

Miles City Zoning Commission
P.O. Box 910
Miles City, MT 89301

February 4, 2013

Mayor Grenz and City Council:

RE: ZC 2011--01, Zone Changes to Allow Upper Story Apartments and Various Updates for Clarification for Consistency with Current Practice or Revised Code

The Miles City Zoning Commission conducted its public hearing on December 13, 2012 to consider various city-wide updates the involves the creation of a new zoning district giving more flexibility for historic buildings and other general changes to add clarification, reflect current staff/department change or meet changes in State statute.

After reviewing comments from the hearing, the Zoning Commission recommends approval of file number ZC 2011-01.

Please schedule this for review by the City Council at your earliest convenience.

Respectfully submitted,



Amber Trenka, Chairman
Miles City Zoning Commission



ORDINANCE NO. 1252

AN ORDINANCE AMENDING SECTIONS 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, and 24-71 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA TO CONFORM TO CHANGES IN MONTANA STATUTE.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 24-4 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-4. - Purpose of chapter; interpretation of chapter.

(a) Such regulations shall be made in accordance with a comprehensive plan ~~the growth policy~~ and design to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote public health, public safety, and the general welfare; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall take into consideration the reasonable provisions of adequate light and air; the effect of regulations on motorized and nonmotorized transportation systems; ~~be made with reasonable consideration, among other things,~~ to the character of the district and its peculiar suitability for the particular uses, and with the a view of conservation of ~~ing~~ the value of buildings and to encourage encouraging the most appropriate use of land throughout the zoning jurisdiction.

(b) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and are to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, the intensity of the use of lot areas, the height and size of buildings, the area of yards, courts and other open spaces, and the areas where mobile homes may be parked, establishing the boundaries and districts for the said purposes. This chapter sets forth the powers of the city council to accomplish such purposes, prescribing the procedure for change of regulations, restrictions and boundaries, providing for zoning powers and duties, and providing for appeals from the board of adjustment, providing this chapter is not to affect buildings under existing permits, with certain limitations, providing procedures in case of noncompliance with this chapter, and prescribing penalties for the violation of its provisions.

(c) It is not intended by this chapter to interfere with or abrogate or annul rules or permits previously adopted or issued according to the law relating to the use of buildings or premises, nor to interfere with, abrogate or annul any easement, covenants or agreements

between parties; provided, however, that where this chapter imposes greater restrictions as to use, or requires larger open spaces or less height than required by such rules or permits or by easements, covenants or agreements, the provisions of this chapter shall control."

Section 2. Section 24-5 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

"Sec. 24-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" includes the word "structure," and the word "lot" includes the words "plot" and "parcel"; the word "signature" includes the word "mark" when the person cannot write. The word "shall" is mandatory; the word "may" is permissive.

Accessory building means a subordinate building or portion of the main building which is located on the lot occupied by the main building, and the use of which is clearly incidental to the use of the main building.

Accessory Use means a use occurring on the same lot either in the same building or in a separate accessory structure which is clearly incidental to the primary allowed use.

Alley means a public thoroughfare not over 20 feet wide *providing a secondary access to abutting lots and not designed for general traffic circulation.*

Animal rescue shelter means a facility in which dogs, cats, or both, that have been abandoned, strayed, removed by judicial proceedings, or have been voluntarily surrendered are housed and cared for pending return to the lawful owner, placement for adoption, or euthanasia by humane means.

Appearance review. The board of adjustment may provide for a review of any new building or alteration at the request of the building inspector in regard to compatibility of external design with existing structures and location with respect to topography and finished grade elevation.

Bed and breakfast. A single household which remains owner-occupied at all times, providing from one to no more than six guest rooms for compensation, and where food service may be served to overnight guests only. The exterior appearance of the building shall not be altered from its single-family appearance.

Block means the property fronting on one side of any street, avenue or boulevard between the two nearest of any of the following, intersecting such street, avenue or boulevard: street, avenue, boulevard, park, waterway or railroad right-of-way.

Board of adjustment means the body authorized by the city council

to hear appeals on the enforcement of the provisions of this chapter and to grant variances *to any provision of this chapter.* 7

Boardinghouse means a building or premises where meals are served for compensation for five or more persons, but not exceeding 20 persons.

Building means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

Building height means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the finished lot grade at the front of a building and ridge of a gable, hip or gambrel roof.

Certification of zoning compliance means a certificate stating compliance with zoning district regulations.

Clear site triangle means a triangle area formed by the intersection of curblines and a straight line joining said curblines at points which are 30 feet distant from the point of intersection, measured along said curblines. If curb does not exist, the city engineer will designate such lines.

Conditional use means any use for which the zoning commission shall set specific conditions, all of which must be met prior to the approval of said use in the district.

Corner lot means a lot situated at the junction of and fronting on two or more streets, and having a width and depth as shown on the plot. Its width dimension is its front and its depth dimension its side, for the purpose of this chapter. Where there is doubt or dispute on this point, the decision of the building inspector shall control.

Curb level means the level established for the curb in front of a building, measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent for the purpose of this chapter.

Depth of lot means the mean horizontal distance between the front and the rear lot lines.

District means a section or sections of the city and the designated area for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Dwelling, high-rise means a dwelling, including a multi-family dwelling, that is three stories or more in height.

Dwelling, mobile home or mobile home means any dwelling unit larger than 256 square feet in area which is either wholly or in substantial part manufactured at an offsite location, and any

movable or portable dwelling over 32 feet in length and over eight feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

Dwelling, multifamily means a residential building designed for and occupied exclusively by more than two families.

Dwelling, single-family means a detached residential living unit, other than a mobile home, designed for and occupied by one family.

Dwelling, two-family means a residential building designed for and occupied exclusively by two families.

Easement means a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds the title to the land.

Existing structure means any structure in place prior to *July 12, 2011*, the passage of this ordinance ~~1222~~.

Family means one or more persons occupying the premises and living as a single housekeeping unit.

Floodway means the channel of a stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half foot.

Front street means the street parallel to the alley. In those blocks with a "T" alley, the longer length of alley shall be the alley referred to.

Frontage means front yards of buildings which are so placed that a front yard is entirely unoccupied by any building or part thereof having a depth of not less than 25 feet; in blocks where buildings have already been erected having a front yard of less than 25 feet, the depth of the front yard for any new building may be equal to the depth of the nearest adjacent building, provided that no front yard shall have a depth of less than 15 feet, and provided, further, that the front yard for all buildings on corner lots shall not be less than 25 feet deep.

Hotel means a building or premises where lodging is provided, with or without food, and open to transient guests.

Improvements means street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.

Interior or inside lot means a lot other than a corner lot.

Junkyard means a tract of land or structure, or part thereof, used primarily for the collecting, storage and sale of scrap or discarded material, or for the collecting, dismantling or storing and salvage of machinery or vehicles not in running order or for the sale of parts thereof.

Living unit means a residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Lodging house means a building or premises where lodging is provided for compensation for five or more persons, but not exceeding 20 persons.

Lot means land occupied or to be occupied by one building and accessory buildings and uses and including open spaces required under this chapter. A lot may be land recorded as such on the records of the county clerk and recorder.

Lot, depth of means the mean horizontal distance between the front and rear lot lines.

Lot frontage. The front of a lot shall be construed to be the portion nearest the street facing the narrow width of the lot. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot lines means the lines bounding a lot as defined in this section.

Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Mobile Home See definition for Dwelling, Mobile Home.

Mobile home district means the areas designated by the city council on the district zoning map for development of mobile home residential dwelling units.

Mobile home park means a tract of land designed and developed to accommodate two or more mobile homes, each occupying a portion of the site on a purchase, lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy. Such parks are regulated by the Montana Subdivision and Platting Act.

Motor vehicle means any vehicle requiring a motor vehicle license by the state.

Nonconforming use means a use of a building or premises that does not conform with the regulations of the use district in which it is situated.

Permitted use means any use which complies with the requirements of a zoning district.

Plat means any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.

Private garage or carport. A private garage or carport is one which is accessory to a building used for private residential purposes, single-family, multiple-family or apartment, as those terms are used and defined in this chapter. If it is a multiple-family dwelling for more than three families, or an apartment house, it may have a garage of not more than one-car capacity for each family. No business of any kind or character shall be conducted or carried on in a private garage or carport.

Public garage means any garage not included within the definition of a private garage.

Public utility means any business which furnishes the general public with telephone service, telegraph service, electricity, natural gas or water; and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

Residential districts means the areas designated by the city council on the district zoning map for development of residential dwelling units.

Retail business means a business engaged in the selling of merchandise.

Right-of-way means the area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.

Setback means the line within a property defining the required minimum distance between any structure or use and the adjacent right-of-way or property line of any lot.

Street means a way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road or court on the official records and maps.

(1) Arterial streets and highways means those which are primarily for fast or heavy traffic.

(2) Collector streets means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

(3) Marginal access streets means minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

(4) Minor streets means those which are used primarily for access to abutting property.

Structural alterations means any change in the supporting members of a building such as bearing walls, partitions, columns, beams or

girders, excepting such alterations as may be required for the safety of the building (building permit regulations).

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground.

Subdivision means a division of land so divided, which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed, and shall include any resubdivision, and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles or mobile homes. A subdivision shall comprise only those parcels less than 20 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels, whether contiguous or not; provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the act.

