locked and having limited access and/or no direct

frontage on a road. Access to a public or private road is typically by an extended strip of land either deeded or by easement.

- 7.12.100 Lot, Lakefront – A lot which has deeded direct access to the lakeshore or a lot which does not have deeded access to the lakeshore but which lies within 100 feet of the average high-water line of Baker Lake or Upper Baker Lake.
- 7.12.110 Lot, Rear – The rear property line of a 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 midpoint.
- 7.12.120 Lot, Side – The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.
- 7.12.130 Lot, Through – A lot fronting on two streets that do not intersect on the parcel’s lot lines. May be referred to as a double frontage lot.
- 7.12.140 Lot Width – A dimension of the lot line at the street. Where in an irregularly shaped lot the dimension at the building line or in a corner lot the narrowest dimension of the lot at a street or building line.

**SECTION 7.13 DEFINITIONS “M”**

- 7.13.010 Manufactured Home – Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as “mobile home” or “modular home”.
1. Class A Manufactured Home: Also known as a “double-wide” manufactured home and meeting the following standards:
    - A. Constructed after June 15, 1976, and certified as meeting the mobile home construction safety standards of the Department of Housing and Urban Development.
    - B. At least twenty (20.0) feet wide at the narrowest point.
    - C. A roof pitch of not less than a three (3) foot rise for each 12 feet of horizontal run (3:12) and shall be constructed of conventional roofing material. A freestanding canopy pitch roof is qualified as meeting these standards.

- D. Use of siding material, which has the appearance of wood, masonry or vinyl, or other type of conventional siding material.
  - E. Has perimeter skirting which has the appearance of wood, masonry, delta rib colored steel or other type of conventional foundation material. Manufactured homes must be set to manufacturer’s specifications as outlined in the set-up and installation manual or placed on a properly engineered foundation which is in compliance with state and local building regulations.
  - F. Hitch or tongue of manufactured home shall be removed.
- 2. Class B Manufactured Home: Also known as a “single-wide” manufactured home and meeting the following standards:
    - A. Shall meet all the Class A criteria listed above except that it shall be at least thirteen (13.0) feet wide at its narrowest point.
  - 3. Class C Manufactured Home: A manufactured home which does not meet Class A or Class B criteria, but which is at least ten (10) feet wide and forty (40) feet in length. The placement of such structures shall be limited to approved manufactured home parks.

- 7.13.020 Manufactured Home Park – A parcel of land which has been planned and improved for the placement of two or more manufactured homes for residential use.
- 7.13.030 Manufactured Home Subdivision – A subdivision designed and intended for residential use where residence is in manufactured homes exclusively and where the lot is sold or rented to the occupant.
- 7.13.040 Map – Any adopted zoning map of Fallon County, Montana.
- 7.13.050 Marquee – A fixed shelter used only as a roof and extending beyond a building line and which is entirely supported by the building to which it is attached.
- 7.13.060 Mean Ground Level – The average of the finished ground level at the center of all exposed walls of the building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.
- 7.13.070 Mini-Storage – Any real property designed and used for the purpose of renting or leasing individual domestic storage spaces to tenants who are to

have access to such space for the purpose of storing and removing personal property.

7.13.080 Motel – See “Hotel”.

7.13.090 Motor Coach – A motor coach shall be a vehicle specifically designed from the manufacturer as a motorized vehicle that combines transportation and living quarters for the purpose of living quarters. Motor coaches, RV Class A, shall be a complete living unit designed as full time living quarters which have been entirely constructed on a bare specially designed chassis or frame. It shall be originally designed and constructed fully equipped with kitchen, sleeping, living and bathroom facilities and be equipped with the ability to store and carry fresh water and sewage. It shall be equipped to connect to service hook-ups for a year round occupancy. Motor coaches shall be not less than 32 feet long and eight feet wide. This definition does not include conversions from one use to residential use.

**SECTION 7.14 DEFINITIONS “N”**

7.14.010 Non-Conforming Use – Any building or land lawfully occupied by a use at the time of passage of this resolution or amendment thereto, which does not conform after the passage of this resolution or amendments thereto with the use or dimensional regulations of the district in which it is situated.

