

ORDINANCE NO 411

AN ORDINANCE BY THE CITY OF CONRAD, MONTANA, UPDATING TITLE 10 – ZONING AND SUBDIVISIONS OF THE CITY'S CODE BY ADOPTING REVISED ZONING CODES AND REMOVING SUBDIVISION REGULATIONS FROM TITLE 10

WHEREAS, the City Council of the City of Conrad, Montana, received recommendations from the Zoning Board on June 24th, 2015 for approval of the revised zoning code; and

WHEREAS, the zoning codes were outdated and required updates to direct new growth and comply with changes in Montana state law; and

WHEREAS, the revised zoning code conforms to and supports the growth policy of the City of Conrad, Montana; and

WHEREAS, Title 10 – Zoning will now only contain zoning codes ^{and} subdivision regulations will be codified as its own title; and

WHEREAS, the update to Title 10 – Zoning will help protect the public health, safety and welfare of the City of Conrad.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Conrad, Montana, that Title 10 – Zoning and Subdivisions be updated and codified into law to include the revised zoning code and be changed to Title 10 - Zoning for the City of Conrad.

FIRST READING PASSED, APPROVED and ADOPTED by a majority vote of City Council members present at two meetings of the governing body not less than 12 days apart on this 6th day of October, 2015.

AYES: 4
NAYS: 0
ABSENT: 0

SECOND READING PASSED, APPROVED and ADOPTED by a majority vote of City Council members present at two meetings of the governing body not less than 12 days apart on this 20th day of October, 2015.

AYES: 3
NAYS: 0
ABSENT: 1


Mayor


ATTEST

City Finance Officer

**TITLE 10
ZONING**

Adopted October 20, 2015

Ordinance No. 411

Effective November 20, 2015

On Permanent File

Records of the City of Conrad Montana

413 Main Street, Conrad, Montana

Prepared By: KLJ

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CHAPTER 1

10-1 DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; the word "building" includes the word "structure"; the word "person" includes a corporation or other organization; the term "used" includes the term "arranged" or "intended to be used" or "designed"; and the word "shall" is mandatory and not directory.

For the purpose of this title, certain terms and words are hereby defined as follows:

ACCESSORY USE OR BUILDING:	A use or building customarily incidental to, and accessory to the principal and ordinary use of a building or premises located on the same premises with such principal use or building.
ADULT BUSINESS:	An establishment which advertises, trades, exchanges, transfers, sells, presents, shows, offers or exhibits materials, activities, reproductions, likenesses, services and/or objects defined as obscene by MCA 45-8-201(2). Adult business as defined in this section shall include, but need not be limited to, adult bookstores, adult motion picture theaters, rap studios, massage parlors, exotic dance studios, nude art studios, nude photographic studios and nude body painting studios.
APARTMENT HOUSE:	See definition of Dwelling, Multiple.
AUTOMOBILE STORAGE:	The storage of new and used cars which are capable of immediate operation under their own power.
AUTOMOBILE TOURIST COURT:	A group of three (3) or more units used either for sleeping or housekeeping purposes, other than apartment courts, bungalow courts, hotels, and lodging houses for temporary use of motorists and travelers. The term "automobile tourist court" shall also include "automobile cottage camp", "tourist camp", "motel" or any other name which pertains to such use.
BOARDING HOUSE:	A building, other than a hotel/motel or club, where meals are regularly served for compensation to more than six (6) persons not members of the family there residing.
BUILDING:	A structure having a roof supported by walls and, when separated by a party wall without openings, it shall be deemed a separate building.
CAR SALES LOT:	A lot where new and used cars which are capable of immediate operation under their own power are displayed.

COMMUNITY GARAGE:	A series of private garages of capacity of not more than one automobile each, located jointly on a common lot, and having no public shop or service in connection therewith.
CONDOMINIUM:	An apartment house, multifamily dwelling, office building, or other multiple-unit complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, sublet or mortgage that unit and sharing in joint ownership of any common grounds, passageways, and yards.
DAYCARE/NURSERY:	A place in which supplemental care is provided to eight (8) or more nonresident persons on a regular basis and which is licensed by the state.
DAYCARE, HOME:	A private residence in which supplemental care is provided to three (3) to seven (7) nonresident persons from separate families on a regular basis and which is registered by the state.
DISTRICT:	A section of the city for which regulations governing the area, height and use of buildings and premises are the same.
DWELLING, MULTIPLE:	A building or portion thereof designed for or occupied as the home of three (3) or more families living independently of each other, including tenement houses, apartment houses and apartment hotels.
DWELLING, ONE-FAMILY:	A detached building designed for or occupied exclusively by one family.
DWELLING, TWO-FAMILY:	A detached building designed for, or occupied exclusively by, two (2) families living independently of each other.
FAMILY:	One or more persons living, sleeping and usually cooking and eating on the premises, as a single housekeeping unit.
FILLING STATIONS:	A building and appurtenances located on a lot where gasoline, oil and other liquids used in the operation of motor vehicles are retailed and usually delivered directly into such vehicles.
FRONT LOT LINE:	The line separating the lot from the street as officially platted out on the municipal map.
FRONT YARD:	An open space extending across the full width of the lot from the front line of the building proper to the front lot line, and occupied only by uncovered steps and open or closed porches. Porches shall not extend beyond 4 feet from the front of the building proper and shall not exceed 1/3 of the building property in width.

FUNERAL HOME:	An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.
GROUP HOME:	A building, portion of a building or a complex of buildings under unified control and management which contains facilities for living, sleeping, sanitation, eating and cooking for occupancy for residential uses; and which does not otherwise meet the definition of another residential use defined in this chapter. Eating and cooking areas may be shared in whole or part.
HARDSHIP:	A condition immediately brought upon a property owner by a district change, and not personal hardship growing out of the owner's infirmities or financial standing.
HEIGHT OF BUILDING:	The vertical distance from mean finished grade to the highest point on a building or structure excluding vents, chimneys and antennae.
HOME OCCUPATION:	Any business, occupation or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling and where there is no sign or display that will indicate from the exterior that the building is being used in whole or in part for any other purposes than that of a dwelling. A maximum of three (3) unrelated people may work within the home under a home occupation, but no more than five (5) people may be employed on site at any one time.
HOSPITAL/MEDICAL CLINIC:	An institution for the diagnosis, treatment or other cure of human ailments and which may include a sanitarium or clinic, provided such institution is operated by, or treatment is given, under direct supervision of a physician licensed to practice by the state and includes an establishment where patients are admitted for special study and treatment by licensed health care professionals, including acupuncturists and chiropractors
HOTEL/MOTEL:	A building in which lodging is provided with or without meals and open to transient guests and contains six (6) or more separate rooms or units.
LODGING HOUSE:	A building other than a hotel/motel where lodging is provided for six (6) or more persons not members of the family.
LOT:	A piece, parcel, plot, tract or area of land in common ownership created by subdivision or its legal equivalent for sale, lease or rent. A lot has the characteristics of being able to be occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this chapter, and having its principal lot frontage on a street. When one or more lots are held

in common ownership they shall be treated as a single lot for the purposes of development review and evaluation of compliance with the standards of this chapter.

MANUFACTURED HOME:

A factory-built, single-household structure that is manufactured under the authority of 42 USC § 5401, the National Manufactured Home Construction and Safety Standards Act, is built on a permanent chassis, and is used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. This definition specifically does not include recreational vehicles. Any dwelling meeting the definition of modular home is not a manufactured home.

MOBILE HOME:

A transportable, manufactured structure, suitable for year-round single-household occupancy and having water, electrical and sewage connections similar to those of conventional dwellings. This definition applies only to units constructed prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Compare with the definition of manufactured home.

MODULAR HOME:

A dwelling unit meeting the standards of the International Building Code which was mass produced in a factory, designed and constructed for transportation to a site for occupancy when connected to the required utilities and when permanently anchored to a permanent foundation, whether intended for use as an independent, individual unit or in combination with other units to form a larger building, and which does not have integral wheel, axles or hitch. For the purposes of locating a dwelling according to the standards of this chapter there is no distinction made between a dwelling constructed wholly or partly off-site and a dwelling constructed on-site so long as they meet the standards of the city's adopted International Building Code.

NONCONFORMING USE:

A use of a building or premises that does not conform with the regulations of the district in which it is situated at the time this ordinance was enacted.

NURSING HOME/ASSISTED LIVING:

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

ONE-FAMILY DWELLING:	A detached building designed for or occupied exclusively by one family.
OPEN PORCH:	Any porch with a roof without walls or glassed windows.
PORCH:	A covered entrance to a building, commonly enclosed in part, projecting out from the main wall and having a separate roof.
PRIVATE GARAGE, ONE-FAMILY:	A garage with capacity of not more than four (4) motor driven vehicles, and having no public shop or service in connection therewith, and if it is attached to a dwelling, it becomes a part of that residential building and is an accessory use to that building.
PRIVATE GARAGE, TWO-FAMILY:	A garage with capacity of not more than six (3) motor driven vehicles, and having no public shop or service in connection therewith, and if it is attached to a dwelling, it becomes a part of that residential building and is an accessory use to that building.
PRIVATE GARAGE, MULTI-FAMILY:	A garage with capacity of at least one (1) and not more than three (3) motor driven vehicles per dwelling unit, and having no public shop or service in connection therewith, and if it is attached to a dwelling, it becomes a part of that residential building and is an accessory use to that building.
PUBLIC GARAGE:	Any premises used for housing of cars for more than four (4) motor driven vehicles, or, where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale, not including showrooms or exhibition for model cars.
REAR LOT LINE:	The lot line which is opposite to the front lot line.
REAR YARD:	An open unoccupied space between the rear line of the building and the rear lot line, for the full width of the lot, and unoccupied except by accessory buildings.
SIDE LOT LINE:	Any lot line other than a front lot line or a rear lot line.
SIDE STREET OR ROAD:	A street or road not running parallel to an alley and having the lesser number of building sites fronting upon it.
SIDE YARD:	An open, unoccupied space on the same lot with a building, between the building and the side line of the lot, and extending through from the front yard to the rear yard.
STRUCTURAL ALTERATION:	Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders; excepting such alterations as may be required for the safety of the building.
TRAILER/HOUSE, CAMP CAR:	Any unit used for living or sleeping purposes which is equipped with wheels or similar devices, used for the purpose of transporting said

unit from place to place, whether by motor power or other means, and such vehicles that are used as aforesaid that have had the wheels or equipment removed.