Townhouse development means a multiple-unit residential structure with each unit under independent ownership, and where the owner of each unit also owns the parcel of land upon which the unit is situated and may own the front and/or rear yard adjoining the unit, and the owner of an end unit may own the side yard adjoining such unit. Each unit shall be provided with separate utility connections and shall be provided with at least two separate and private outdoor access doors.

Tract means a plot, piece or parcel of land, other than a lot, which is recorded in the office of the clerk and recorder of the county.

Use means the specific purpose for which land or a building is used.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this chapter would result in unnecessary and undue hardship.

Vehicle. See Motor vehicle.

Yard means a space on the same lot with the principal building or structure, open, unoccupied and unobstructed by buildings or structures from the ground upward.

- (1) Yard, front means a yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the front lot line and the front building line.
- (2) Yard, rear means a yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the rear lot line and the rear of the principal building.
- (3) Yard, interior means a yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the

least distance from the side lot line.

Zoning commission means the body appointed by the city council pursuant to state law, recommending zoning boundaries, appropriate regulations and changes thereto.

Zoning district map means the map showing the zoning districts of the city officially adopted by the city council.”

Section 3. Section 24-7 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-7. - Same—Application.

The application shall include:

- (1) Name and address of applicant.
- (2) Date of application.
- (3) The applicant’s statement of interest.
- (4) The present zoning district designation and the proposed designation.
- (5) Names and addresses of property owners who are within 150 feet, excluding the width of the streets, of the property for which the zoning district boundary change is being requested.
- (6) A fee of ~~\$200.00~~ *adopted by Council* to cover the costs of clerical work, advertising, posting of notices, publication, and other administrative expenses, shall be deposited with the city clerk. The money collected from this source will be deposited in the general fund.”

Section 4. Section 24-8 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-8. - Same—Hearing; recommendation to council.

- (a) The applicant shall file the application with the *Planning Department*~~city clerk~~.
- (b) The *Planning Department*~~city clerk~~ shall present the application to the city zoning commission.
- (c) The city zoning commission shall hold a public hearing and set a time, place and date for such public hearing.
 - (1) The *Planning Department*~~city clerk~~ shall notify the applicant of the hearing.
 - (2) Notice of the hearing shall be published at least ~~ten~~ *fifteen (15)* days prior to said hearing in the official newspaper of the city.
 - (3) Notice of the hearing shall be sent to the adjacent property owners and may be posted on the affected site.
- (d) Following the public hearing, the zoning commission shall submit its recommendations concerning the proposed amendment to the city council.
- (e) Upon receipt of the zoning commission’s recommendations, the city council shall set a hearing date for the proposed amendment.
 - (1) The city clerk shall notify the applicant of the hearing.

(2) Notice of the hearing shall be published at least ~~fifteen (15)~~ ten days prior to said hearing in the official newspaper of the city.

(3) Notice of the hearing shall be sent to the adjacent property owners and may be posted on the affected site.

Section 5. Section 24-16 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-16. - Mobile homes—Building permit required.

All persons placing ~~trailers and/or~~ mobile homes within the jurisdiction of this chapter, whether they are renting or leasing or they own the lot or site on which the mobile home is to be parked, shall apply for a building permit at city hall.”

Section 6. Section 24-18 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-18. - Maximum height of fences and hedges; projecting tree branches or shrubbery.

(a) No fence, hedge or other visual obstruction exceeding three feet in height measured from the street grade shall be constructed ~~in the front yard of any residential district or mobile home park district. in the front yard and no fence, hedge or other visual obstruction exceeding three feet in height shall be constructed in the front or side yard if the lot is situated on a corner. For corner lots in the same districts where there are two street frontages, the side yard adjacent to the street shall have the same restrictions.~~

(b) It shall be unlawful for the owner or occupant of any premises within the city to suffer or permit any branches of any trees, bushes, shrubs or shrubbery to project over any sidewalk or street at a height less than eight feet.”

Section 7. Section 24-46 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-46. - Zoning district map adopted.

The designation, location and boundaries of zoning districts established under this code shall be shown and depicted on a map. A certain document, three copies of which are on file in the office of the city clerk, designated as the Miles City Zoning District Map, which is hereby adopted by reference. The map and all notations, references and other information shown thereon shall be as much as part of this chapter as if the information set forth by such map was fully set forth in this section and shall be kept on display in the City Engineering Office.”

Section 8. Section 24-47 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-47. - Districts established.

(a) For the purpose of classifying, regulating, and defining uses that are appropriately located the following Zoning Districts are established as follows:

District	Short Title
A Residential District	A
B Residential District	B
Mobile Home-Residential District	MH-A
Mobile Home District	MH-B
Mobile Home Park District	MH-C
General Commercial District	GC
Local Commercial District	LC
Heavy Commercial District	HC
Industrial District	I
Open Space District	OS
Semi-Rural District	SR
Agriculture District	AG
Medical Campus District	MC
C Residential District	C
Light Industrial District	LI
Downtown Mixed Use District	DMU

The districts listed in this section and their boundaries are shown upon a map on display in the office of the city clerk and the city engineering office, being designated as the Miles City Zoning District Map.

(b) No building shall be erected, altered or used in a manner that does not conform with the regulations prescribed for the use district in which it located. "

Section 9. Section 24-50 of the Code of Ordinances of the City of Miles City, Montana shall be repealed.

~~"Sec. 24-50. Use district map adopted:~~

~~A certain document, one copy of which is on file in the office of the city clerk, and one copy of which is on file in the office of the building inspector, designated as the Miles City Use District Map, is hereby adopted by reference. The map and all notations, references and other information shown thereon shall be as much a part of this chapter as if the information set forth by such map was fully set forth in this section."~~

Section 10. Section 24-51 of the Code of Ordinances of the City of Miles City, Montana shall be repealed.

~~"Sec. 24-51. Use districts established:~~

~~(a) For the purpose of classifying, regulating and restricting the location of trades and industries and the location of buildings designed for specific uses, the city is hereby divided into the following classes of use districts:~~

A Residential District	A
B Residential District	B
Mobile Home-Residential District	MH-A
Mobile Home District	MH-B
Mobile Home Park District	MH-C

General Commercial District	GC
Local Commercial District	LC
Heavy Commercial District	HC
Industrial District	I
Open Space District	OS
Semi-Rural District	SR
Agriculture District	AG
Medical Campus District	MC

~~(b) No building shall be erected, altered or used and no premises shall be used for any purposes except in conformity with all the regulations prescribed in this article for the use district in which such building or premises is located.~~

Section II. Section 24-53 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-53. - A residential district.

- (a) Intent. It is the intent of the A district regulations to provide for low-density residential use.
- (b) Permitted uses.
 - (1) Single-family dwellings.
 - (2) Multifamily dwellings not in excess of four families.
 - (3) Townhouse dwelling units not in excess of four families.
 - (4) Public schools.
 - (5) Public parks, buildings and playgrounds.
 - (6) Churches.
 - (7) Home occupations as per this chapter.
 - (8) Accessory uses.
 - (9) Bed and breakfast.
 - (10) Animal rescue shelters per subsection 24-21(b) of this chapter.
- (c) District regulations for single-family dwelling.
 - (1) Minimum lot size.
 - a. Minimum width: 50 feet.
 - b. Minimum area: 5,500 square feet.
 - (2) Setback requirements.
 - a. Minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of eight feet from the structure to the side interior lot line.
 - (3) Minimum open area: 750 square feet of open area, excluding parking area for parking requirement.
 - (4) Motor vehicle parking.
 - a. Motor vehicle parking shall be permitted on setbacks and yards.
 - b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit. This includes one-half offstreet parking place for guest parking.
- (d) District regulations for duplex.

- (1) Minimum lot size (except for townhouse developments).
 - a. Minimum width: 50 feet.
 - b. Minimum area: 6,000 square feet.
 - (2) Setback requirements.
 - a. Minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of eight feet from the structure to the side interior lot line.
 - (3) Minimum open area: 1,000 square feet of open area, excluding parking area requirement.
 - (4) Motor vehicle parking.
 - a. Motor vehicle parking shall be permitted on setbacks and yards.
 - b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of seven spaces per duplex. This includes one-half offstreet parking place per dwelling unit for guest parking.
- (e) District regulations for three-plex.
- (1) Minimum lot size.
 - a. Minimum width: 75 feet.
 - b. Minimum area: 9,000 square feet.
 - (2) Setback requirements.
 - a. Minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of 12 feet from the structure to the side interior lot line.
 - (3) Minimum open area: 1,500 square feet of open area, excluding parking area requirement.
 - (4) Motor vehicle parking.
 - a. Motor vehicle parking shall be permitted on setbacks and yards.
 - b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of 10½ spaces per three-plex. This includes one-half offstreet parking place per dwelling unit for guest parking.
 - (5) Site plan approval. The site plan will be reviewed and approved by the *City Planning Board*~~city-county-planning board~~ for the proper site.
- (f) District regulations for four-plex.
- (1) Minimum lot size.
 - a. Minimum width: 100 feet.
 - b. Minimum area: 12,000 square feet.
 - (2) Setback requirements.
 - a. A minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of 12 feet from the structure to the side interior lot line.