7.14.020 Nursery, Day – See “Day Care”.

**SECTION 7.15 DEFINITIONS “O”**

7.15.010 Off-Street Parking – Parking facilities for motor vehicles on other than a public street or alley.

7.15.020 Open Space – A portion of a development set aside to remain open in character while building density is shifted to another part of the development site, typically through a residential cluster or planned unit development process. Permitted primary uses, which are considered to be open in character, are limited to agricultural/ horticultural/sylvacultural uses, recreational space, a single-family dwelling on open-space area 20 acres or larger, and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include barns, corrals, stables, mint stills, granaries, hay sheds, farm or logging machinery storage buildings, golf courses, playgrounds, swimming pools, and courtyards. Open space calculation shall exclude road easements and road rights-of-way; and

- 7.15.030 Open Space, Permanent – Open space held so in perpetuity.
- 7.15.040 Outdoor Recreation Facility – An establishment used for the provision of recreational activities that specialize in the use of outdoor and natural resources. These uses are generally seasonal in nature and may include facilities such as dude ranches, cabin resorts, and rafting/hiking/hunting outfitters and guides. Such uses shall not include water slides, mazes, putt-putt courses, or other high traffic generating uses.

**SECTION 7.16 DEFINITIONS “P”**

- 7.16.010 Parking Space – A space within or without a building, exclusive of driveways, at least 180 square feet in size used to temporarily park a motor vehicle and having access to a public street or alley.
- 7.16.020 Pasture – An area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock.
- 7.16.030 Permanent – Having attachment to the ground through the use of concrete footings and foundation in conformity with existing building codes.
- 7.16.040 Permitted Use – Any use authorized alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.
- 7.16.050 Planned Unit Development (PUD) – A tract of land developed as an integrated unit. The development is unique and is based on a plan which allows for flexibility of design, setting and density not otherwise possible under the prevailing use district regulations.
- 7.16.060 Planning Office – The office designated by the County to provide planning services to the County.
- 7.16.070 Planning Staff – The staff, employees, or officials designated by the County to serve as its official County planners.
- 7.16.080 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.
- 7.16.090 Professional Offices – Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as physicians and dentists but wherein no overnight care for patients is given, and by engineers, attorneys, architects, accountants and by other persons providing services utilizing training in and the knowledge of

mental disciplines as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

7.16.100 Projection – The distance any part of the structure extends over public property or beyond the building setback line.

7.16.110 Public Utility – A public service corporative performing some public service and subjected to special governmental regulations, or a government agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, telephone, television cable antennae, gas, fire stations, police stations, quick response units, and transportation for persons and freight.

7.16.120 Public Utility Service Station – A small building or shed type structure consisting of four walls and a roof which houses pumps, transformers, relays, equipment, etc., for the purpose of providing public utilities.

## **SECTION 7.17 DEFINITIONS “R”**

7.17.010 Ranch Employee Housing – Accessory dwellings on an operational ranch or farm used to house only employees of such operation. Examples of this use would include bunkhouses, line shacks, and foreman’s quarters.

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

7.17.030 Recreational Area, Non-Commercial – An area devoted to facilities and equipment for recreational purposes, such as swimming pools, tennis courts, playgrounds, community club houses, and other similar uses maintained and operated by a non-profit club, homeowners association or other corporate structure and in which membership is limited to the residents within the area.

7.17.040 Recreational Facility – A structure or use of property not otherwise listed in these regulations to accommodate the enjoyment, healthful activities, and leisure of the facility’s users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement. Recreational facilities are also defined as being either “high impact” or “low impact”, based on the following criteria:

1. Land Intensity: The amount of land necessary to operate the facility.

Examples: High impact – golf course, ski area  
Low impact – archery range, video game arcade

Threshold: Facility requires more than twice the “minimum lot size” determined by district classification.

2. Traffic Generation: The amount of motor vehicle traffic created by use

Examples: High impact – water slide, fairgrounds  
Low impact – golf driving range, dude ranch

Threshold: Traffic greater than or equal to 20 trips per hour at peak hours or 75 trips per day.

3. Visibility: The visual impact of the facility; how obvious its presence is.

Examples: High impact – water slide, ski area  
Low impact – dude ranch, day camp

Threshold: Structures unusual compared to surrounding uses are visible from adjacent roadways.

4. Risk: The possibility of danger to adjacent landowners or property.

Examples: High impact – zoos, rifle ranges  
Low impact – bike rental, fishing

Threshold: Reasonable chance of danger or damage to nearby property or people.

If a facility is determined to have a “high” rating in any of these categories, it shall be considered a “high-impact” recreational facility.