TRAILER COURT OR PARK:

Any premises where two (2) or more trailer coaches are parked for living or sleeping purposes, or any premises used or set apart for the purpose of supplying to the public a parking space for one or more trailer coaches for living or sleeping purposes, and any buildings, structures, vehicles and enclosures used or intended for use as a part of the equipment of such trailer park.

TWO-FAMILY DWELLING/DUPLEX:

A building designed for, or occupied exclusively by, two (2) families living independently of each other.

WALL SIGN:

Any sign which is painted or otherwise depicted directly upon a wall, or any sign so affixed to a wall of a building, which does not project more than ten inches (10") from the building wall.

YARD AREAS:

Areas comprising front yards, side yards and rear yards are the portions of the lot in relation to the front and rear of the lot, regardless in which direction the building faces.

CHAPTER 2

10-2 GENERAL PROVISIONS

10-2-1 PURPOSE

The purpose of these regulations is to ensure the orderly development of land uses within the city and adjacent territory within one mile of the corporate limits, by providing a legal arrangement of streets in relation to other existing and planned streets, to comply and support the growth policy, to protect the public health, safety and welfare of city residents, and to provide for adequate and convenient open spaces for traffic, utilities, recreation and to avoid congestion of population.

10-2-2 DISTRICTS

For the purpose of regulating, classifying and restricting the location of land uses, trades, industries and enterprises, and the location of buildings designed, erected or altered for specified uses, and limiting the height and size of such buildings, and the use of areas in this municipality, and regulating and determining the area of the yards and other open spaces surrounding buildings hereafter erected, and preventing additions to, and alterations or remodeling of existing buildings or structures in such manner as to avoid the restrictions and limitations in this title contained, the city is hereby divided into the following districts:

- R-1 Single-Family Residential
- R-2 Multi-Family Residential
- MH-1 Mobile/Manufactured Home Residential
- C-1 General Commercial
- C-2 Neighborhood Commercial
- LM-1 Light Manufacturing
- M-I Manufacturing and Industrial
- PUD Planned Unit Development

10-2-3 DISTRICT CLASSIFICATION

- A. **Compatibility:** The subject use or its operation shall be compatible with the uses permitted in the district wherein the proper use is to be located.
- B. **Similarity to Permitted Uses:** The subject use shall be similar to any of the uses permitted in the district in which it is proposed to be located.
- C. **Property Values in Neighborhood or District:** The subject use will not cause substantial injury to values of the property in the neighborhood or district within which it is proposed to be located.
- D. **Protection of Public Health, Safety and Welfare:** The subject use will be so designed, located and operated that the public health, safety and welfare will be protected.
- E. **Per MCA 76-2-304:** Zoning regulations must also consider:
 - 1. The reasonable provision of adequate light and air
 - 2. The effect on motorized and non-motorized transportation systems

3. Promotion of compatible urban growth
4. The character of the district and its peculiar suitability for particular uses
5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area

10-2-4 COMPLIANCE WITH DISTRICT REGULATIONS:

- A. Except as hereinafter provided, no building shall be erected or structurally altered to exceed in height the limit established for the district in which such building is located as provided in the following chapters of this title.
- B. No lot area shall be so reduced or diminished that the yard or other open spaces shall be smaller than prescribed by this title nor shall the lot area per family be reduced except in conformity with the area regulations hereby established for the district in which such building is located.
- C. No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than that permitted in the district in which such building or premises is located.

10-2-5 DISTRICT BOUNDARIES

The boundaries of districts are shown for convenience on the zoning map adopted by reference; provided, however, that all changes in zoning after November 1, 1958, will be shown on a revised map on display in the office of the building inspector.

10-2-6 CHANGES IN DISTRICTS

A regulation, restriction, and boundary may be amended, supplemented, changed, modified, or repealed. The provisions of MCA 76-2-303 relative to public hearings and official notice apply equally to all changes or amendments.

A. Petition for Change

1. Applicant is advised to submit a completed zone change form to the zoning commission for consideration with the zoning commission making a recommendation to the city council.
2. An amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city council or legislative body of the municipality.

B. Notice Of Hearing

1. Such petition shall be referred to the zoning commission, which shall make a careful investigation of such proposed change and file the report thereon within thirty (30) days after zoning commission hearing. City Council shall publish a public notice twice in the official newspaper of the city of the time and place set for the hearing upon such report. The first publication of notice shall be made at least fifteen (15) days before the date of the hearing. At the hearing, City Council shall hear all persons and all objections and recommendations relative to such proposed change, and thereupon, action shall be taken upon the petition by the council, and such action

shall be final and conclusive as to all matters and things involved in said petition; provided, however, in case of a protest.

C. Protest Provision

1. Property owners may protest a District Change if a protest is signed by the owners of twenty-five percent (25%) or more of:
 - i. The area of the lots included in any proposed change; or
 - ii. Those lots or units, as defined in MCA 70-23-102, 150 feet from a lot included in a proposed change.
 - iii. Each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in MCA 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.
 - iv. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners.
2. Amendment Rejected
 - i. If the District Change is rejected by the City Council, the Council or the property owner must wait at least one year after the change has been rejected.

D. Regulations

1. Changes in the regulations and restrictions in any district may be made from time to time by the council in the same manner as is prescribed in the preceding subsections of this section for making changes in the boundaries, except that such action may be initiated without the presentation of a petition requesting it.

10-2-7 GENERAL STANDARDS FOR ALL DISTRICTS

A. Moving or Demolishing Buildings

1. No person shall move or demolish a building within the city limits without first obtaining a permit from the building inspector. Where buildings have been removed or demolished, the ground shall be leveled and all debris removed within thirty (30) days.

B. Fences

1. No person shall erect, install or construct a fence without first obtaining a written zoning conformance building permit authorizing the erection, installation or construction of such fence from the building inspector. The fee for such permit shall be established from time to time by resolution of the city council.

2. No fence or hedge exceeding three feet (3') in height shall be constructed in residential districts except in the rear or side yard only, where the fence may exceed three feet (3') in height, but such fence in excess of three feet (3') in height shall not extend within ten feet (10') of the property line of an intersecting street. Where such fence or hedge in excess of three feet (3') encloses the side yard and is within six feet (6') of the adjoining property line, there shall be filed with the building inspector proof of notice by certified letter to the adjacent property owner. Fences or hedges enclosing the rear yard and/or erected to the rear of the property or lot shall be erected at a minimum distance of three feet (3') within the rear property or lot line.

C. Yards/Open Space

1. All required yards shall have a minimum of fifty percent (50%) of grass or vegetative landscaping or a combination of both. Gravel, wood chips or similar ground cover may constitute the remaining fifty percent (50%).
2. Concrete shall not be considered landscaping and may not be used other than to provide for off-street parking.

10-2-8 EXCEPTIONS TO HEIGHT REGULATIONS:

- A. This title shall not be deemed to limit or restrict the height of belfries, chimneys, clock towers, calling towers, elevators, bulkheads, grain elevators, penthouses, stacks, water towers or any similar appurtenances to buildings, but these structures shall be subject to such restrictions and regulations as may be imposed by other city code regulations.
- B. Churches, public or semipublic buildings, hospitals, schools, colleges and private clubs may exceed the height restrictions of the district in which they are constructed, provided such structures shall have side yards on both sides, complying with the area regulations of the district, and in addition, the side yards shall be increased one foot (1') in width for each five feet (5') that the height of the building exceeds the height regulations of the district.

10-2-9 EXCEPTIONS TO AREA REQUIREMENTS:

- A. Reduction of Rear Yard: Where churches, schools, hospitals or colleges are located in any A or B district and have no portion used as a place of habitation, the depth of the rear yard may be reduced to six feet (6').
- B. Dwellings above Stores, Shops or Other Commercial Uses: The front, side and rear yards shall be waived where dwellings are erected above stores, shops or other commercial uses.
- C. Reduction of Lot Area: No lot area shall at any time be so reduced or diminished that the front, rear or side yards shall be smaller than prescribed by this title.
- D. Yard To Be Open: Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices and ornamental features; ordinary projections of chimneys and flues, bay or breast windows not over fifteen feet (15') long and projecting not more than eighteen inches (18"), may be permitted by the building inspector where the same are so placed as not to obstruct the light or ventilation; provided, that open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening into fire towers project into a yard not more than five feet

(5').

- E. **Obstruction to View:** On any corner lot in which a front yard is required by this title, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained in such location between such front yard line and the street line as to cause danger to traffic by obscuring the view.

10-2-10 EXCEPTIONS; GENERAL:

A. **Basement Home**

- 1. None allowed in an R-1 district.
- 2. Basement homes in an R-2 district must obtain a conditional use permit.
- 3. Basement homes allowable in all other districts except M-I, provided said basement home complies with said zoning regulations pertaining to such districts.

B. **Houses Per Lot**

- 1. No more than one dwelling structure will be permitted on any one lot in R-1 or R-3 districts.
- 2. Multiple dwelling units are permitted on R-2 lots provided said dwelling units comply with zoning regulations for R-2 districts.

C. **Accessory Buildings**

- 1. Any garage must be located at least three feet (3') from the property line or alley line, except where the car entry faces the alley, the building must be located at least twelve feet (12') from the alley line.
- 2. All other accessory buildings must be located three feet (3') from the property line or alley line.

D. **Manufactured Homes**

- 1. R-1 District: No family dwelling trailer homes, mobile homes or move ins shall be allowed in an A residential zone.
- 2. R-2 District: Only HUD certified manufactured homes are allowed and must be placed on a permanent foundation.
- 3. All Other Districts Except M-I: Manufactured homes shall be allowed, provided they generally conform to existing standards in the district in which they are located.
- 4. To assure compliance with this section, a performance bond in the amount of one thousand dollars (\$1,000.00) shall be filed with the building inspector. All manufactured homes must be inspected by the building inspector.

E. **Trees**

- 1. No trees of the cottonwood variety or similar species which by nature are obnoxious shall be allowable within the city limits.