- (3) Minimum open area: 2,000 square feet of open area, excluding parking area requirement.
- (4) Motor vehicle parking.
 - a. Motor vehicle parking shall be permitted on setbacks and yards.
 - b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of 14 spaces per four-plex. This includes one-half offstreet parking place per dwelling unit for guest parking.
- (5) Site plan approval. The site plan will be reviewed and approved by the city-county planning board for the proper site.”

Section 12. Section 24-54 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-54. - B residential district.

- (a) Permitted uses.
 - (1) Multifamily dwellings and condominiums not in excess of an eight-plex.
 - (2) Single-family dwellings.
 - (3) Public schools.
 - (4) Public parks, buildings and playgrounds.
 - (5) Churches.
 - (6) Home occupations as per this chapter.
 - (7) Accessory uses.
 - (8) Townhouse developments not in excess of an eight-plex: regulations governing the development of townhouses are set forth at section 24-58 of this chapter.
 - (9) Animal rescue shelters per subsection 24-21(b) of this chapter.
- (b) District regulations, except townhouse development.
 - (1) Minimum lot size.
 - a. Minimum width: 50 feet.
 - b. Minimum area: 5,500 square feet.
 - (2) Setback requirements.
 - a. Minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of eight feet from the structure line to the side interior lot line.
 - (3) Maximum height requirements. Maximum height of 38 feet, not to exceed three stories. Variances of up to five feet may be granted by the building inspector so long as the general character of the district is maintained.
 - (4) Motor vehicle parking.
 - a. Three offstreet parking places shall be provided and retained for each dwelling unit.
 - b. One-half offstreet parking place shall be provided and retained for guest parking per dwelling unit.
 - (5) Site plan review. The site plan for each multifamily project in excess of a duplex shall be reviewed and approved by the *City Planning Board* ~~city-county-planning-board~~ for proper site development prior to the issuance of a building permit.
 - (6) Single-family dwelling.
 - a. Minimum lot size.

1. Minimum width: 50 feet.
 2. Minimum area: 5,500 square feet.
 - b. Minimum open area: 500 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking spaces shall be provided for each dwelling unit. This includes one-half offstreet parking place for guest parking.
- (7) Duplex.
- a. Minimum lot size.
 1. Minimum width: 50 feet.
 2. Minimum area: 5,500 square feet.
 - b. Minimum open area: 750 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit for a total of seven spaces per duplex. This includes one-half offstreet parking place for guest parking.
- (8) Three-plex.
- a. Minimum lot size.
 1. Minimum width: 75 feet.
 2. Minimum area: 7,200 square feet.
 - b. Minimum open area: 1,000 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit for a total of 10½ spaces per three-plex. This includes one-half offstreet parking place for guest parking.
- (9) Four-plex.
- a. Minimum lot size.
 1. Minimum width: 75 feet.
 2. Minimum area: 8,900 square feet.
 - b. Minimum open area: 1,250 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 14 spaces per four-plex. This includes one-half offstreet parking place for guest parking.
- (10) Five-plex.
- a. Minimum lot size.
 1. Minimum width: 100 feet.
 2. Minimum area: 10,600 square feet.
 - b. Minimum open area: 1,500 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 17½ spaces per five-plex. This includes one-half offstreet parking place for guest parking.
- (11) Six-plex.
- a. Minimum lot size.
 1. Minimum width: 100 feet.
 2. Minimum area: 12,300 square feet.
 - b. Minimum open area: 1,750 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 21 spaces per six-plex. This includes one-half offstreet parking place for guest parking.
- (12) Seven-plex.
- a. Minimum lot size.
 1. Minimum width: 125 feet.
 2. Minimum area: 14,000 square feet.
 - b. Minimum open area: 2,000 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 24½ spaces per seven-plex. This includes one-half offstreet parking place for guest parking.
- (13) Eight-plex.
- a. Minimum lot size.
 1. Minimum width: 125 feet.
 2. Minimum area: 15,700 square feet.
 - b. Minimum open area: 2,250 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 1. Motor vehicle parking shall be permitted on setbacks and yards.
 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 28 spaces per eight-plex. This includes one-half offstreet parking space for guest parking."

Section 13. Section 24-58 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-58. - General provisions affecting residential districts.

- (a) Signs. No nameplate exceeding one square foot in area is permitted, nor signs exceeding six square feet in area pertaining to the lease, hire or sale of a building or premises; except that bulletin boards not exceeding 12 square feet in area may be permitted on premises occupied by churches, temples, libraries, schools, colleges and playgrounds.

(b) Vacant lots. Vacant lots may be used for gardening, tennis courts, playgrounds and other recreational facilities only, and shall be kept free of all rubbish and/or garbage at all times. No business equipment or other large equipment shall be stored on vacant lots in residential zones; provided that other uses of vacant lots may be permitted by written authority from the city council with the continuing consent of the owners of 85 percent of the property within 150 feet of the lot or lots.

(c) Garages. Garages shall have the same setback requirements as residences, except for detached garages. Detached garages may be built in the rear yard to the interior lot line and to the alley easement line. Where detached garages face the alley, the garage shall not be closer than 25 feet from the opposite alley easement line. All detached garages must be at least ten feet from the residence and shall not exceed 1,200 square feet with sidewalls not to exceed ten feet in height. Garage roof slope must be similar to the residence. Garage exterior siding materials must be compatible with and similar to the residence. Garages shall be of pre-engineered or frame construction. A continuous open area of not less than ten percent of the total residential/garage building site area located from the rear lot line to the rear of the principal building shall be maintained. Garages that are not solely used for vehicle storage, residence and grounds maintenance, and other uses directly associated to the primary residential use shall be considered commercial or light industrial in nature and shall not be permitted in residential zones.

(d) Townhouse developments. It is the intent of this subsection to provide for townhouse developments which will be compatible with the residential character of zoning districts A, B and MH-A.

(1) Two-unit developments. A two-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 1,000 square feet of open space.
- c. Provide not less than 1,200 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 6,000 square feet.

(2) Three-unit developments. A three-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 1,500 square feet of open space.
- c. Provide not less than 1,800 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 6,460 square feet.

(3) Four-unit developments. A four-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 2,000 square feet of open space.

- c. Provide not less than 2,400 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 8,160 square feet.

(4) Five-unit developments. A five-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 2,500 square feet of open space.
- c. Provide not less than 3,000 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 9,860 feet.

(5) Six-unit developments. A six-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 3,000 square feet of open space.
- c. Provide not less than 3,600 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 11,560 square feet.

(6) Seven-unit developments. A seven-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 3,500 square feet of open space.
- c. Provide not less than 4,200 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 13,260 square feet.

(7) Eight-unit developments. An eight-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 4,000 square feet of open space.
- c. Provide not less than 4,800 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less

- than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 14,960 square feet.

(8) ~~Site plan review of townhouse developments. The City Planning Board shall require a site plan review of proposed townhouse developments. The City Planning Board shall make a recommendation to the city council based on the following criteria:~~

- a. Neighborhood character.
- b. Exterior treatment of building.
- c. Provision and treatment of open space.
- d. Provision of offstreet parking.
- e. Public utility adequacy for proposed development density.
- f. Access to existing and future structures.

(9) Site plan approval. The city council shall require a site plan review. The city council may approve, conditionally approve or disapprove the application for a building permit.”

Section 14. Section 24-59 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-59. - GC general commercial district.

(a) Intent. It is the intent of the GC district regulations to provide a general commercial district for those businesses and services which may require large storage space, may be open in the evenings, may generate large volumes of traffic, and are serving the extraordinary needs of the entire community.

(b) Permitted uses.

- (1) All general businesses and services.
- (2) Theaters, lodges and assembly facilities.
- (3) Churches.
- (4) Multifamily dwellings, except townhouse developments.
- (5) Multifamily dwellings in combination with uses listed in subsections (b)(1), (2) or (3) of this section.
- (6) Animal rescue shelters per subsection 24-21(b) of this chapter.

(c) District regulations.

- (1) Maximum height requirements. Height is not to exceed the limits of existing fire department equipment.
- (2) Setback requirements.
 - a. Buildings located within the business district may be built to the property lines, except where a commercial district and a residential district are adjacent to each other within a platted city block.
 - b. Where a commercial and a residential district are adjacent to each other within a platted city block, construction of commercial buildings shall maintain the applicable residential setbacks along the common boundary between zoning districts.
- (3) Bulk stations. No bulk stations for the storage of gasoline and other inflammables are allowed within the jurisdiction of this chapter unless they provide for underground storage of all such inflammables and the plans are first approved by the building

inspector and fire chief.

(4) Loading facilities. In the construction of any building in the business district, satisfactory facilities must be provided for loading and unloading stocks of merchandise, etc., at the rear entrance.

(5) Fire control. Buildings within fire limits must conform to the provisions of the fire limit ordinance.

(6) Parking for new construction.

a. On-premises parking shall be required for employees at a ratio of one space per employee. Further on-premises parking shall be provided which is reasonably adequate to take care of persons coming to the building in the course of business. Requirements for on-premises parking shall be waived for those parcels in a designated parking district in which offstreet parking is provided.

b. Requirements for on-premises parking shall be waived for those parcels in a parking district in which offstreet parking is provided.

(7) Site plan review. A review of the site plan by the *City Planning Board* ~~planning board~~ shall ~~may~~ be required prior to issuance of the building permit.

(8) Junkyards. Junkyards shall be approved by the city council. Junkyards shall be concealed from view.”

Section 15. Section 2-62 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-62. - Industrial district.