#### 7.17.050

Recreational Space – Open space for both passive and active recreation. Passive recreation facilities include outdoor sitting areas in the form of sun decks, balconies, or roof gardens, shaded areas along walkways or portions of walkways overlooking open areas. Active recreation areas include pedestrian ways located and landscaped to provide for strolling activities, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

- 7.17.060           Recreational Vehicle – Travel trailer or camping trailer designed to be towed, motorized homes, pickup 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.
- 7.17.070           Recreational Vehicle Park – A 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 living quarters for recreational camping or travel purposes.
- 7.17.080           Recycling Drop-off Station – A facility at which individuals deliver separated, recyclable material such as cans, glass and/or newspaper. Such facility may or may not include an attendant to assist the user. These facilities are not involved in the final processing of the material; the material is removed to a processing site on at least a weekly basis.
- 7.17.090           Recycling Processing Plant – A facility wherein recyclable household material (cans, glass, paper, rags, etc.) are compacted, shredded, melted, pulped, bundled, formed, crushed or otherwise modified on a large scale as an intermediate or final step in the recycling process.
- 7.17.100           Retail Business/Service – A business serving the consumer needs of the general public as opposed to a business that is a producer or wholesaler of goods. Retail businesses include but are not limited to the following: shops/stores/businesses that sell gifts, cards, appliances, art, art supply, automobile parts, bicycles, books, stationary, camera supplies, clothing, flowers, furniture, garden supplies, hardware, toys, paints, shoes, sporting goods, wall and floor coverings, jewelry, records, pets and pet supplies, and/or crafts. Retail services may include barber and beauty shops, electrolysis clinics, fingernail clinics, manicurists, and other personal care services.
- 7.17.105           Retaining Wall – A wall designed to resist the lateral displacement of soil or other materials.
- 7.17.110           Rifle Range – A general term that includes uses in which the primary or accessory activity includes shooting sports that involve the firing of rifles, shotguns, and/or pistols by the general public or club membership in a structured or controlled setting. Such uses may include, but are not limited to, gun clubs, sportsman clubs, shooting clubs or ranges, skeet ranges, trap ranges, and firing ranges.
- 7.17.120           Rooming House – See “Boarding House”.

**SECTION 7.18       DEFINITIONS “S”**

- 7.18.010 School, Commercial – A building where instruction is given to pupils in arts, crafts, or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by public taxation.
- 7.18.015 Schools, Public – Schools established by recognized school districts supported by public funds.
- 7.18.020 Secondhand/Antique Store – Any retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new.
- 7.18.030 Semi-Private Facility – 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.
- 7.18.040 Service Station, Automobile – An occupancy which provides for a drive-in type business and in which business or service may be provided with or without the customer leaving the vehicle. It may also include the following:
1. The servicing of motor vehicles and operations incidental thereto, limited to the retail sale of petroleum products and automotive accessories; automobile washing and waxing and polishing, tire changing and repairing, excluding re-capping; battery service, charging and replacement; radiator cleaning and washing, excluding steam cleaning and repair; and installation of accessories.
  2. The following operations if conducted within a building: lubrication of motor vehicles; brake servicing, limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses, or wiring.
- 7.18.045 Setback – The horizontal distance required between the right-of-way or property line, whichever is closest, and the building line.
- 7.18.050 Shelter Station – A shelter for the protection from the elements of the waiting customer of a public transportation system.
- 7.18.060 Sign – Any medium or visual communication, including its supporting structure and source of light, which is used or intended to be used to

attract attention to a location or subject matter for advertising, instruction, or informational purposes.

1. Affiliation sign means any sign which affiliates a business with a group or organization. Groups or organizations include: service organizations, non-profit organizations, and ratings services.
2. Billboard/painted bulletin sign means a standard outdoor advertising sign which is designed to advertise products, services or businesses not located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed with a surface on which temporary poster panels or painted bulletins are mounted for the purpose of conveying a visual advertising message.
3. Construction sign means any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed together with other information included thereon.
4. Electronic automatic changeable copy sign means a sign which displays community service oriented messages along with incidental advertising for the business to which it relates. It must contain electronically updated time, temperature and date.
5. Free-standing sign means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign. A freestanding sign is also a pole sign.
6. Ground sign means a sign that is mounted directly on the ground and/or using posts that extend not more than twelve (12) inches above ground level.
7. Illuminated sign means any sign illuminated in any manner by an artificial light source.
8. Off-site sign means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located. This does not include billboards.
9. Pole sign – See “Free-standing” sign.
10. Political sign means a sign with a message advocating a particular candidate, party or proposition.

11. Portable sign means a sign that is not permanently affixed to the ground or building and which is able to be readily moved from one location to another.
12. Projecting sign means a sign erected upon a building wall or canopy and projecting more than twelve inches outward from the plane of the business façade.
13. Reader board means a sign constructed to display an advertising message that may be changed by manual, electronic, or other manipulation of letters or numbers on its face(s).
14. Real estate sign means a temporary sign with a message announcing the offer to build on, sell, rent, or lease the premises upon which the sign is displayed.
15. Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.
16. Rural directional sign means, in agricultural and suburban agricultural zoning districts, slat-type directional signs which do not exceed eight inches in height and 36 inches in length.
17. Special event sign means a banner or sign with a message identifying a civic or public event or holiday.
18. Wall sign means a sign erected upon a building, fence or other structure at no point projecting more than twelve inches horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure which is visible from the public right-of-way.