10-2-11 LAND USE RESTRICTIONS

No use of land shall be permitted or allowed, within the city that is in violation of federal, state or local law.

A. Growth Policy

1. Land uses, existing and future, shall comply with the City's Growth Policy to the largest extent possible and zoning shall support and regulate such prescribed uses according to existing and future land use maps.

B. General

1. Land uses that cause a significant impact to the public health, safety and welfare of district residents or businesses shall be prohibited pending reasonable justification is provided to prohibit such uses that may not be listed within this code or unforeseen or unknown uses that do not exist at the time this ordinance is adopted.

10-2-12 INTERPRETATION

A. Minimum Requirements

1. In interpreting and applying the provisions of this title they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

B. Interference, Abrogation or Annulment of Rules or Permit

1. It is not intended by this title to interfere with or abrogate or annul rules or permits previously adopted or issued according to the law relating to the use of buildings or premises, nor to interfere with, abrogate or annul any easement, covenants or agreements between parties. Provided, however, that where this title imposes greater restrictions as to use, or requires larger open spaces or less height than are required by such rules or permits or by easements, covenants or agreements, the provisions of this title shall control. Further, where this title conflicts with other city codes, regulations and ordinances the more prescriptive regulation or code shall apply.

10-2-13 CONDITIONAL USES

A. Intent

1. Conditional use permits, for specific uses other than those specifically permitted in each district, are intended to provide for the needs of the community in areas where they may be appropriate, but where special safeguards may be needed to protect other permitted uses from their adverse effects.

B. Conditional Use Requirements

1. No structure or land may be used for any purpose or in a district where such use is not listed as a permitted use, unless such use is provided for by special permit and a conditional use permit is applied for at the city finance officer's office, on appropriate forms and public hearings are held before the zoning commission and the city council.

2. Conditions placed on the property or use of property may include but are not limited to:

- i. Requiring special yards;
- ii. Open spaces;
- iii. Buffers;
- iv. Fences;
- v. Walls;
- vi. Requiring installation and maintenance of landscaping;
- vii. Requiring street dedications and improvements;
- viii. Regulating points of vehicular ingress and egress;
- ix. Regulating traffic circulation;
- x. Regulating signs;
- xi. Regulating hours of operation and methods of operations;
- xii. Controlling potential nuisances;
- xiii. Prescribing standards for maintenance of buildings and grounds;
- xiv. Prescribing development schedules and development standards; and
- xv. Such other conditions as the Council may deem necessary to ensure compatibility of the use with surrounding developments and uses and to preserve the public health, safety, and welfare.

C. A conditional use permit shall only be granted by the city council based upon (if warranted by the facts and circumstances) a recommendation from the zoning commission and a statement of findings by the city council that:

1. The use conforms generally to the objectives of the comprehensive plan growth policy and the intent of this title.
2. Such uses will not adversely affect nearby properties or their occupants.
3. Such uses do not do violate or deviate from the overall density, coverage, yard, height and all other regulations of the district in which they are located.
4. Public hearings have been held, after the required legal notices have been given, and the public has been given a chance to be heard upon the matter.

D. Conditional Use Permit Procedure:

1. After the appropriate forms have been filed with the city finance officer and the required filing fee, as determined or set by the city council from time to time, has been paid to the city finance officer, the city zoning commission shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the

intent and purpose of this title. The zoning commission shall hold a public hearing on said application to gather needed facts from all interested parties. The zoning commission may continue such hearing, if need be, to take additional information. If such continuance is required, a second legal notice will not be required if the time and date of the continued meeting is announced at the first meeting and placed in the official record of the commission.

2. The zoning commission will cause to be sent to the city council their recommendation on the hearing item with any and all pertinent facts pertaining to the application. The applicant will be given a true and exact copy of the zoning commission recommendations to the city council at least five (5) days prior to the city council hearing on such application.
3. The city council shall cause to be held a public hearing on said applications at which the zoning commission recommendations shall be read and additional testimony may be taken from interested parties. The city council shall approve, deny or change the recommendation of the zoning commission. If the city council denies or changes the zoning commission recommendations, the reasons for such a change shall be made part of the resolution.

E. Conditional Approval

1. The city council may make the granting of a conditional use permit subject to such additional reasonable limitations or conditions as it may impose, to enhance the appearance of the property, to reduce any of its adverse effects on nearby property or its occupants, to preserve the character of the area, to protect or enhance the view of the hills from this or other properties, or to make it more acceptable in other ways.

10-2-14 VARIANCES

The board of adjustment may, after public notice and hearing, conditionally approve, deny or approve the request to modify the following requirements of this title through a variance process and shall only be used when considering the physical impediments or improvements for a property. Land uses within a district shall adhere to the Conditional Use requirements.

A. Applicable Requests

1. Street setback requirements
2. Yard requirements
3. Lot area requirements
4. Lot coverage requirements
5. Height requirements
6. Parking and loading space requirements and improvements
7. Location, height, area and number of signs

B. Procedure

1. Written applications for such modifications shall be filed in the public office of the city finance clerk on forms provided by the city for this purpose and pay the applicable fee.
2. The board of adjustment shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title. No application will be regarded as having been filed until the fee has been paid.

C. Notice of Hearing

1. Notice of said hearing shall be published in a newspaper of general circulation within the city once, at least ten (10) days prior to the hearing date. Said hearing shall be held at the appointed time and place, testimony may be taken by the board of adjustment from persons interested in said modifications request, and from the city building department. In approving such modifications, the board of adjustment shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare and shall find as follows:
 2. Such modifications will be made within the spirit, intent and purpose of this title and/or any adopted general plan including the Growth Policy.
 3. That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situations on a particular property due to unusual or extreme topography, unusual shape of the property or the prevalence of similar conditions in the immediate vicinity of the property.
 - i. Hardship does not include difficulties arising from actions, or otherwise be self-imposed, by the applicant or previous predecessors in interest, or potential for greater financial returns; i.e., the applicant cannot create a hardship because he/she does not want to follow the code provisions.
 4. That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.
 5. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:
 - ii. The scope and extent of the variance shall be limited to the minimum relief necessary to provide reasonable use of the property.
 - iii. Bond to ensure removal of a structure within a specified period of time.
 - iv. A time period within which the proposed structure shall be erected.
 - v. Regulations of point of vehicular ingress and egress.
 - vi. Requiring landscaping and maintenance thereof.
 - vii. Requiring the surfacing and marking of off street parking and loading areas subject to specifications of the city building department and/or board of adjustment.

- viii. Any other such conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose set forth in this section. Any approval under this section shall be subject to the terms of the condition designated in connection therewith.
- ix. The board of adjustment shall require that the applicant agree in writing to fulfill the required conditions as set forth herein, or post with the city a faithful performance bond in the amount equal to the estimated costs of improvements plus fifteen percent (15%) to ensure the installation of such improvements. This bond shall be furnished by a surety company authorized to write such bonds in the state, except in cases where a cash deposit is accepted by the city.
- x. In no case may the board of adjustment grant variances to allow uses not already permitted pursuant to this chapter or alter administrative requirements of this chapter. Permission to change uses allowed on a parcel may be sought through a zone map amendment, or an amendment to the text of the applicable zoning district, or through a planned unit development, or through a conditional use.

10-2-15 PENALTY

Any person owning, controlling or managing any building or premises wherein or whereon there shall be placed, or there exists anything in violation of the provisions of this title; or any person who shall assist in the commission of any violation of these provisions, or who shall build contrary to the plans and specifications submitted to, and approved by, the building inspector or in violation of zoning codes for the respective district; or any person who shall omit, neglect or refuse to do any act required in these provisions; or in case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be in violation of this ordinance.

A. Punishment

1. A violation of this ordinance is a misdemeanor.
2. Punishment of such offense is a fine of \$500 per day or imprisonment or both.
3. Jail time may be up to 30-days in jail per offense.
4. Each day that a violation exists shall constitute a separate offense for fines and imprisonment.
5. The City is empowered to provide civil penalties for each separate violation and may include, but not limited to terminating city services such as water, sewer, power, restricting access to property and imposing liens upon the property.

6. Jail time shall be a last resort if all other fines and civil penalties have been explored and utilized.

10-2-16 APPEALS

Purpose is to provide an appeal process of administrative interpretations and zoning commission and board of adjustment decisions for consideration of and resolution of disputes regarding the meaning and implementation of this code.

A. Right To Appeal Administrative Decisions

1. Appeals may be filed by any person aggrieved or by any officer or department of the city affected by any decision of the zoning coordinator and file such appeal to the board of adjustment concerning interpretation or administration of this title.
2. The appeal process shall not exceed sixty (60) days from the date from which the appeal was taken, by filing with the zoning coordinator or building inspector a written notice of appeal specifying the grounds thereof. The zoning coordinator shall transmit to the board of adjustment all documents relating to the appeal.
3. Applicants filing such appeal shall state in written form the nature of the appeal and provide written comment on what portion of the zoning code is to be reviewed.
4. The board of adjustment shall schedule a public hearing of appeal not to exceed thirty (30) days from the date the zoning coordinator distributes the appeal documents. The board shall give public notice thereof as well as due notice to the parties of interest, and render a decision not to exceed ten (10) days after the public hearing.
5. Each person filing an appeal before the board of adjustment as provided shall pay a fee in the amount specified in City's fee schedule with the finance clerk-treasurer. No action will be taken until such fee is deposited with the City of Conrad.

B. Right to Appeal Zoning Commission Decisions

1. Appeals may be filed by any person aggrieved or by any officer or department of the city affected by any decision of the zoning commission and file such appeal to the City Council concerning interpretation or administration of this title.
2. The appeal process shall not exceed sixty (60) days from the date from which the appeal was taken, by filing with the zoning coordinator or building inspector a written notice of appeal specifying the grounds thereof. The zoning coordinator shall transmit to the City Council all documents relating to the appeal.
3. Applicants filing such appeal shall state in written form the nature of the appeal and provide written comment on what portion of the zoning code is to be reviewed.
4. The City Council shall schedule a public hearing of appeal not to exceed thirty (30) days from the date the zoning coordinator distributes the appeal documents. The Council shall give public notice thereof as well as due notice to the parties of interest, and render a decision not to exceed ten (10) days after the public hearing.