(a) Intent. It is the intent of the I district regulations to provide for the best location of industrial uses which would be incompatible with other uses in other zoning districts.

(b) Permitted uses. Any manufacturing, process, business or treatment use shall be permitted, provided it does not create or tend to create a nuisance and/or undue hazard to life and/or property. It shall be the duty of the building inspector, fire chief and city health officer to determine and recommend to the city council if any use or proposed use does or will tend to create such a nuisance or hazard.

(c) District regulations.

(1) Motor vehicle parking. Adequate parking shall be provided offstreet for all rolling equipment at a ratio of one-to-one, for visitors and customers at a ratio of one per management employee, and an offstreet space for 50 percent of employees.

(2) Site plan review. Review of the site plan shall ~~may~~ be required by the *City Planning Board* ~~city-county planning board~~ prior to issuance of the building permit.”

Section 16. Section 24-66 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-66. - MC medical campus district.

(a) Intent. It is the intent of the MC district regulations to provide a zoning district for medical services with residential buffers that will allow the development of a medical campus.

(b) Permitted uses.

- (1) Hospitals.
- (2) Nursing homes, including but not limited to assisted care and ambulatory care facilities.
- (3) Day care centers.
- (4) Medical clinics for human services, including but not limited to physicians, surgeons, psychologists and dental and optometrical clinics and offices.
- (5) Pharmaceutical stores.
- (6) Durable medical goods stores, including assembly.
- (7) Health and exercise establishments.
- (8) Medical diagnostic and research laboratories.
- (9) Dental laboratories.
- (10) Medical education facilities in conjunction with other permitted uses.
- (11) All uses allowed under residential A and conforming to section 24-53
- (12) All uses allowed under open spaces, except cemeteries.
- (13) All uses approved as part of the planned unit development.
- (c) District regulations.
 - (1) Parking for assisted and ambulatory care facilities.
 - a. Offstreet parking shall be required for employees at the ratio of one space per employee, based upon the maximum number of employees for the shift of maximum employment.
 - b. Additionally, 1½ offstreet parking spaces shall be applied per residential unit.
 - (2) Parking for other permitted uses.
 - a. Offstreet parking shall be required for employees at the ratio of one space per employee, based upon the maximum number of employees for the shift of maximum employment.
 - b. Further offstreet parking shall be provided which is reasonably adequate to take care of persons coming to the building in the course of business or visitation.
 - (3) Site plan review. The site plan will be reviewed and approved by the *City Planning Board* ~~city/county planning board~~ for the proper site development prior to the issuance of a building permit.”

Section 17. Section 2- 67 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-67. - C residential district.

- (a) Permitted uses.
 - (1) Multifamily dwellings, high-rise dwellings and condominiums in excess of an eight-plex.
 - (2) Parks, playgrounds, parking and open space areas.
 - (3) Accessory uses.
- (b) District regulations.
 - (1) Minimum lot size.
 - a. Minimum width: building width plus 20 feet.
 - b. Minimum area: 17,400 square feet for a nine units plus 1,700 square feet for each additional unit.
 - (2) Minimum open area: 2,500 square feet of open area, excluding parking area, for nine units plus 250 square feet for each additional

unit.

(3) Setback requirements.

- a. Frontages: 25 feet from the structure line to the property line.
- b. Rear yard: 20 feet from the structure line to the rear lot line, exclusive of a 20-foot alley/utility easement.
- c. Interior yard: ten feet from structure line to the side property line.
- d. High-rise structures adjacent to other zones shall increase setbacks by an additional eight feet per story.

(4) Maximum height requirements. Structure height shall not exceed 60 feet.

(5) Motor vehicle parking.

- a. Motor vehicle parking shall be permitted on setbacks and open space.
- b. Two and one-half vehicle parking spaces shall be provided for each unit.
- c. Parking of trailers, other motorized vehicles and other non-motorized vehicles or equipment shall not be permitted onsite.
- d. Parking shall not be permitted on green space or play grounds.

(6) Site plan review. The site plan shall be reviewed and approved by the City Planning Board for proper site development.”

Section 18. Section 2- 68 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-68. - LI light industrial district.

(a) Intent. It is the intent of the LI Light Industrial District regulations to provide lands suitable for light industrial type applications which may be in close proximity or adjacent to residential or other zoning districts.

(b) Permitted uses.

- (1) Manufacturing, fabrication, assembly process, or materials treatment that is conducted totally within an enclosed structure.
- (2) Open storage yards, building material yards, and warehousing.
- (3) Administrative space associated with a light industrial activity.
- (4) Light industrial activities which do not create or tend to create a nuisance, undue hazard to life or property, or detrimental environmental impacts.
- (5) Those services and businesses permitted under GC General Commercial except for churches, and multiple family dwellings.
- (6) Those services and businesses permitted under HC Heavy Commercial.

(c) District regulations.

- (1) Motor vehicle parking. Adequate off-street parking shall be provided for all rolling stock, all customers and visitors, all employees and management personnel present at any time, and for all freight deliveries and freight handling.
- (2) Utilities. Design of sanitary sewer and water service systems must meet the requirements of the service provider. Site drainage plans must be submitted for approval. Design of new private utility facilities must be submitted for approval.
- (3) Buffer zones. Buffer zones and screening shall be required to protect adjacent zones which may be negatively impact by the light

industrial activities.

(4) Site lighting. Security lights, parking lot lights and other site lighting must be designed so as to not encroach upon adjacent residential zones.

(5) Signage. Address or directional signs shall not exceed six feet in height and ten square feet in size. Business and advertising signs shall be limited to building face only. Post type or elevated signs shall not be permitted. Lighted signs shall be dimmed or turned off between the hours of 8:00 p.m. and 7:00 a.m. to reduce light pollution to adjacent residential zones.

(6) Traffic control. Industrial or business activities that generate traffic counts in excess of 100 vehicle trips per 24-hour period or that will generate semi-truck or heavy equipment traffic must submit a traffic analysis and traffic plan. Semi-truck or heavy equipment traffic shall not be permitted to create conflict with existing traffic ways with adjacent residential zoning districts.

(7) Materials and refuse control. Garbage, refuse, raw materials, manufacturing byproducts, finished products and excess materials shall be screened from view of adjacent zoning districts and maintained in an orderly manner.

(8) Site plan review. Review of the site plan by the *City Planning Board* ~~planning board~~ is required prior to the commencement of construction or site development.”

Section 19. Section 2- 70 of the Code of Ordinances of the City of Miles City, Montana shall read as follows:

“-Sec. 24-70. - HMU Historic Mixed Use District.-

(a) Intent. It is the intent of the Historic Mixed Use District regulations to maintain the existing ground floor storefronts to the degree possible and provide land suitable for residential, office and retail uses to occur either independently in a sperate structure or together with the same structure, and to add to the range of uses historic buildings can have in order to allow for adaptive reuse.

(b) Permitted uses:

(1) Office.

(2) Retail use.

(3) Residential units above the ground floor.

(4) Residential units on the ground floor; for those buildings fronting Main Street the residential space must be in the rear of the storefront and shall not exceed one-third of the total gross square footage of that floor.

(5) Except for those buildings fronting Main Street, multifamily dwellings in existing historic buildings.

(6) Hotels

(7) Theaters, lodges, and assembly facilities.

(c) District Regulations:

(1) Maximum Height. Height shall not exceed 40 feet.

(2) Setback Requirements. Buildings may be built to the property lines.

(3) Loading Facilities. New construction of a commercial building shall provide for Parking Requirements.

(4) Parking Requirements.

a. Existing uses shall be allowed to operate without the requirement for additional parking.

b. New commercial space shall provide one space per employee for the peak employee rate plus two (2) spaces per 1,000 net square feet.

c. New residential space shall provide parking at the rate of one space per unit.

d. Theaters, lodges, and assembly facilities will meet the requirements in Section 24-1.

(d) Site Plan Review. Prior to issuing a building permit for any new construction the City Planning Board must review the site plan. ”

Section 20. Section 2- 71 of the Code of Ordinances of the City of Miles City, Montana shall include the attached exhibit:

“Attached Exhibit “A” shall be incorporated herein”

Section 21. This amendment shall become effective thirty (30) days after its final passage.

Said ordinance read and put on its passage this 14th day of May, 2013.

C.A. Grenz, Mayor

ATTEST:

Connie Watts, Deputy City Clerk

**FINALLY PASSED AND ADOPTED BY THE AFFIRMATIVE VOTE OF
A MAJORITY OF THE MEMBERS OF THE CITY COUNCIL OF THE
CITY OF MILES CITY THIS 28TH DAY OF MAY, 2013.**

C.A. Grenz, Mayor

ATTEST:

Connie Watts, Deputy City Clerk

ORDINANCE NO. 1252

AN ORDINANCE AMENDING SECTIONS 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, and 24-71 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA TO CONFORM TO CHANGES IN MONTANA STATUTE.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 24-4 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-4. - Purpose of chapter; interpretation of chapter.

(a) Such regulations shall be made in accordance with the growth policy and design to secure safety from fire, and other dangers; to promote public health, public safety, and the general welfare; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall take into consideration the reasonable provisions of adequate light and air; the effect of regulations on motorized and nonmotorized transportation systems; the character of the district and its peculiar suitability for the particular uses, and the conservation of the value of buildings and to encourage the most appropriate use of land throughout the zoning jurisdiction.