7.18.070 Site Plan – A schematic diagram of the lot, tract or parcel of land showing the specific location of all existing and proposed features, such as buildings, other structures, driveways, parking, landscaped areas, easements, utilities, drainage, etc.

7.18.080 Solid Planting – The planting of evergreen trees and shrubs which will prevent a thorough or unobscured penetration of light and sight.

7.18.090 Sports Fields – Open areas used for the practice or conduct of athletic events such as soccer, rugby, polo, football, baseball, or other physical

activity. Such use shall not include activities that involve motor vehicles such as auto, motorcycle, or snowmobile racing.

- 7.18.100 Stable, Private - A detached accessory building in which horses or other animals owned by the occupant of the premises.
- 7.18.110 Stable, Public – A stable other than a private stable.
- 7.18.120 State – The State of Montana.
- 7.18.130 Storage Yard – Any lot or portion of the 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 in an orderly manner.
- 7.18.140 Story – That part of a building lying between two floors or between the floor and ceiling of the highest usable level of the building.
- 7.18.145 Stream – A perennial stream as delineated and defined on the USGS Quad Maps (Quadrangle maps, scale 1:24,000).
- 7.18.150 Street, Arterial – A major street with moderate to fast speeds, high volume, and designed to provide access to the regional transportation system and move traffic through or around the cities or from one general area of the County to another.
- 7.18.160 Street, Collector – Intermediate street which collects local traffic from neighborhoods and moves it to an adjacent neighborhood or transfers the traffic to the arterial system.
- 7.18.170 Street, Local – Minor street intended to serve individual sites, buildings or lots. Local streets feed into collectors or provide destination access off of collectors.
- 7.18.180 Street – A dedicated right-of-way for vehicles that affords the principal means of access to abutting properties. This definition does not include an alley.
- 7.18.190 Structural Alterations – Any change in the supporting members of the building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls.
- 7.18.200 Structure – A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground including buildings and signs. Not included are

residential fences less than six feet in height, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

**SECTION 7.19      DEFINITIONS “T”**

7.19.010            Temporary – Not having or requiring permanent attachment to the ground or involving structures which have no required permanent attachment to the ground.

7.19.020            Truck Repair Shop – A facility that services and repairs large delivery vehicles, passenger busses and tractor/trailer rigs. Such facility shall not be involved in the dismantling of motor vehicles.

**SECTION 7.20      DEFINITIONS “U”**

7.20.010            Underlying Zone – The established zoning use district for an area for which a PUD or the equivalent is proposed.

7.20.020            Use – The specific purpose for which a building or lot is arranged, intended, designed, occupied, and maintained.

**SECTION 7.21      DEFINITIONS “V”**

7.21.010            Variance – An adjustment made in the application of the specific regulations to a particular piece of property in the form of a special exception to these regulations granted by the appropriate body.

7.21.030            Veterinary Hospital – See “Hospital, Animal”.

7.21.040            Veterinary Clinic – A building or premises for the medical or surgical treatment of small animals or pets, including dogs, cats, but not to include livestock or other large animals, including the boarding of hospitalized animals but excluding the boarding of animals not subjected to medical or surgical treatment.

**SECTION 7.22      DEFINITIONS “W”**

7.22.010            Wholesale – The business of selling goods or merchandise to retailers or jobbers for the resale to the ultimate user.

7.22.020            Wind Power – The use of the kinetic energy of flowing air to create mechanical energy in a wind turbine that can be turned into a pollution-free energy source.

**SECTION 7.23      DEFINITIONS “Y”**

- 7.23.010 Yard – Area in front, rear or side on the same lot with the building or proposed building, unoccupied and unobstructed from the ground upward. (See definition of “building” and “setback”).
- 7.23.020 Yard, Front – A yard extending between side lot lines across the front of a lot.
- 7.23.030 Yard, Rear – A yard extending between side lot lines across the rear of a lot.
- 7.23.040 Yard, Service – An open area, usually paved, with access to a street or alley to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock, or people.
- 7.23.050 Yard, Side – A yard extending from the front yard to the rear yard across the side of a lot.

**SECTION 7.24 DEFINITIONS “Z”**

- 7.24.010 Zoning Administrator – A duly appointed officer of the County charged with the administration and enforcement of the provisions of these adopted regulations.