5. Each person filing an appeal before the City Council as provided shall pay a fee in the amount specified in City's fee schedule with the finance clerk-treasurer. No action will be taken until such fee is deposited with the City of Conrad.
6. If City Council upholds the Zoning commission's decision, applicants can then file a separate appeal to the board of adjustment as outlined in "Right to Appeal Administrative Decisions."

C. Right to Appeal Board of Adjustment Decisions

1. Appeals may be filed by any person aggrieved or by any officer or department of the city affected by any decision of the board of adjustment and file such appeal to the Court of Record as outlined in Montana Code Annotated.
2. The applicant must present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision to the presiding officer of the board of adjustment.
3. Upon the presentation of the petition, the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall prescribe in the writ the time within which a return must be made and served upon the relator's attorney, which may not be less than 10 days and may be extended by the court. The allowance of the writ does not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order. The board of adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.
4. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence that it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made.

10-2-17 ZONING COMMISSION & BOARD OF ADJUSTMENT

The zoning commission and board of adjustment are authorized and formed according to Title 2 – Boards and Commissions.

Chapter 3

10-3 NON-CONFORMING USES

10-3-1 REGULATIONS

A. Existing Uses

1. The lawful use of land existing at the time of the adoption of this title, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for a period of one year, any future use of said premises shall be in conformity with the provisions of this title.

B. Existing Buildings

1. Continued

- i. The lawful use of a building existing at the time of this title may be continued although such use does not conform to the provisions hereof, and such use may be extended throughout the building, provided no alterations, except those required by this title, are made therein.

2. Discontinued

- i. If a nonconforming use of a building is discontinued for a period of one year, any future use of such structure shall be in conformity with the provisions of this title.

C. District Changed

1. When a district shall hereafter be changed, any existing nonconforming use in such changed district may be continued or changed to any use permitted; provided, that all other regulations governing the new use are complied with in this title.

D. Application

1. This title shall not apply to existing structures, nor to the existing use of any buildings, but shall apply to any alteration of a building to provide for its use for a purpose, or in any manner, different from the use to which it was put before alteration; provided, that this title shall not be construed to prevent the restoration of a building damaged not more than fifty percent (50%) of its valuation by fire, explosion, act of God, or by the public enemy, or prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such damage; provided, that such restoration shall be begun and diligently pursued within one year, nor shall the same be construed to prevent a change of such existing use under higher classification as herein provided.
2. No building which has been damaged as above provided, to the extent of more than fifty percent (50%) of its valuation, shall be rebuilt or repaired, except in conformity with the regulations contained in this title.

E. Parcel or Lot Divided By Boundary Line

1. When the boundary line of any district divides a parcel or lot or area in single ownership at the time of the adoption of this title nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of land for a distance of not greater than twenty five feet (25').

F. Temporary Building

1. The board of adjustment may authorize in a residence district for a period of not more than two (2) years from the date of such permit, a temporary building for commerce or industry incidental to the residential development; provided, however, that such permit shall not be renewed.

G. Vacant Structures

1. Any structure vacant at the time of the adoption of this title shall be classified as to use, in accordance with its previous use, arrangement, design or intended use. If structure remains vacant for one year at time of adoption of this ordinance, it shall conform to the new district regulations in which it is located.

H. Signs

1. Where nonconforming use exists:
 - i. No signs will be permitted in the R-1 residential district.
 - ii. In the R-2 residential district, a non-flashing wall sign of twenty (20) square feet or less will be permitted.

CHAPTER 4

10-4 R-1 SINGLE FAMILY RESIDENTIAL

The R-1 Single-Family Residential is to provide for primarily single-household residential development and related uses within the city and to provide for such community facilities and services as will serve the area's residents while respecting the residential character and quality of the area. Modular homes are allowed provided they are situated on a permanent foundation.

10-4-1 HEIGHT

No building shall exceed forty feet (40') in height.

10-4-2 YARDS

A. Front Yard

1. The minimum depth shall be twenty feet (20').
2. Where blocks have more than sixty percent (60%) of lots developed, front yard setbacks shall be in line with the average setback of at least sixty percent (60%) of existing buildings or twenty feet (20'), whichever is less.
3. Where buildings front on a side street (or a street not parallel to an alley), the front yard shall be deemed as the narrow portion of the lot regardless of building orientation.

B. Rear Yard

1. The minimum depth shall be twenty feet (20').
2. Lots that do not have a clear rear lot line or have a rear lot line of less than twenty feet (20') long, the minimum depth may be reduced to fifteen feet (15').

C. Side Yard

1. A side yard shall be present on each side of the building
2. The minimum depth shall be six feet (6').
3. The minimum depth for structures taller than twenty four feet (24') shall have a side yard equal to one-third (1/3) the building height.
4. Where buildings front on a side street (or a street not parallel to an alley), the front yard shall be deemed as the narrow portion of the lot regardless of building orientation.
5. Corner lots shall have a minimum depth of ten feet (10') for side yards adjacent to a street.

10-4-3 LOT AREA

The minimum lot area shall be five thousand square feet (5,000').

10-4-4 LOT COVERAGE

The maximum lot coverage shall not exceed forty percent (40%) for all primary and accessory use structures.

10-4-5 PERMITTED USES

No building, structure or premises shall be used, and no building or structure shall be erected, altered or maintained unless otherwise provided in this title.

- A. Single-family dwellings
- B. Churches or other religious assemblies
- C. Parks and playgrounds
- D. Schools, elementary and secondary
- E. Public fire station and telephone exchange where no public business office and no repair or storage facilities are maintained, or any necessary public utility building; provided, that such buildings be constructed to resemble the appearance of a residential building.
- F. Accessory building incidental to the above uses and located on the same lot (not involving the conduct of a business) including private garage.
 - 1. Detached private garages shall be located seventy feet (70') from the front line, and shall provide for not more than four (4) motor vehicles, of which not more than one can be a commercial vehicle.
- G. Accessory uses customarily incidental to any of the above when located on the same lot and not involving the conduct of a business.
- H. Nameplate
 - 1. No nameplate exceeding one square foot in area shall be permitted in this district.

10-4-6 EXCEPTIONS

- A. Bulletin boards not exceeding twelve (12) square feet in area on premises occupied by parks and playgrounds.
- B. Signs not exceeding eight (8) square feet in area pertaining to the lease, hire or sale of the buildings or premises.

10-4-7 PROHIBITED USES

- A. Adult businesses

10-4-8 CONDITIONAL USES

- A. Home occupations that employ employee other than immediate family members

CHAPTER 5

10-5 R-2 MULTI-FAMILY RESIDENTIAL

The intent of the R-2 Multi-Family Residential District is to provide for one- and two-household residential development within the city in areas that present few or no development constraints, and for community facilities to serve such development while respecting the residential quality and nature of the area. The district should provide for a variety of housing types to serve the varied needs of households of different size, age and character, while reducing the adverse effect of nonresidential uses. Although some office use is permitted, it shall remain as a secondary use to residential development. Modular homes are allowed provided they are situated on a permanent foundation.

10-5-1 HEIGHT

No building shall exceed forty feet (40').

10-5-2 YARDS

A. Front Yard

1. The minimum depth shall be ten feet (10').
2. Where blocks have more than sixty percent (60%) of lots developed, front yard setbacks shall be in line with the average setback of at least sixty percent (60%) of existing buildings or ten feet (10'), whichever is less.
3. Where buildings front on a side street (or a street not parallel to an alley), the front yard shall be deemed as the narrow portion of the lot regardless of building orientation.

B. Rear Yard

1. The minimum depth shall be twenty feet (20') for lots backing an alley.
2. Lots that do not back to an alley or have a clear rear lot line or have a rear lot line of less than ten feet (20') long, the minimum depth may be reduced to ten feet (10').

C. Side Yard

1. A side yard shall be present on each side of the building
2. The minimum depth shall be six feet (6').
3. The minimum depth for structures taller than twenty four feet (24') shall have a side yard equal to one-third (1/3) the building height.
4. Where buildings front on a side street (or a street not parallel to an alley), the front yard shall be deemed as the narrow portion of the lot regardless of building orientation.
5. Corner lots shall have a minimum depth of ten feet (10') for side yards adjacent to a street.
6. Multi-family units or two-family dwellings may have a zero foot (0') setback for all internal walls that cross lot lines.

10-5-3 LOT AREA

A. Single-Family Dwellings

1. The minimum lot size shall be five thousand square feet (5,000').

B. Two-Family Dwellings

1. The minimum lot size shall be five thousand five hundred square feet (5,500').

C. Multifamily Dwellings

1. The minimum lot size shall be five thousand square feet (5,000') for the first unit.
2. Each additional unit, up to four (4) total units, shall provide five hundred square feet (500') per unit.
3. After four units, each additional unit shall provide two-hundred fifty square feet (250') per unit.

D. All Other Buildings

1. The minimum lot size shall be five thousand square feet (5,000').

10-5-4 LOT COVERAGE

A. Lot coverage shall not exceed fifty percent (50%) for all residential uses

B. Lot coverage shall not exceed sixty percent (60%) for all non-residential uses

10-5-5 PERMITTED USES

No building, structure or premises shall be used, and no building or structure shall be erected, altered or maintained, unless otherwise provided in this title.

A. Churches or other religious assemblies

B. Daycares/Nurseries

C. Libraries

D. Lodging and boarding houses

E. Multiple-family dwellings

F. Parks and playgrounds

G. Schools, elementary and secondary

H. Single-family dwellings

I. Two-family dwellings

J. Accessory building incidental to the above uses and located on the same lot (not involving the conduct of a business) including private garage.

1. Detached private garages shall be located seventy feet (70') from the front line, and shall provide for not more than four (4) motor vehicles, of which not more than one can be a commercial vehicle.

K. Accessory uses customarily incidental to any of the above when located on the same lot and

not involving the conduct of a business.

L. Nameplate

1. No nameplate exceeding one square foot in area shall be permitted in this district.

10-5-6 EXCEPTIONS

- A. Bulletin boards not exceeding twelve (12) square feet in area on premises occupied by parks and playgrounds.
- B. Signs not exceeding eight (8) square feet in area pertaining to the lease, hire or sale of the buildings or premises.