(b) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and are to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, the intensity of the use of lot areas, the height and size of buildings, the area of yards, courts and other open spaces, and the areas where mobile homes may be parked, establishing the boundaries and districts for the said purposes. This chapter sets forth the powers of the city council to accomplish such purposes, prescribing the procedure for change of regulations, restrictions and boundaries, providing for zoning powers and duties, and providing for appeals from the board of adjustment, providing this chapter is not to affect buildings under existing permits, with certain limitations, providing procedures in case of noncompliance with this chapter, and prescribing penalties for the violation of its provisions.

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

Section 2. Section 24-5 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" includes the word "structure," and the word "lot" includes the words "plot" and "parcel"; the word "signature" includes the word "mark" when the person cannot write. The word "shall" is mandatory; the word "may" is permissive.

Accessory building means a subordinate building or portion of the main building which is located on the lot occupied by the main building, and the use of which is clearly incidental to the use of the main building.

Accessory Use means a use occurring on the same lot either in the same building or in a separate accessory structure which is clearly incidental to the primary allowed use.

Alley means a public thoroughfare not over 20 feet wide providing a secondary access to abutting lots and not designed for general traffic circulation.

Animal rescue shelter means a facility in which dogs, cats, or both, that have been abandoned, strayed, removed by judicial proceedings, or have been voluntarily surrendered are housed and cared for pending return to the lawful owner, placement for adoption, or euthanasia by humane means.

Appearance review. The board of adjustment may provide for a review of any new building or alteration at the request of the building inspector in regard to compatibility of external design with existing structures and location with respect to topography and finished grade elevation.

Bed and breakfast. A single household which remains owner-occupied at all times, providing from one to no more than six guest rooms for compensation, and where food service may be served to overnight guests only. The exterior appearance of the building shall not be altered from its single-family appearance.

Block means the property fronting on one side of any street, avenue or boulevard between the two nearest of any of the following, intersecting such street, avenue or boulevard: street, avenue, boulevard, park, waterway or railroad right-of-way.

Board of adjustment means the body authorized by the city council to hear appeals on the enforcement of the provisions of this chapter and to grant variances to any provision of this chapter.

Boardinghouse means a building or premises where meals are served for compensation for five or more persons, but not

exceeding 20 persons.

Building means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

Building height means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the finished lot grade at the front of a building and ridge of a gable, hip or gambrel roof.

Certification of zoning compliance means a certificate stating compliance with zoning district regulations.

Clear site triangle means a triangle area formed by the intersection of curblines and a straight line joining said curblines at points which are 30 feet distant from the point of intersection, measured along said curblines. If curb does not exist, the city engineer will designate such lines.

Conditional use means any use for which the zoning commission shall set specific conditions, all of which must be met prior to the approval of said use in the district.

Corner lot means a lot situated at the junction of and fronting on two or more streets, and having a width and depth as shown on the plot. Its width dimension is its front and its depth dimension its side, for the purpose of this chapter. Where there is doubt or dispute on this point, the decision of the building inspector shall control.

Curb level means the level established for the curb in front of a building, measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent for the purpose of this chapter.

Depth of lot means the mean horizontal distance between the front and the rear lot lines.

District means a section or sections of the city and the designated area for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Dwelling, high-rise means a dwelling, including a multi-family dwelling, that is three stories or more in height.

Dwelling, mobile home means any dwelling unit larger than 256 square feet in area which is either wholly or in substantial part manufactured at an offsite location, and any movable or portable dwelling over 32 feet in length and over eight feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or

more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

Dwelling, multifamily means a residential building designed for and occupied exclusively by more than two families.

Dwelling, single-family means a detached residential living unit, other than a mobile home, designed for and occupied by one family.

Dwelling, two-family means a residential building designed for and occupied exclusively by two families.

Easement means a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds the title to the land.

Existing structure means any structure in place prior to July 12, 2011.

Family means one or more persons occupying the premises and living as a single housekeeping unit.

Floodway means the channel of a stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half foot.

Front street means the street parallel to the alley. In those blocks with a "T" alley, the longer length of alley shall be the alley referred to.

Frontage means front yards of buildings which are so placed that a front yard is entirely unoccupied by any building or part thereof having a depth of not less than 25 feet; in blocks where buildings have already been erected having a front yard of less than 25 feet, the depth of the front yard for any new building may be equal to the depth of the nearest adjacent building, provided that no front yard shall have a depth of less than 15 feet, and provided, further, that the front yard for all buildings on corner lots shall not be less than 25 feet deep.

Hotel means a building or premises where lodging is provided, with or without food, and open to transient guests.

Improvements means street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.

Interior or inside lot means a lot other than a corner lot.

Junkyard means a tract of land or structure, or part thereof, used primarily for the collecting, storage and sale of scrap or discarded material, or for the collecting, dismantling or storing and salvage of machinery or vehicles not in running order or for the sale of

parts thereof.

Living unit means a residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Lodging house means a building or premises where lodging is provided for compensation for five or more persons, but not exceeding 20 persons.

Lot means land occupied or to be occupied by one building and accessory buildings and uses and including open spaces required under this chapter. A lot may be land recorded as such on the records of the county clerk and recorder.

Lot, depth of means the mean horizontal distance between the front and rear lot lines.

Lot frontage. The front of a lot shall be construed to be the portion nearest the street facing the narrow width of the lot. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot lines means the lines bounding a lot as defined in this section.

Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Mobile Home See definition for Dwelling, Mobile Home.

Mobile home district means the areas designated by the city council on the district zoning map for development of mobile home residential dwelling units.

Mobile home park means a tract of land designed and developed to accommodate two or more mobile homes, each occupying a portion of the site on a purchase, lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy. Such parks are regulated by the Montana Subdivision and Platting Act.

Motor vehicle means any vehicle requiring a motor vehicle license by the state.

Nonconforming use means a use of a building or premises that does not conform with the regulations of the use district in which it is situated.

Permitted use means any use which complies with the requirements of a zoning district.

Plat means any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.

Private garage or carport. A private garage or carport is one which is accessory to a building used for private residential purposes, single-family, multiple-family or apartment, as those terms are used and defined in this chapter. If it is a multiple-family dwelling for more than three families, or an apartment house, it may have a garage of not more than one-car capacity for each family. No business of any kind or character shall be conducted or carried on in a private garage or carport.

Public garage means any garage not included within the definition of a private garage.

Public utility means any business which furnishes the general public with telephone service, telegraph service, electricity, natural gas or water; and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

Residential districts means the areas designated by the city council on the district zoning map for development of residential dwelling units.

Retail business means a business engaged in the selling of merchandise.

Right-of-way means the area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.

Setback means the line within a property defining the required minimum distance between any structure or use and the adjacent right-of-way or property line of any lot.

Street means a way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road or court on the official records and maps.

(1) Arterial streets and highways means those which are primarily for fast or heavy traffic.

(2) Collector streets means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

(3) Marginal access streets means minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

(4) Minor streets means those which are used primarily for access to abutting property.

Structural alterations means any change in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building (building permit regulations).

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attached to

something having a permanent location on the ground.

Subdivision means a division of land so divided, which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed, and shall include any resubdivision, and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles or mobile homes. A subdivision shall comprise only those parcels less than 20 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels, whether contiguous or not; provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the act.

Townhouse development means a multiple-unit residential structure with each unit under independent ownership, and where the owner of each unit also owns the parcel of land upon which the unit is situated and may own the front and/or rear yard adjoining the unit, and the owner of an end unit may own the side yard adjoining such unit. Each unit shall be provided with separate utility connections and shall be provided with at least two separate and private outdoor access doors.

Tract means a plot, piece or parcel of land, other than a lot, which is recorded in the office of the clerk and recorder of the county.

Use means the specific purpose for which land or a building is used.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this chapter would result in unnecessary and undue hardship.

Vehicle. See Motor vehicle.

Yard means a space on the same lot with the principal building or structure, open, unoccupied and unobstructed by buildings or structures from the ground upward.

(1) Yard, front means a yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the front lot line and the front building line.

(2) Yard, rear means a yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the rear lot line and the rear of the principal building.

(3) Yard, interior means a yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the side lot line.

Zoning commission means the body appointed by the city council pursuant to state law, recommending zoning boundaries, appropriate regulations and changes thereto.

Zoning district map means the map showing the zoning districts of the city officially adopted by the city council.”

Section 3. Section 24-7 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-7. - Same—Application.

The application shall include:

- (1) Name and address of applicant.
- (2) Date of application.
- (3) The applicant's statement of interest.
- (4) The present zoning district designation and the proposed designation.
- (5) Names and addresses of property owners who are within 150 feet, excluding the width of the streets, of the property for which the zoning district boundary change is being requested.
- (6) A fee adopted by Council to cover the costs of clerical work, advertising, posting of notices, publication, and other administrative expenses, shall be deposited with the city clerk. The money collected from this source will be deposited in the general fund.”

Section 4. Section 24-8 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-8. - Same—Hearing; recommendation to council.