10-5-7 PROHIBITED USES

- A. Adult businesses

10-5-8 CONDITIONAL USES

- A. Funeral home
- B. Group homes
- C. Home occupations that employ people other than immediate family members
- D. Manufactured homes
 1. Structures must be placed on a permanent foundation and be approved by the building inspector.
- E. Nursing homes/Assisted Living Facilities

CHAPTER 6

10-6 MH-1 MOBILE/MANUFACTURED HOME RESIDENTIAL

The intent of the MH-1 Mobile/Manufactured Home Residential to provide for manufactured home community development and directly related complementary uses within the city at a density and character compatible with adjacent development. The district is intended to be residential in character and consistent with the standards for other forms of residential development permitted by this chapter.

10-6-1 SCOPE

The mobile/manufactured home regulations shall conform to the department of health and environmental services regulations.

10-6-2 DESIGN REQUIREMENTS

Site designs must be submitted to the zoning commission and must include:

- A. Location, legal description and site plan
 1. Lot layout
 2. Plans for water supply and distribution
 3. Plans for sewage collection and disposal
 4. Plans showing size and arrangement of mobile home lots and stands, locations of roadways, greenbelts and parks
 5. Cul-de-sacs, loops, curved street or other variations shall be utilized when possible so as to discourage rectangular development and enhance the aesthetics of the site.
- B. Park Size and Density
 1. The size of the mobile home park or manufactured home park shall contain a minimum of two and one half (2.5) acres.
 2. The park density shall not exceed eleven (11) homes per acre or twenty seven (27) homes per two and one-half (2.5) acre tract.
 3. Each mobile home lot shall contain a minimum area of four thousand (4,000) square feet, with a minimum frontage width of thirty nine feet (39').
- C. Access
 1. All mobile home parks shall have access to a collector street.
- D. Site Coverage
 1. Maximum lot coverage shall not exceed fifty percent (50%). Coverage shall include manmade apparatus.
- E. Setbacks
 1. Front Yard
 - a. Minimum of twenty five feet (25') from property line.

2. Side Yard

- a. Minimum of ten feet (10') from property line.
- b. Each lot must have a side yard on each side of a building.

3. Rear Yard

- a. Minimum of ten feet (10') from property line.

F. Streets, Roads, Alleyways, Parking Areas and Lighting

- 1. Streets with parking on both sides shall have a minimum width of thirty-six feet (36') from back of curb to back of curb.
- 2. Streets with no parking shall have a minimum width of twenty-four feet (24') from back of curb to back of curb.
- 3. Streets with parking on one side shall have a minimum width of thirty feet (30') from back of curb to back of curb.
- 4. Alleyways shall have a minimum width of twelve feet (12') from back of curb to back of curb.
- 5. Entrance streets and other collector streets shall be paved according to standards set forth in this title.
- 6. One mercury vapor type streetlight shall be required for every four hundred fifty feet (450') of street length.
- 7. Internal streets shall be paved and have curb to direct stormwater to appropriate stormwater facilities.

G. Utilities and Other Services

- 1. All sanitary sewage and water facilities, including connections to individual lots, shall coincide with the requirements of the sewer and water department and the department of health and environmental services.
- 2. Adequate stormwater facilities shall be installed on site to mitigate stormwater runoff; if city stormwater facilities exist, land owner can apply to connect to the city's system.
- 3. All electric, telephone, television cables and other lines throughout the site shall be underground.
- 4. When meters are installed, they shall be uniformly located.
- 5. Trash and garbage collection
 - a. Two (2) yard bulk containers shall be utilized with one container for every six (6) mobile homes. They shall be placed in designated open space areas which shall be convenient for the units served.

H. Landscaping

- 1. A minimum of two (2) trees shall be planted with a minimum one and one-half inches

(1½") diameter for each mobile/manufactured home lot. Trees of the cottonwood variety shall be excluded. Dead trees shall be replaced within one year of planting.

2. Trees shall be located so as not to interfere with the moving of homes.
3. Grass lawn cover shall be provided to prevent erosion of barren soil and to enhance the aesthetic quality of the park.

a. Gravel and wood chip yards are prohibited

I. Parks and Recreational Facilities

1. Recreation facilities shall be provided in a central location within the park site.
2. The mobile/manufactured home park shall devote a minimum of ten percent (10%) of the gross area to parks and recreational facilities.
3. Facilities shall be landscaped and may include playgrounds with equipment, a wading pool, barbecue picnic area, and other facilities which enhance the quality of the site.

J. Signs

1. One identification sign shall be permitted designating the name of the mobile home site.
2. The sign shall not exceed twenty (20) square feet in area.
3. The sign shall be structurally safe and securely anchored.
4. Lighting devices shall not constitute a nuisance to adjacent residents provided lighting shines down and does not shine onto adjacent property.
5. Height: Structures within the mobile home site shall not exceed twenty feet (20') with the exception of recreation facilities such as gazebos or similar gathering places.

K. Skirting, Canopies And Awnings

1. Each mobile home shall be skirted within ninety (90) days after establishment in a mobile home park.
2. Manufactured homes that are placed on a permanent foundation or concrete slab do not need to be skirted.
3. Skirting shall be of 26-gauge metal, aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies or other insects.

L. Mobile/Manufactured Home Minimum Size

1. Homes shall have a minimum size of six hundred (600) square feet of floor space with a minimum width of twelve feet (12').

10-6-3 MH-1B MOBILE/MANUFACTURED HOME SUBDISTRICT

A. Designation And Description

1. Blocks 2, 3, 4, 9, 10, 11, 14, 15 and 16 of the Jones Additions to the city are hereby

designated as a MH-1B sub-district.

2. Regulations

- i. MH-1 District regulations shall apply, with the following exceptions:
- ii. Mobile homes may be placed on private lots and shall have a minimum square footage of three hundred fifty feet (350').
- iii. Mobile homes may be without a permanent foundation but shall be fully skirted in accordance the MH-1 Design Standards.

10-6-4 PROHIBITED USES

A. Adult businesses

Chapter 7

10-7 C-1 GENERAL COMMERCIAL

The intent of the General Commercial District is to provide for a broad range of mutually supportive retail and service functions located in clustered areas bordered on one or more sides by limited access arterial streets.

10-7-1 HEIGHT

No building shall exceed sixty feet (60') in height.

10-7-2 YARDS

A. Front Yard

1. No front yard in this district shall be required for commercial uses
2. Residential uses shall be governed by the front yard regulations for the R-2 Multi-Family Residential district
 - i. Where buildings front on a side street (or a street not parallel to an alley), the front yard shall be deemed as the narrow portion of the lot regardless of building orientation.
 - ii. Where one half (1/2) of the block fronting on a street is located in a C-1 Commercial district and the remainder of the one-half (1/2) block is a residential district, each district shall govern the use respectively.

B. Rear Yard

1. No rear yard in this district shall be required for commercial uses
2. Residential uses shall be governed by the rear yard regulations for the R-2 Multi-Family Residential district

C. Side Yards

1. No side yards in this district shall be required for commercial uses
2. Residential uses shall be governed by the side yard regulations for the R-2 Multi-Family Residential district
 - i. Where one half (1/2) of the block fronting on a street is located in a C-1 Commercial district and the remainder of the one-half (1/2) block is a residential district, each district shall govern the use respectively with the exception that on corner lots, the side yard regulation of ten feet (10') shall not apply to commercial uses but is applicable to residential uses.
3. All uses shall not impede or extend into the street vision triangle including alleyway and street intersections so as to protect street visibility for vehicular and pedestrian access.

10-7-3 LOT AREA

A. Commercial Uses

1. No minimum lot size is required
- B. Residential Uses
1. Residential Mixed Use
 - i. Residential uses located within a commercial structure shall have a minimum lot size of five hundred square feet (500').
 2. Residential Multifamily
 - i. The minimum lot size shall be five thousand square feet (5,000') for the first unit.
 - ii. Each additional unit shall provide two-hundred fifty square feet (250') per unit.

10-7-4 PERMITTED USES

No building, structure or premises shall be used, and no building or structure shall be erected, altered or maintained, unless otherwise provided in this title.

- A. Assembly halls.
- B. Automobile repair garage, storage, parking and sales.
- C. Automobile tourist courts or motels.
- D. Bakery under one thousand (1,000) square feet in floor area.
- E. Bank.
- F. Barbershop and beauty shop.
- G. Billboard, if fire resistive.
- H. Business and professional office
- I. Butcher
- J. Churches or other religious assemblies
- K. Dry cleaning plants using nonhazardous solvents.
- L. Gasoline service stations (retail).
- M. General sheet metal working.
- N. Greenhouses.
- O. Hospitals, medical clinics and other outpatient care facilities
- P. Ice plant or ice storage for less than five (5) tons.
- Q. Laundry or dry cleaning.
- R. Library.

- S. Light manufacturing in connection with uses therein permitted; provided, that not more than twenty five percent (25%) of the total floor space of a building or structure in this district is so used.
- T. Lodging and boarding houses
- U. Machine shop for small tools; provided, that power used is less than ten (10) horsepower.
- V. Multiple-family dwellings
- W. Parks and playgrounds
- X. Printing and bookbinding.
- Y. Radio and television broadcasting station.
- Z. Radio and television repair.
- AA. Restaurant.
- BB. Retail stores and trades including feed store.
- CC. Pharmacies
- DD. Public uses such as city/county buildings and utility sheds
- EE. Schools, elementary and secondary
- FF. Shoe shining parlor and repair.
- GG. Two-family dwellings
- HH. Veterinary clinic
- II. Wholesale business

10-7-5 PERFORMANCE STANDARDS

No business, trade or industry shall be permitted in any of the C-1 commercial districts, which is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property.

10-7-6 PROHIBITED USES

- A. None of the following shall be permitted in a C-1 Commercial district:
 - 1. Bulk plant distributing diesel fuel, propane or kerosene or other inflammable products.
 - 2. Gunpowder manufacture or storage.

10-7-7 CONDITIONAL USES

- A. Ammunition manufacturing
- B. Automobile washing
- C. Firearms sale, resale and inventory
- D. Food processing facility
- E. Group homes

F. Storage facility with following conditions:

1. Concrete Slab or Concrete Footings Required

- i. Any permanent installation of a facility to be utilized for storage must be placed on a concrete slab or concrete footings to grade and comply with all existing regulations.

2. Move In Storage Facilities

- i. Any move in storage facilities must be leveled, blocked, skirted and painted to conform with existing surroundings.

3. Construction; Placement

- i. All storage facilities must be secure to prevent harboring of rodents or other nuisances and be constructed or placed in a reasonably aesthetic manner in relation to the surroundings.

Chapter 8

10-8 C-2 NEIGHBORHOOD COMMERCIAL

The intent of the C-2 Neighborhood Commercial District is to provide for smaller scale retail and service activities frequently required by neighborhood residents on a day to day basis, as well as residential development as a secondary purpose, while still maintaining compatibility with adjacent residential land uses. Development Scale and pedestrian orientation are important elements of this district. Multifamily uses and mixed use development projects are encouraged within the district.

10-8-1 HEIGHT

No building shall exceed forty feet (40') in height.

10-8-2 YARDS

A. Front Yard

1. The minimum depth shall be ten feet (10').
 - i. Where buildings front on a side street (or a street not parallel to an alley), the front yard shall be deemed as the narrow portion of the lot regardless of building orientation.
 - ii. Where one half (1/2) of the block fronting on a street is located in a C-2 Commercial district and the remainder of the one-half (1/2) block is a residential district, each district shall govern the use respectively.

B. Rear Yard

1. The minimum depth shall be ten feet (10').

C. Side Yards

1. The minimum depth shall be five feet (5').
 - i. Where one half (1/2) of the block fronting on a street is located in a C-2 Commercial district and the remainder of the one-half (1/2) block is a residential district, each district shall govern the use respectively with the exception that on corner lots, the side yard regulation of ten feet (10') shall not apply to commercial uses but is applicable to residential uses.
2. All uses shall not impede or extend into the street vision triangle including alleyway and street intersections so as to protect street visibility for vehicular and pedestrian access.

10-8-3 LOT AREA

A. Commercial Uses

1. The minimum lot size shall be five thousand square feet (5,000').

B. Residential Uses

1. Residential Mixed Use

- i. Residential uses located within a commercial structure shall have a minimum lot size of five hundred square feet (500').

2. Residential Multifamily

- i. The minimum lot size shall be five thousand square feet (5,000') for the first unit.
- ii. Each additional unit shall provide two-hundred fifty square feet (250') per unit.

10-8-4 PERMITTED USES

No building, structure or premises shall be used, and no building or structure shall be erected, altered or maintained, unless otherwise provided in this title.

- A. Assembly halls.
- B. Bakery under one thousand (1,000) square feet in floor area.
- C. Bank.
- D. Barbershop and beauty shop.
- E. Business and professional office
- F. Butcher
- G. Churches or other religious assemblies
- H. Medical clinics and other outpatient care facilities
- I. Laundry or dry cleaning.
- J. Library.
- K. Lodging and boarding houses
- L. Multiple-family dwellings
- M. Parks and playgrounds
- N. Radio and television repair.
- O. Restaurant.
- P. Retail stores and trades
- Q. Pharmacies
- R. Public uses such as city/county buildings and utility sheds
- S. Schools, elementary and secondary
- T. Two-family dwellings
- U. Veterinary clinic

10-8-5 PERFORMANCE STANDARDS

No business, trade or industry shall be permitted in any of the C-1 commercial districts, which is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property.

10-8-6 PROHIBITED USES

A. None of the following shall be permitted in a C-2 Commercial district:

1. Bulk plant distributing diesel fuel, propane or kerosene or other inflammable products.
2. Gunpowder manufacture or storage.
3. Storage facilities

10-8-7 CONDITIONAL USES

- A. Ammunition manufacturing
- B. Firearms sale, resale and inventory
- C. Group homes

Chapter 9

10-9 LM-1 LIGHT MANUFACTURING DISTRICT

The intent of the LM-1 Light Manufacturing District is to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light manufacturing and similar activities. The district should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential development, therefore, some type of screening may be necessary.

10-9-1 HEIGHT

No building shall exceed sixty feet (60') in height.

10-9-2 YARDS

A. Front Yard

1. No front yard in this district shall be required

B. Rear Yard

1. No rear yard in this district shall be required unless a lot within the LM-1 District borders a residentially zoned lot then a minimum setback of ten feet (10') shall be required.

C. Side Yards

1. No side yard in this district shall be required unless a lot within the LM-1 District borders a residentially zoned lot then a minimum setback of five feet (5') shall be required.
2. All uses shall not impede or extend into the street vision triangle including alleyway and street intersections so as to protect street visibility for vehicular and pedestrian access.

10-9-3 LOT AREA

- A. The minimum lot size shall be seventy-five hundred square feet (7,500').

10-9-4 LOT COVERAGE

- A. The maximum lot coverage is eighty percent (80%).

10-9-5 SCREENING AND BUFFERING

- A. Uses abutting or bordering residentially zoned lots shall provide an opaque screen, fencing or landscaping buffer or any combination of such items.
- B. Minimum height of screening shall be six feet (6') at time of installation or planting.
- C. Fencing or screening materials must be of wood or metal and may not be concrete blocks unless landscaping stones are implemented.
- D. Materials permanently stored on site and within the front or side yards shall be screened using the materials and standards described in the Screening and Buffering.

10-9-6 PERMITTED USES

No building, structure or premises shall be used, and no building or structure shall be erected, altered or maintained, unless otherwise provided in this title.

- A. Ammunition manufacturing
- B. Automobile repair garage, storage, parking and sales.
- C. Automobile tourist courts or motels.
- D. Automobile washing
- E. Bakery
- F. Billboard, if fire resistive.
- G. Business and professional office
- H. Butcher
- I. Churches or other religious assemblies
- J. Firearms sale, resale and inventory
- K. Gasoline service stations (retail).
- L. General sheet metal working.
- M. Greenhouses.
- N. Gunpowder manufacture or storage.
- O. Hospitals, medical clinics and other outpatient care facilities
- P. Ice plant or ice storage for less than five (5) tons.
- Q. Laundry
- R. Library
- S. Light manufacturing
- T. Lodging and boarding houses
- U. Machine shop
- V. Pharmacies
- W. Printing and bookbinding
- X. Public uses such as city/county buildings and utility sheds
- Y. Radio and television broadcasting station
- Z. Radio and television repair
- AA. Restaurant.
- BB. Retail stores and trades including feed store
- CC. Shoe shining parlor and repair
- DD. Veterinary clinic
- EE. Wholesale business

10-9-7 PERFORMANCE STANDARDS

No business, trade or industry shall be permitted in any of the C-1 commercial districts, which is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property.

10-9-8 PROHIBITED USES

- A. Bulk plant distributing diesel fuel, propane or kerosene or other inflammable products.

10-9-9 CONDITIONAL USES

A. Adult businesses

1. Use must be located a minimum from the following:

- i. School, elementary or secondary: 1000 feet
- ii. Daycare/Nursery: 1000 feet
- iii. Church or other religious assemblies: 1000 feet
- iv. Residentially zoned lots: 500 feet

B. Food processing facility

C. Group homes

D. Storage facility with following conditions:

1. Concrete Slab or Concrete Footings Required

- i. Any permanent installation of a facility to be utilized for storage must be placed on a concrete slab or concrete footings to grade and comply with all existing regulations.

2. Move In Storage Facilities

- i. Any move in storage facilities must be leveled, blocked, skirted and painted to conform to existing surroundings.

3. Construction; Placement

- i. All storage facilities must be secure to prevent harboring of rodents or other nuisances and be constructed or placed in a reasonably aesthetic manner in relation to the surroundings.

Chapter 10

10-10 M-I MANUFACTURING AND INDUSTRIAL DISTRICT

The intent of the M-I Manufacturing and Industrial District is to provide for heavy manufacturing and industrial uses, servicing vocational and employment needs of city residents.

10-10-1 HEIGHT

No building shall exceed sixty feet (60') in height.

10-10-2 YARDS

A. Front Yard

1. No front yard in this district shall be required

B. Rear Yard

1. No rear yard in this district shall be required unless a lot within the M-I District borders a residentially zoned lot then a minimum setback of twenty feet (20') shall be required.

C. Side Yards

1. No side yard in this district shall be required unless a lot within the LM-1 District borders a residentially zoned lot then a minimum setback of ten feet (10') shall be required.
2. All uses shall not impede or extend into the street vision triangle including alleyway and street intersections so as to protect street visibility for vehicular and pedestrian access.

10-10-3 LOT AREA

- A. The minimum lot size shall be ten thousand square feet (10,000').

10-10-4 LOT COVERAGE

The maximum lot coverage shall be one-hundred percent (100%)

10-10-5 SCREENING AND BUFFERING

- A. Uses abutting or bordering residentially zoned lots shall provide an opaque screen, fencing or landscaping buffer or any combination of such items.
- B. Minimum height of screening shall be six feet (6') at time of installation or planting.
- C. Fencing or screening materials must be of wood or metal and may not be concrete blocks unless landscaping stones are implemented.
- D. Materials permanently stored on site and within the front or side yards shall be screened using the materials and standards described in the Screening and Buffering.

10-10-6 PERMITTED USES

No building, structure or premises shall be used, and no building or structure shall be erected, altered or maintained, unless otherwise provided in this title.