- (a) The applicant shall file the application with the Planning Department.
- (b) The Planning Department shall present the application to the city zoning commission.
- (c) The city zoning commission shall hold a public hearing and set a time, place and date for such public hearing.
 - (1) The Planning Department shall notify the applicant of the hearing.
 - (2) Notice of the hearing shall be published at least fifteen (15) days prior to said hearing in the official newspaper of the city.
 - (3) Notice of the hearing shall be sent to the adjacent property owners and may be posted on the affected site.
- (d) Following the public hearing, the zoning commission shall submit its recommendations concerning the proposed amendment to the city council.
- (e) Upon receipt of the zoning commission's recommendations, the city council shall set a hearing date for the proposed amendment.
 - (1) The city clerk shall notify the applicant of the hearing.
 - (2) Notice of the hearing shall be published at least fifteen (15) days prior to said hearing in the official newspaper of the city.
 - (3) Notice of the hearing shall be sent to the adjacent property owners and may be posted on the

affected site.

Section 5. Section 24-16 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-16. - Mobile homes—Building permit required.

All persons placing mobile homes within the jurisdiction of this chapter, whether they are renting or leasing or they own the lot or site on which the mobile home is to be parked, shall apply for a building permit at city hall.”

Section 6. Section 24-18 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-18. - Maximum height of fences and hedges; projecting tree branches or shrubbery.

(a) No fence, hedge or other visual obstruction exceeding three feet in height measured from the street grade shall be constructed in the front yard of any residential district or mobile home park district. For corner lots in the same districts where there are two street frontages, the side yard adjacent to the street shall have the same restrictions.

(b) It shall be unlawful for the owner or occupant of any premises within the city to suffer or permit any branches of any trees, bushes, shrubs or shrubbery to project over any sidewalk or street at a height less than eight feet.”

Section 7. Section 24-46 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-46. - Zoning district map adopted.

The designation, location and boundaries of zoning districts established under this code shall be shown and depicted on a map designated as the Miles City Zoning District Map, which is hereby adopted by reference. The map and all notations, references and other information shown thereon shall be as much as part of this chapter as if the information set forth by such map was fully set forth in this section and shall be kept on display in the City Engineering Office.”

Section 8. Section 24-47 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-47. - Districts established.

(a) For the purpose of classifying, regulating, and defining uses that are appropriately located the following Zoning Districts are established:

District	Short Title
A Residential District	A
B Residential District	B
Mobile Home-Residential District	MH-A

Mobile Home District	MH-B
Mobile Home Park District	MH-C
General Commercial District	GC
Local Commercial District	LC
Heavy Commercial District	HC
Industrial District	I
Open Space District	OS
Semi-Rural District	SR
Agriculture District	AG
Medical Campus District	MC
C Residential District	C
Light Industrial District	LI
Downtown Mixed Use District	HMU

(b) No building shall be erected, altered or used in a manner that does not conform with the regulations prescribed for the use district in which it located. "

Section 9. Section 24-50 of the Code of Ordinances of the City of Miles City, Montana shall be repealed.

Section 10. Section 24-51 of the Code of Ordinances of the City of Miles City, Montana shall be repealed.

Section 11. Section 24-53 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-53. - A residential district.

(a) Intent. It is the intent of the A district regulations to provide for low-density residential use.

(b) Permitted uses.

- (1) Single-family dwellings.
- (2) Multifamily dwellings not in excess of four families.
- (3) Townhouse dwelling units not in excess of four families.
- (4) Public schools.
- (5) Public parks, buildings and playgrounds.
- (6) Churches.
- (7) Home occupations as per this chapter.
- (8) Accessory uses.
- (9) Bed and breakfast.
- (10) Animal rescue shelters per subsection 24-21(b) of this chapter.

(c) District regulations for single-family dwelling.

- (1) Minimum lot size.
 - a. Minimum width: 50 feet.
 - b. Minimum area: 5,500 square feet.
- (2) Setback requirements.
 - a. Minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of eight feet from the structure

to the side interior lot line.

(3) Minimum open area: 750 square feet of open area, excluding parking area for parking requirement.

(4) Motor vehicle parking.

a. Motor vehicle parking shall be permitted on setbacks and yards.

b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit. This includes one-half offstreet parking place for guest parking.

(d) District regulations for duplex.

(1) Minimum lot size (except for townhouse developments).

a. Minimum width: 50 feet.

b. Minimum area: 6,000 square feet.

(2) Setback requirements.

a. Minimum of 25 feet from the structure line from all frontages.

b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.

c. Interior yard: Minimum of eight feet from the structure to the side interior lot line.

(3) Minimum open area: 1,000 square feet of open area, excluding parking area requirement.

(4) Motor vehicle parking.

a. Motor vehicle parking shall be permitted on setbacks and yards.

b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of seven spaces per duplex. This includes one-half offstreet parking place per dwelling unit for guest parking.

(e) District regulations for three-plex.

(1) Minimum lot size.

a. Minimum width: 75 feet.

b. Minimum area: 9,000 square feet.

(2) Setback requirements.

a. Minimum of 25 feet from the structure line from all frontages.

b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.

c. Interior yard: Minimum of 12 feet from the structure to the side interior lot line.

(3) Minimum open area: 1,500 square feet of open area, excluding parking area requirement.

(4) Motor vehicle parking.

a. Motor vehicle parking shall be permitted on setbacks and yards.

b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of 10½ spaces per three-plex. This includes one-half offstreet parking place per dwelling unit for guest parking.

(5) Site plan approval. The site plan will be reviewed and approved by the City Planning Board for the proper site.

(f) District regulations for four-plex.

(1) Minimum lot size.

a. Minimum width: 100 feet.

- b. Minimum area: 12,000 square feet.
- (2) Setback requirements.
 - a. A minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of 12 feet from the structure to the side interior lot line.
- (3) Minimum open area: 2,000 square feet of open area, excluding parking area requirement.
- (4) Motor vehicle parking.
 - a. Motor vehicle parking shall be permitted on setbacks and yards.
 - b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of 14 spaces per four-plex. This includes one-half offstreet parking place per dwelling unit for guest parking.
- (5) Site plan approval. The site plan will be reviewed and approved by the city-county planning board for the proper site.”

Section 12. Section 24-54 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-54. - B residential district.

- (a) Permitted uses.
 - (1) Multifamily dwellings and condominiums not in excess of an eight-plex.
 - (2) Single-family dwellings.
 - (3) Public schools.
 - (4) Public parks, buildings and playgrounds.
 - (5) Churches.
 - (6) Home occupations as per this chapter.
 - (7) Accessory uses.
 - (8) Townhouse developments not in excess of an eight-plex: regulations governing the development of townhouses are set forth at section 24-58 of this chapter.
 - (9) Animal rescue shelters per subsection 24-21(b) of this chapter.
- (b) District regulations, except townhouse development.
 - (1) Minimum lot size.
 - a. Minimum width: 50 feet.
 - b. Minimum area: 5,500 square feet.
 - (2) Setback requirements.
 - a. Minimum of 25 feet from the structure line from all frontages.
 - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
 - c. Interior yard: Minimum of eight feet from the structure line to the side interior lot line.
 - (3) Maximum height requirements. Maximum height of 38 feet, not to exceed three stories. Variances of up to five feet may be granted by the building inspector so long as the general character of the district is maintained.
 - (4) Motor vehicle parking.
 - a. Three offstreet parking places shall be provided and

retained for each dwelling unit.

b. One-half offstreet parking place shall be provided and retained for guest parking per dwelling unit.

(5) Site plan review. The site plan for each multifamily project in excess of a duplex shall be reviewed and approved by the City Planning Board for proper site development prior to the issuance of a building permit.

(6) Single-family dwelling.

a. Minimum lot size.

1. Minimum width: 50 feet.

2. Minimum area: 5,500 square feet.

b. Minimum open area: 500 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking spaces shall be provided for each dwelling unit. This includes one-half offstreet parking place for guest parking.

(7) Duplex.

a. Minimum lot size.

1. Minimum width: 50 feet.

2. Minimum area: 5,500 square feet.

b. Minimum open area: 750 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit for a total of seven spaces per duplex. This includes one-half offstreet parking place for guest parking.

(8) Three-plex.

a. Minimum lot size.

1. Minimum width: 75 feet.

2. Minimum area: 7,200 square feet.

b. Minimum open area: 1,000 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit for a total of 10½ spaces per three-plex. This includes one-half offstreet parking place for guest parking.

(9) Four-plex.

a. Minimum lot size.

1. Minimum width: 75 feet.

2. Minimum area: 8,900 square feet.

b. Minimum open area: 1,250 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 14

spaces per four-plex. This includes one-half offstreet parking place for guest parking.

- (10) Five-plex.
 - a. Minimum lot size.
 - 1. Minimum width: 100 feet.
 - 2. Minimum area: 10,600 square feet.
 - b. Minimum open area: 1,500 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 - 1. Motor vehicle parking shall be permitted on setbacks and yards.
 - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 17½ spaces per five-plex. This includes one-half offstreet parking place for guest parking.
- (11) Six-plex.
 - a. Minimum lot size.
 - 1. Minimum width: 100 feet.
 - 2. Minimum area: 12,300 square feet.
 - b. Minimum open area: 1,750 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 - 1. Motor vehicle parking shall be permitted on setbacks and yards.
 - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 21 spaces per six-plex. This includes one-half offstreet parking place for guest parking.
- (12) Seven-plex.
 - a. Minimum lot size.
 - 1. Minimum width: 125 feet.
 - 2. Minimum area: 14,000 square feet.
 - b. Minimum open area: 2,000 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 - 1. Motor vehicle parking shall be permitted on setbacks and yards.
 - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 24½ spaces per seven-plex. This includes one-half offstreet parking place for guest parking.
- (13) Eight-plex.
 - a. Minimum lot size.
 - 1. Minimum width: 125 feet.
 - 2. Minimum area: 15,700 square feet.
 - b. Minimum open area: 2,250 square feet of open area, excluding parking area for parking requirement.
 - c. Motor vehicle parking.
 - 1. Motor vehicle parking shall be permitted on setbacks and yards.
 - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 28 spaces per eight-plex. This includes one-half offstreet parking space for guest parking."