- A. Acid manufacture
- B. Distillation of bones, coal or wood. Explosive manufacture or storage

- C. Fat rendering
- D. Fertilizer manufacture
- E. Garbage, offal or dead animal reduction
- F. Glue manufacture
- G. Petroleum refining
- H. Smelting of tin, copper, zinc or iron ore
- I. Stockyards or slaughter of animals. Distillation of bones, coal or wood
- J. Dyestuff manufacture
- K. Emery cloth and sandpaper manufacture
- L. Exterminator and insect poison manufacture
- M. Fat rendering
- N. Fertilizer manufacture
- O. Fireworks manufacture or storage
- P. Forage plant
- Q. Food processing
- R. Gas manufacture (illuminating or heating).
- S. Gravel pit
- T. Glue, size or gelatin manufacture
- U. Gunpowder manufacture or storage including ammunition
- V. Incinerator or reduction of garbage, dead animals or refuse where conducted as a business for pay or profit
- W. Iron, steel, brass or copper mills
- X. Lampblack manufacture
- Y. Mill, alfalfa
- Z. Oil cloth or linoleum manufacture
- AA. Ore reduction
- BB. Paint, oil, shellac, turpentine or varnish manufacture
- CC. Paper and pulp manufacture
- DD. Petroleum refining
- EE. Planer works
- FF. Potash plants
- GG. Preparation or treatment of oiled, rubber or leather goods in their raw state

- HH. Printing ink manufacture.
- II. Pyrolin manufacture
- JJ. Railroad manufacture
- KK. Rock or gravel crusher and screening plant
- LL. Rubber or gutta-percha manufacture or treatment
- MM. Saltworks
- NN. Sausage manufacture
- OO. Shoe polish manufacture
- PP. Smelters
- QQ. Soap manufacture
- RR. Soda and compound manufacture
- SS. Stockyards.
- TT. Storage facility
- UU. Storage or bailing of scrap paper, iron, bottle, rags or junk as a business
- VV. Stove polish manufacture
- WW. Sugar manufacture
- XX. Tallow, grease or lard rendering
- YY. Tanning of raw hides, leather or skins
- ZZ. Tar distillation or manufacture
- AAA. Veterinary hospital, including cat and dog hospital
- BBB. Wool pulling or scouring

10-10-7 PROHIBITED USES

All residential structures and uses

10-10-8 CONDITIONAL USES

A. Adult businesses

1. Use must be located a minimum from the following:
 - i. School, elementary or secondary: 1000 feet
 - ii. Daycare/Nursery: 1000 feet
 - iii. Church or other religious assemblies: 1000 feet
 - iv. Residentially zoned lots: 500 feet

B. Churches or other religious assemblies

C. Schools, elementary and secondary

Chapter 11

10-11 PUD PLANNED UNIT DEVELOPMENT

The city, being confronted with increasing urbanization, and understanding that the improvements to land development and the demand for housing are undergoing substantial changes and changes in land use may effectively be better suited using a PUD, intends this zone and appendant development criteria to provide tools that:

- A. Future growth can occur in accordance to the City's Growth Policy.
- B. Encourage development of a variety of housing types and densities.
- C. Create and/or preserve useable open space for recreational aesthetic enjoyment.
- D. Preserve to the maximum extent possible the natural characteristics of the land, including topography, native vegetation and scenic views.
- E. Avoid construction in hazardous areas.
- F. Encourage creativity in design.
- G. Provide for maximum efficiency in the layout of streets, utility networks and other public, private and semiprivate improvements.
- H. Provide a guide for developers and city officials who review and approve developments, in meeting the standards and intent of this zone.
- I. Preserve and enhance other unique qualities of the environment.

It is intended that each PUD zone will be a separate zone, each having differing design criteria to provide for the uses and improvements based on a particular environmental situation.

10-11-1 SPECIAL CONSIDERATIONS

The following special conditions shall apply to any planned unit development:

- A. Single ownership
 - 1. The tract or parcel of land involved shall be either in one ownership or the subject of an application filed jointly by the owners of all the property to be included.
- B. Title holdings
 - 1. The approved final plan shall specify the manner of holding title to areas and facilities of joint use and how areas of joint use shall be maintained. Normally such areas and facilities shall be retained in title by the developers of the development or deeded to an organization composed of all owners in the development.
- C. Use of general building and development standards.
 - 1. All planned unit developments shall be reviewed against the development standards established in this chapter. However, in order to encourage creativity and design excellence that would contribute to the character of the community, deviations from the requirements or the standards of this chapter may be granted by the review authority after considering the recommendations of the applicable review bodies established by this chapter. The PUD application shall be accompanied by written and graphic material sufficient to illustrate the initial and final conditions that the modified

standards will produce. Such written and graphic materials may include textual descriptions, site plans, renderings of proposed elevations or landscapes, or similar materials.

2. All requested deviations, waivers of submittal requirements and other relaxations of regulatory requirements shall be identified in writing at the time of preliminary plan submittal. Failure to identify such items may result in the delay of application processing in order to receive necessary materials, provide additional public notice or other curative actions.
3. The review authority shall make a determination that the deviation will produce an environment, landscape quality and character superior to that produced by the existing standards of this chapter, and which will be consistent with the intent and purpose of this article, with the adopted goals of the city growth policy and with any relevant adopted design objectives plan. Upon deciding in favor of the deviation request, the review authority may grant deviations, above or below minimum or maximum standards respectively as established in this chapter, including the complete exemption from a particular standard. If the review authority does not determine that the proposed modified standards will create an environment, landscape quality and character superior to that produced by the existing standards of this chapter, and which will be consistent with the intent and purpose of this article and with any relevant design objectives plan, then no deviation shall be granted.

D. Establishing additional standards

1. In addition to the general building and development standards, the city shall have the right to establish general design standards, guidelines and policies, for the purpose of implementing and interpreting the provisions of this article.

10-11-2 STANDARDS AND REQUIREMENTS

The planned unit shall be consistent with the purpose and policies of the City of Conrad's Growth Policy.

A. Minimum Standards

1. Yard setbacks as deemed appropriate with the application and review
2. Building height as deemed appropriate with the application and review
3. Lot size and coverage as deemed appropriate with the application and review
4. Minimum PUD area
 - i. Two (2) acres for residential
 - ii. Three (3) acres for mixed use
 - iii. Five (5) acres for commercial
5. Maximum project density
 - i. Twenty (20) dwellings per acre
6. Minimum open space, landscaping and buffer zone

- i. Twenty percent (20%); at least ten percent (10%) must be useable open space
- ii. Buffer zone to adjacent properties may be required

B. Impact Considerations

1. The PUD's relationship to its surroundings shall be considered in order to avoid adverse effects to the development caused by traffic circulation, building heights or bulk, lack of screening or intrusions on privacy.

C. Common Open Space And Park Areas

1. Minimum useable open space and common park areas are lands used for scenic, recreational or landscaping purposes and excludes road easements, dedicated right of ways, driveways or required parking areas. A minimum of twenty percent (20%) of the net land area shall be developed and maintained as common open space.

D. Commercial Use

1. Commercial uses, allowed as conditional uses, may be included in a planned unit. Such nonresidential uses must be distinctly subordinate to the residential character of the planned unit, and are limited to those uses permitted by right in the C-2 Neighborhood Commercial District or permitted by conditional use.

E. Residential Development Area

1. A minimum ratio of residential to commercial land area shall be applied at a rate of two one (2:1) acres when mixing uses within the PUD.

F. Site Planning

1. The zoning commission, planning board and city council must be satisfied that the site plan for the planned unit has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:
 - i. That there is an appropriate relationship to the surrounding area. The buffer zone must be kept free of buildings, obstructions and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized.
 - ii. Circulation, in terms of an internal street circulation system designed for the type of traffic generated, safely separated from living areas. Private internal streets may be permitted if they can be used by police, fire department vehicles for emergency purposes, and by other city and county departments to provide basic services. All streets must meet the city specifications and approval by the director of public works. Bicycle traffic shall be considered and provided for when the site is used for an area for living purposes. Proper circulation in parking areas in terms of safety, convenience, separation and screening.
 - iii. Usable open space in terms of preservation of natural features, including trees, drainage areas, recreation, views, density, relief, convenience and function.

- iv. Variety in terms of housing type, commercial uses, densities, facilities and open spaces.
- v. Privacy in terms of the needs of individuals, families and adjacent properties.
- vi. Pedestrian traffic in terms of safety, separation, convenience, access to points of destination and attractiveness.
- vii. Building types in terms of appropriateness to density, site relationship and bulk.
- viii. Building design in terms of orientation, spacing, materials, color and texture, storage, signs and lighting.
- ix. Off street parking shall be required as provided in accordance with this Title but may be reduced with sufficient supporting data and documentation.
- x. All public utilities shall be placed underground.

G. Planned Shopping Center or Commercial District

- 1. An application for a planned commercial center (PCC) shall be submitted in accordance with the procedures outlined for other planned unit developments, and in addition, an application for a PCC must show:
 - i. A minimum of five (5) gross acres will be developed under the site plan and application.
 - ii. That such development is located adjacent to a designated arterial.
 - iii. That such application shall be accompanied by a traffic assignment study, and by a market analysis sufficient to demonstrate the need for such a facility at the proposed location.

10-11-3 PUD APPLICATION PROCEDURE

A. Preapplication Review

- 1. The developer shall meet with the zoning coordinator and the building inspector at least thirty (30) days prior to the submittal of an application for preliminary approval of a PUD. This review will concern location, density, land uses and other pertinent features. The subdivision review process and zoning PUD process will occur simultaneously.

B. Application

- 1. The application must be submitted to zoning commission and planning board and shall be accompanied by an electronic copy of all application materials in PDF format, twenty (20) hard copies of a site plan and a written statement.

C. Planned Unit Site Plan

- 1. A complete site plan showing the major details of the proposed planned unit prepared at a scale of not less than one inch to one hundred feet (1" = 100') shall be submitted in sufficient detail to evaluate the land planning and building design and other features of the planned unit. The site plan must contain, insofar as is applicable, the following minimum information:

- i. Name(s) of the proposed development. Name(s) and address(es) of the owner(s) and the designer(s) of the site plan and his seal.
- ii. A vicinity sketch map showing names and locations of property lines, adjacent streets and roads and the approximate location of adjacent property within five hundred feet (500') of the planned unit site.
- iii. Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas and as sites for schools or other public buildings.
- iv. The location and dimension of all vehicular points of ingress and egress, drives, channelization and traffic circulation.
- v. A detailed parking plan showing how the number of spaces has been calculated.
- vi. The location of pedestrian entrances, exits, walks and walkways or trails.
- vii. A general landscape plan at the time of initial submission to be followed by a detailed landscaping plan, once the site plan has been approved showing the spacing, sizes and specific types of landscaping material. Said plan shall include proposed treatment of perimeter of the PUD.
- viii. Utility and drainage plans shall be provided including all information required to determine that water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with City of Conrad requirements.
- ix. Contour intervals of five feet (5').
- x. The location and size of all existing and proposed buildings, structures, improvements, easements and dedicated rights-of-way.
- xi. The maximum height of all buildings, density of dwellings and proposed land uses.
- xii. Any area subject to a 50- or 100-year flood cycle.
- xiii. Evidence of adequate fire protection. Sprinkler systems may be required for multilevel buildings or multifamily structures.
- xiv. Location of solid waste collection facilities.
- xv. Location of fire hydrants and any emergency easements.
- xvi. Applicant must meet City of Conrad subdivision regulations to assure that this submission will qualify as a preliminary plat, and to assure that subdivision review and PUD zoning review occur simultaneously.

D. Planned Unit Written Statement

1. A written statement, ten (10) copies of which must be submitted with the preliminary site plan, must contain the following information:

- i. Copies of any special agreements, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common parks or open space.
- ii. A statement of the present ownership and legal description of all the land included in the planned unit.
- iii. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives.
- iv. A development schedule including phasing plan indicating the approximate date when construction of the planned unit or stages of the planned unit can be expected to begin and be completed.

2. Quantitative data to include:

- i. Number and types of dwelling units
- ii. Parcel size
- iii. Lot coverage of buildings and structures
- iv. Maximum height of structures
- v. Dwelling unit density per acre
- vi. Amount of open space
- vii. Amount of useable open space
- viii. Amount, if any, of floodplain or floodway area
- ix. Floor area size of proposed buildings
- x. Length of dedicated trails or pedestrian walkways through the site
- xi. Amount of total landscaped area

E. Review And Approval

- 1. The zoning commission and planning board shall follow the City of Conrad laws pertaining to public notice and public hearing. All action by these boards shall occur within sixty (60) days after the meeting at which the preliminary application for the PUD is submitted.
- 2. The city council shall approve or deny all planned unit applications referred to it by the zoning commission. The city council shall within sixty (60) days of the referral or within such time as is mutually agreed to by the board and the applicant, either grant the application in whole or part, with or without modifications and conditions, or deny the application.
- 3. Whenever notice is required for a public hearing before the zoning commission, planning board or the city council for the purpose of considering a planned unit application, such notice must be published in a newspaper of general circulation at least fifteen (15) days prior to such hearing. Such notice shall give the time, date and place of

the hearing and give a brief summary or explanation of the proposed planned unit and its location.

4. All approved site plans, special agreements, restrictions, covenants, including any modifications or conditions shall be endorsed by the city council. The applicant shall file the approved final plat and planned unit site plan and such other agreements, etc., with the city clerk. Thereafter, no building or structure shall be erected and no land used for any purpose other than shown on the officially recorded planned unit site plan or in accordance with any condition(s) required thereon.
5. If special improvements as designated in the application are not completed, then and in that event the city shall be authorized to provide for the installation of said improvements. The installation of said improvements shall be paid for by utilization of the special assessment process, and the developer so involved shall, as a part of the agreement waive any rights he might otherwise have to protest said special assessments.
6. Once a planned unit has been approved by the city council, the zoning coordinator shall indicate on the official map, and in the zoning record book, that an amendment for a planned unit has been granted for the tract(s) included in the approved site plan. Such zoning map change alone does not constitute recording of a plat nor authorize issuance of building permits. If no final plat or planned unit site plan is filed, pursuant to subsection A5d of this section, all zoning approvals become null and void. Upon evidence that the developer has abandoned the PUD project, the land shall return to its original zoning district designation.

F. Conclusions And Findings

1. When the zoning commission, planning board or the city council either grants an application in whole or in part, with or without modifications, or denies an application, its decision shall be in the form of a written opinion setting forth any conclusions and findings of fact related to the specific application; and shall set forth why and in what manner the application is or is not consistent with the requirements and criteria set forth in this title.

10-11-4 ADJUSTMENTS

A. Minor Adjustments

1. Minor adjustments may be made and approved by the city when a building permit is issued. Minor adjustments are those changes which may affect the precise dimension of buildings and the siting of buildings, but which does not affect the basic character or arrangement of buildings, the density of the development or the open space requirement.

B. Major Adjustments

1. Major adjustments are those which in the opinion of the city substantially alter the basic design, density or open space requirements of the PUD. When in the opinion of the city such change constitutes a major adjustment, no building permit shall be issued without a review and approval by the city planning board, zoning commission and city council.

Chapter 12

10-12 PARKING AND LOADING STANDARDS

The intent is to avoid the hazards to traffic and to pedestrians and the congestion of streets, it is required that spaces in the form of off street loading and parking areas be provided on the same lot as the building and that such spaces be adequate in size and number to provide the service and area needed without affecting the other adjacent properties.

10-12-1 OFF STREET PARKING DESIGN STANDARDS

- A. Accessory off street parking required for the uses specified herein shall be for use only by employees, customers and residents of the activity served.
- B. Off street parking requirements shall be met on the same lot as the building served or on a lot within four hundred feet (400') especially reserved for such uses, except that off street parking facilities for separate uses may be provided collectively on a single lot, or providing that upon approval by the board of adjustment, separate uses for nonconcurrent parking demand may utilize a common off street parking facility to fulfill parking area requirements, If the spaces are not less than the total requirements of the separate uses and provided that other requirements are met.
- C. A full size off street parking space shall be at least nine feet (9') in width and at least eighteen feet (18') in length with vertical clearance of at least seven feet (7').
- D. A compact parking space shall be at least eight feet (8') in width and at least sixteen feet (16') in length with vertical clearance of at least seven feet (7'). A maximum of thirty percent (30%) of required parking spaces may be provided by compact off street parking spaces.
- E. Drive aisles must conform to the minimum drive aisle width; however the fire chief may request a larger width to safely serve the use for fire protection.

Parking Angle	Drive Aisle Width One Way	Drive Aisle Width Two Way
30°	13 feet	21 feet
45°	13 feet	21 feet
60°	16 feet	21 feet
75°	16 feet	24 feet
90°	18 feet	24 feet

- F. All permanent off street parking spaces and access areas shall be improved with a minimum of two inches (2") of AC paving on a suitable base of at least four inches (4") of crushed gravel or comparable section of Portland cement.
- G. Any surface parking area built to serve any commercial or industrial use with ten (10) or more parking spaces shall be effectively screened by a wall, fence or landscaping from abutting property zoned residential, R-1, R-2 or MH-1.
- H. No lighting used to illuminate a parking area shall face, or have its light source directly visible from any residential property in any district nor shall lighting infringe upon a neighboring

property. The board of adjustment can request to have lighting changed or removed if it impacts adjacent properties.

- I. Any use having more than three thousand square feet (3,000') of required permanent parking shall have two percent (2%) of the gross required parking area landscaped with trees and shrubs having a low profile.
- J. For every one-hundred linear feet (100') of parking, there shall be a minimum of a thirty square foot (30') landscaped island.
- K. If the occupancy of an existing building changes and the parking requirements of this chapter cannot be met for the new use, the owner of the building shall be required to obtain a parking variance from the board of adjustment before building and/or occupancy permits will be issued.
- L. Whenever a structure is erected, converted; or structure is erected, converted or structurally altered for any use in any district, there shall be provided accessible off street parking on the same lot or adjacent lot or block.
- M. Upon application for a building permit, a site plan for parking areas shall be supplied, which assures proper circulation in terms of safety, convenience, separation and screening.

10-12-2 OFF STREET PARKING REQUIREMENTS

For any other use not specifically mentioned or provided for, the building inspector shall determine the standards to be applied for parking, using this as a guide for the listed uses which most closely resembles the use provided.

Use	Minimum Number of Spaces Required
Automobile repair or service station	2 spaces per service stall
Banks, businesses or professional offices	1 space per 400 square feet of gross floor space
Boarding/lodging house	1 space per person for approved capacity
Bowling alleys/billiards	4 spaces per lane/2 spaces per billiard table
Car sales lot	1 space per 20 outdoor vehicle display sites
Churches religious uses	1 space per 6 seats of the main meeting area
Daycare/nursery	1 space per staff plus 1 space per 12 children
Dwellings	
Single Family	2 spaces
Two-Family	2 spaces per dwelling unit
Multifamily (up to 4 units)	1.5 spaces per dwelling unit
Multifamily (5 or more units)	1.25 spaces per dwelling unit
Group home	1 space per person for approved capacity
Gym or health club	1 space per 300 square feet of gross floor space
Home occupations	1 space in addition to required spaces
Hospitals	1 space per 2 beds plus 1 space per doctor
Hotels/motels	1 space for each room plus 1 space per 2 staff
Light manufacturing	1 space per 1,000 square feet of gross floor space
Manufacturing/industrial	1 space per 1,500 square feet of gross floor space
Medical clinic (dentist, outpatient care, etc)	1 space per staff plus 1 space per 4 doctors
Mobile/manufactured homes	2 spaces per mobile/manufactured home
Nursing home/assisted living	1 space per 3 beds plus 1 space daytime staff

Restaurants, cafes, bars, dining rooms	1 space per 75 square feet of gross floor space
Retail stores	1 space per 300 square feet of gross floor space
Schools	
Elementary	1.5 spaces per classroom plus 1 space per 2 staff
Junior high	2 spaces per classroom plus 1 space per staff
Secondary	1.5 spaces per 4 students plus 1 space per staff
Theater/auditorium	1 space per 4 seats
Warehouse or wholesale	1 space per 1,000 square feet of gross floor space

10-12-3 OFF STREET LOADING DESIGN AND REQUIREMENTS

- A. On any lot abutting any alley or having access to two (2) or more streets, at least one off street loading space shall be provided and maintained for every building or part thereof occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, mortuary, hospital, laundry, dry cleaning establishment or other use similarly requiring the receipt or distribution by vehicles of materials or merchandise.
- B. One additional loading space shall be provided for each ten thousand (10,000) square feet of gross floor space so used in excess of ten thousand (10,000) square feet regardless of use.
- C. Such space may occupy all or any part of any required rear yard. No such space shall be located closer than fifty feet (50') to any other lot in any residential zone unless wholly within a completely enclosed building or enclosed on all sides by a solid fence or wall not less than six feet (6') in height.
- D. No loading space shall be less than ten feet (10') in width, thirty feet (30') in length and fourteen feet (14') in height.