Section 13. Section 24-58 of the Code of Ordinances of the City of Miles City,

Montana is amended to read as follows:

“Sec. 24-58. - General provisions affecting residential districts.

(a) Signs. No nameplate exceeding one square foot in area is permitted, nor signs exceeding six square feet in area pertaining to the lease, hire or sale of a building or premises; except that bulletin boards not exceeding 12 square feet in area may be permitted on premises occupied by churches, temples, libraries, schools, colleges and playgrounds.

(b) Vacant lots. Vacant lots may be used for gardening, tennis courts, playgrounds and other recreational facilities only, and shall be kept free of all rubbish and/or garbage at all times. No business equipment or other large equipment shall be stored on vacant lots in residential zones; provided that other uses of vacant lots may be permitted by written authority from the city council with the continuing consent of the owners of 85 percent of the property within 150 feet of the lot or lots.

(c) Garages. Garages shall have the same setback requirements as residences, except for detached garages. Detached garages may be built in the rear yard to the interior lot line and to the alley easement line. Where detached garages face the alley, the garage shall not be closer than 25 feet from the opposite alley easement line. All detached garages must be at least ten feet from the residence and shall not exceed 1,200 square feet with sidewalls not to exceed ten feet in height. Garage roof slope must be similar to the residence. Garage exterior siding materials must be compatible with and similar to the residence. Garages shall be of pre-engineered or frame construction. A continuous open area of not less than ten percent of the total residential/garage building site area located from the rear lot line to the rear of the principal building shall be maintained. Garages that are not solely used for vehicle storage, residence and grounds maintenance, and other uses directly associated to the primary residential use shall be considered commercial or light industrial in nature and shall not be permitted in residential zones.

(d) Townhouse developments. It is the intent of this subsection to provide for townhouse developments which will be compatible with the residential character of zoning districts A, B and MH-A.

(1) Two-unit developments. A two-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 1,000 square feet of open space.
- c. Provide not less than 1,200 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 6,000 square feet.

(2) Three-unit developments. A three-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 1,500 square feet of open space.
- c. Provide not less than 1,800 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less

- than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 6,460 square feet.

(3) Four-unit developments. A four-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 2,000 square feet of open space.
- c. Provide not less than 2,400 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 8,160 square feet.

(4) Five-unit developments. A five-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 2,500 square feet of open space.
- c. Provide not less than 3,000 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 9,860 feet.

(5) Six-unit developments. A six-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 3,000 square feet of open space.
- c. Provide not less than 3,600 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 11,560 square feet.

(6) Seven-unit developments. A seven-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 3,500 square feet of open space.
- c. Provide not less than 4,200 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 13,260

square feet.

(7) Eight-unit developments. An eight-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 4,000 square feet of open space.
- c. Provide not less than 4,800 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 14,960 square feet.

(8) Review of Townhouse Developments. The City Planning Board shall review proposed townhouse developments. The City Planning Board shall make a recommendation to the city council based on the following criteria:

- a. Neighborhood character.
- b. Exterior treatment of building.
- c. Provision and treatment of open space.
- d. Provision of offstreet parking.
- e. Public utility adequacy for proposed development density.
- f. Access to existing and future structures.

(9) Site plan approval. The city council shall require a site plan review. The city council may approve, conditionally approve or disapprove the application for a building permit.”

Section 14. Section 24-59 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-59. - GC general commercial district.

(a) Intent. It is the intent of the GC district regulations to provide a general commercial district for those businesses and services which may require large storage space, may be open in the evenings, may generate large volumes of traffic, and are serving the extraordinary needs of the entire community.

(b) Permitted uses.

- (1) All general businesses and services.
- (2) Theaters, lodges and assembly facilities.
- (3) Churches.
- (4) Multifamily dwellings, except townhouse developments.
- (5) Multifamily dwellings in combination with uses listed in subsections (b)(1), (2) or (3) of this section.
- (6) Animal rescue shelters per subsection 24-21(b) of this chapter.

(c) District regulations.

- (1) Maximum height requirements. Height is not to exceed the limits of existing fire department equipment.
- (2) Setback requirements.
 - a. Buildings located within the business district may be built to the property lines, except where a commercial district and a residential district are adjacent to each other within a platted city block.
 - b. Where a commercial and a residential district are

adjacent to each other within a platted city block, construction of commercial buildings shall maintain the applicable residential setbacks along the common boundary between zoning districts.

- (3) Bulk stations. No bulk stations for the storage of gasoline and other inflammables are allowed within the jurisdiction of this chapter unless they provide for underground storage of all such inflammables and the plans are first approved by the building inspector and fire chief.
- (4) Loading facilities. In the construction of any building in the business district, satisfactory facilities must be provided for loading and unloading stocks of merchandise, etc., at the rear entrance.
- (5) Fire control. Buildings within fire limits must conform to the provisions of the fire limit ordinance.
- (6) Parking for new construction.
 - a. On-premises parking shall be required for employees at a ratio of one space per employee. Further on-premises parking shall be provided which is reasonably adequate to take care of persons coming to the building in the course of business. Requirements for on-premises parking shall be waived for those parcels in a designated parking district in which offstreet parking is provided.
 - b. Requirements for on-premises parking shall be waived for those parcels in a parking district in which offstreet parking is provided.
- (7) Site plan review. A review of the site plan by the City Planning Board shall be required prior to issuance of the building permit.
- (8) Junkyards. Junkyards shall be approved by the city council. Junkyards shall be concealed from view.”

Section 15. Section 2-62 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-62. - Industrial district.

- (a) Intent. It is the intent of the I district regulations to provide for the best location of industrial uses which would be incompatible with other uses in other zoning districts.
- (b) Permitted uses. Any manufacturing, process, business or treatment use shall be permitted, provided it does not create or tend to create a nuisance and/or undue hazard to life and/or property. It shall be the duty of the building inspector, fire chief and city health officer to determine and recommend to the city council if any use or proposed use does or will tend to create such a nuisance or hazard.
- (c) District regulations.
 - (1) Motor vehicle parking. Adequate parking shall be provided offstreet for all rolling equipment at a ratio of one-to-one, for visitors and customers at a ratio of one per management employee, and an offstreet space for 50 percent of employees.
 - (2) Site plan review. Review of the site plan shall be required by the City Planning Board prior to issuance of the building permit.”

Section 16. Section 24-66 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-66. - MC medical campus district.

- (a) Intent. It is the intent of the MC district regulations to provide a zoning district for medical services with residential buffers that will allow the development of a medical campus.
- (b) Permitted uses.
 - (1) Hospitals.
 - (2) Nursing homes, including but not limited to assisted care and ambulatory care facilities.
 - (3) Day care centers.
 - (4) Medical clinics for human services, including but not limited to physicians, surgeons, psychologists and dental and optometrical clinics and offices.
 - (5) Pharmaceutical stores.
 - (6) Durable medical goods stores, including assembly.
 - (7) Health and exercise establishments.
 - (8) Medical diagnostic and research laboratories.
 - (9) Dental laboratories.
 - (10) Medical education facilities in conjunction with other permitted uses.
 - (11) All uses allowed under residential A and conforming to section 24-53
 - (12) All uses allowed under open spaces, except cemeteries.
 - (13) All uses approved as part of the planned unit development.
- (c) District regulations.
 - (1) Parking for assisted and ambulatory care facilities.
 - a. Offstreet parking shall be required for employees at the ratio of one space per employee, based upon the maximum number of employees for the shift of maximum employment.
 - b. Additionally, 1½ offstreet parking spaces shall be applied per residential unit.
 - (2) Parking for other permitted uses.
 - a. Offstreet parking shall be required for employees at the ratio of one space per employee, based upon the maximum number of employees for the shift of maximum employment.
 - b. Further offstreet parking shall be provided which is reasonably adequate to take care of persons coming to the building in the course of business or visitation.
 - (3) Site plan review. The site plan will be reviewed and approved by the City Planning Board for the proper site development prior to the issuance of a building permit.”

Section 17. Section 2- 67 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-67. - C residential district.

- (a) Permitted uses.
 - (1) Multifamily dwellings, high-rise dwellings and condominiums in excess of an eight-plex.
 - (2) Parks, playgrounds, parking and open space areas.
 - (3) Accessory uses.
- (b) District regulations.

- (1) Minimum lot size.
 - a. Minimum width: building width plus 20 feet.
 - b. Minimum area: 17,400 square feet for a nine units plus 1,700 square feet for each additional unit.
- (2) Minimum open area: 2,500 square feet of open area, excluding parking area, for nine units plus 250 square feet for each additional unit.
- (3) Setback requirements.
 - a. Frontages: 25 feet from the structure line to the property line.
 - b. Rear yard: 20 feet from the structure line to the rear lot line, exclusive of a 20-foot alley/utility easement.
 - c. Interior yard: ten feet from structure line to the side property line.
 - d. High-rise structures adjacent to other zones shall increase setbacks by an additional eight feet per story.
- (4) Maximum height requirements. Structure height shall not exceed 60 feet.
- (5) Motor vehicle parking.
 - a. Motor vehicle parking shall be permitted on setbacks and open space.
 - b. Two and one-half vehicle parking spaces shall be provided for each unit.
 - c. Parking of trailers, other motorized vehicles and other non-motorized vehicles or equipment shall not be permitted onsite.
 - d. Parking shall not be permitted on green space or play grounds.
- (6) Site plan review. The site plan shall be reviewed and approved by the City Planning Board for proper site development.”

Section 18. Section 2- 68 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 24-68. - LI light industrial district.

- (a) Intent. It is the intent of the LI Light Industrial District regulations to provide lands suitable for light industrial type applications which may be in close proximity or adjacent to residential or other zoning districts.
- (b) Permitted uses.
 - (1) Manufacturing, fabrication, assembly process, or materials treatment that is conducted totally within an enclosed structure.
 - (2) Open storage yards, building material yards, and warehousing.
 - (3) Administrative space associated with a light industrial activity.
 - (4) Light industrial activities which do not create or tend to create a nuisance, undue hazard to life or property, or detrimental environmental impacts.
 - (5) Those services and businesses permitted under GC General Commercial except for churches, and multiple family dwellings.
 - (6) Those services and businesses permitted under HC Heavy Commercial.
- (c) District regulations.
 - (1) Motor vehicle parking. Adequate off-street parking shall be provided for all rolling stock, all customers and visitors, all employees and management personnel present at any time, and for all freight deliveries and freight handling.

- (2) Utilities. Design of sanitary sewer and water service systems must meet the requirements of the service provider. Site drainage plans must be submitted for approval. Design of new private utility facilities must be submitted for approval.
- (3) Buffer zones. Buffer zones and screening shall be required to protect adjacent zones which may be negatively impacted by the light industrial activities.
- (4) Site lighting. Security lights, parking lot lights and other site lighting must be designed so as to not encroach upon adjacent residential zones.
- (5) Signage. Address or directional signs shall not exceed six feet in height and ten square feet in size. Business and advertising signs shall be limited to building face only. Post type or elevated signs shall not be permitted. Lighted signs shall be dimmed or turned off between the hours of 8:00 p.m. and 7:00 a.m. to reduce light pollution to adjacent residential zones.
- (6) Traffic control. Industrial or business activities that generate traffic counts in excess of 100 vehicle trips per 24-hour period or that will generate semi-truck or heavy equipment traffic must submit a traffic analysis and traffic plan. Semi-truck or heavy equipment traffic shall not be permitted to create conflict with existing traffic ways with adjacent residential zoning districts.
- (7) Materials and refuse control. Garbage, refuse, raw materials, manufacturing byproducts, finished products and excess materials shall be screened from view of adjacent zoning districts and maintained in an orderly manner.
- (8) Site plan review. Review of the site plan by the City Planning Board is required prior to the commencement of construction or site development.”

Section 19. Section 2- 70 of the Code of Ordinances of the City of Miles City, Montana shall read as follows:

“Sec. 24-70. - HMU Historic Mixed Use District.

- (a) Intent. It is the intent of the Historic Mixed Use District regulations to maintain the existing ground floor storefronts to the degree possible and provide land suitable for residential, office and retail uses to occur either independently in a separate structure or together with the same structure, and to add to the range of uses historic buildings can have in order to allow for adaptive reuse.
- (b) Permitted uses:
 - (1) Office.
 - (2) Retail use.
 - (3) Residential units above the ground floor.
 - (4) Residential units on the ground floor; for those buildings fronting Main Street the residential space must be in the rear of the storefront and shall not exceed one-third of the total gross square footage of that floor.
 - (5) Except for those buildings fronting Main Street, multifamily dwellings in existing historic buildings.
 - (6) Hotels
 - (7) Theaters, lodges, and assembly facilities.
- (c) District Regulations:
 - (1) Maximum Height. Height shall not exceed 40 feet.
 - (2) Setback Requirements. Buildings may be built to the property

lines.

(3) Loading Facilities. New construction of a commercial building shall provide for Parking Requirements.

(4) Parking Requirements.

- a. Existing uses shall be allowed to operate without the requirement for additional parking.
- b. New commercial space shall provide one space per employee for the peak employee rate plus two (2) spaces per 1,000 net square feet.
- c. New residential space shall provide parking at the rate of one space per unit.
- d. Theaters, lodges, and assembly facilities will meet the requirements in *Section 24-1*.

(d) Site Plan Review. Prior to issuing a building permit for any new construction the City Planning Board must review the site plan. ”

Section 20. Section 2- 71 of the Code of Ordinances of the City of Miles City, Montana shall include the attached exhibit:

“Attached Exhibit “A” shall be incorporated herein”

Section 21. This amendment shall become effective thirty (30) days after its final passage.

Said ordinance read and put on its passage this 14th day of May, 2013.

C.A. Grenz, Mayor

ATTEST:

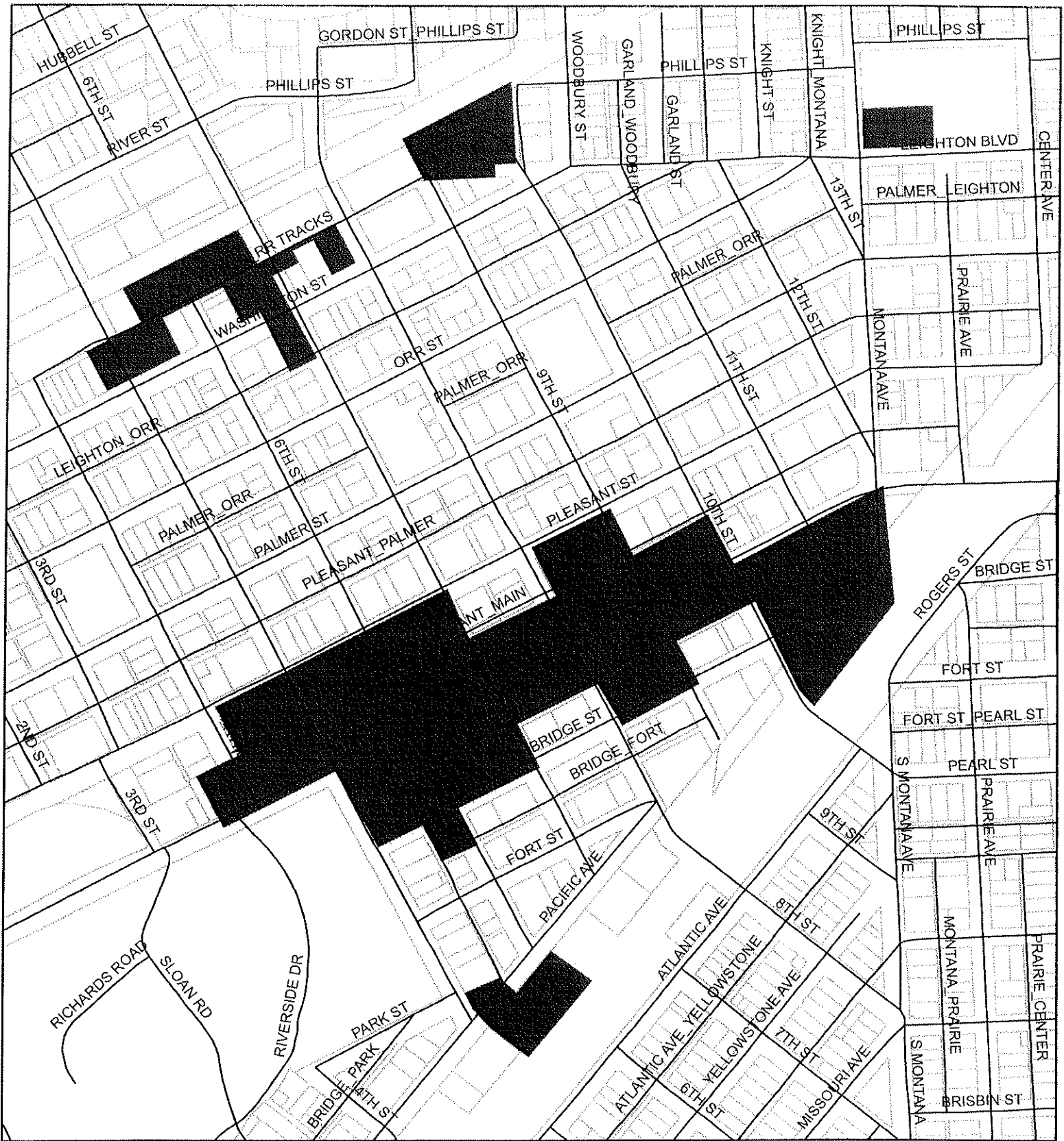
Connie Watts, Deputy City Clerk

**FINALLY PASSED AND ADOPTED BY THE AFFIRMATIVE VOTE OF
A MAJORITY OF THE MEMBERS OF THE CITY COUNCIL OF THE
CITY OF MILES CITY THIS 28th DAY OF MAY, 2013.**

C.A. Grenz, Mayor

ATTEST:

Connie Watts, Deputy City Clerk



Proposed Historic Mixed Use Zones

