



# CITY OF MILES CITY AGENDA

*Regular Council Meeting  
City Council Chambers*

*October 11, 2016  
7:00 p.m.*

## CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. **APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**

A. Regular City Council Meeting	9/27/2016
B. Finance Committee Meeting	9/22/2016
C. Human Resource Meeting	9/21/2016
D. Public Safety Committee Meeting	9/05/2016

2. **SCHEDULE MEETINGS**

3. **REQUEST OF CITIZENS & PUBLIC COMMENT**

4. **APPOINTMENTS**

Ad Hoc Wage/Salary Survey Committee:

Susanne Galbraith

Jeff Erlenbusch

Rick Huber

Kathy Wilcox

Linda Wilkins

Union Representatives-

5. **PROCLAMATIONS**

6. **STAFF REPORTS**

Gary Warren- Present Firefighter Ben Shipp and Mayor's presentation of helmet shield

7. **CITY COUNCIL COMMENTS**

8. **MAYOR COMMENTS**

Reschedule Regular Council Meeting on November 8<sup>th</sup> (Holiday)

9. **COMMITTEE RECOMMENDATIONS**

Flood Steering Committee- Bond Council

10. **BID OPENINGS**

Printing contract

11. **BID AWARDS**

12. **PUBLIC HEARINGS**

- A. **ORDINANCE NO. 1305- An Ordinance Enacting Section 11-1 of the Code of Ordinances of the City of Miles City, Montana, to Establish Regulations Governing Fire Department Repository Units**

**13. UNFINISHED BUSINESS**

- A. **ORDINANCE NO. 1305- *(Second Reading)* An Ordinance Enacting Section 11-1 of the Code of Ordinances of the City of Miles City, Montana, to Establish Regulations Governing Fire Department Repository Units**
- B. **Discussion and Approval on location for Courtroom**

**14. NEW BUSINESS**

- A. **RESOLUTION NO. 3987- A Resolution Authorizing the City of Miles City to Award a Downtown Façade Improvement Grant to Whipps Welawiben Gallery**
- B. **RESOLUTION NO. 3988- A Resolution Adopting a Program for Public Information**
- C. **RESOLUTION NO. 3989- A Resolution Approving an Amendment to the Miles City Area Transportation Plan Subrecipient Agreement Extending Term of Agreement**
- D. **RESOLUTION NO. 3991- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Custer County Water and Sewer District for Flushing Hydrants in Calendar year 2016**
- E. **RESOLUTION NO. 3992- *(First Reading)* A Resolution Establishing Fire Inspection Fees For Miles City, Montana**
- F. **ORDINANCE NO.1306 - *(First Reading)* An Ordinance Repealing and Replacing “Chapter 24- Zoning” of the Code of Ordinances of Miles City, Montana, For the Purpose of Implementing a Revised Zoning Code**
- G. **APPROVAL OF SEPTEMBER CLAIMS**
- H. **ADJOURNMENT**

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

## Finance Committee Meeting

September 22, 2016

The Finance Committee met Thursday, September 22, 2016 at 6:00 p.m. in the City Conference. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox, and Dwayne Andrews.

Also present were Fire Chief Gary Warren and Recorder Lorrie Pearce

Committee Chairperson Galbraith called the meeting to order.

**1. Request of Citizens:**

None

**2. Discussion and Recommendation on fees for Fire Inspections**

Chairperson Galbraith explained that all businesses need a yearly fire inspection and the option A software would provide the Fire department the tools needed to keep track of the inspections at a onetime cost of \$1,944 every year after that it would cost the City approximately \$1,500. Most businesses would self- inspect, but the fire department would pull some businesses for a random inspection. The cost to the business would be \$25.00 for random inspection to smaller businesses and \$100.00 for businesses over 5,000 square feet.

Chief Warren said there were about 300 businesses in Miles City and the software would help the City receive ISO points. The inspections were never a priority in the past, but would like to improve the program.

Committee Member Wilcox said the department would need to inspect 100 businesses a year to pay for the software. Chief Warren said it would take about half an hour to inspect a business. Committee Member Wilcox thought the City should charge enough to cover the manpower for the inspection. Chief Warren said they did not want to overcharge and hurt the businesses. Chairperson Galbraith added that the \$25 would offset some of the Cities expense, but not hurt the businesses. Committee Member Wilcox said that she would agree with the \$25 if 100 inspections were completed a year. Committee Member Andrews said he would approve the software and \$25 per inspection, knowing that no other fireperson were called in to cover the shift and the software is self-inspection part A. Chief Warren said the company that the software is being purchased from, would complete the billing.

**\*\*** *Committee Member Wilcox moved to recommend to Council to approve the software purchase from the Fire Recovery USA for fire inspections which would require a City business equal to or greater than 5000 square feet to pay an fee of \$100 per random inspection,*

*follow ups would be \$100, no dollars for a self- inspection and for a City business that is less than 5000 square feet pay \$25 for random inspections and \$25 for every follow up, seconded by Committee Member Galbraith. On roll call vote the motion **passed** 3-0*

**3. Discussion and Recommendation on Purchase of Black Mountain Software for E-mail billing.**

*\*\* Committee Member Wilcox moved to recommend to Council to approve the purchase of Black Mountain Software for E-mail billing, after a long conversation on the software being a cost saving item and the City going green it was seconded by Committee Member Andrews. The motion **passed** 3-0*

**4. Adjournment**

*\*\* Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Galbraith and **passed** unanimously, 3-0.*

The meeting was adjourned at 6:31 p.m.

---

**Susanne Galbraith, Chairperson**

---

**Lorrie Pearce Recorder/City Clerk**

**Human Resources Committee**  
**September 21, 2016**

The **Human Resources Committee** met Wednesday, September 21, 2016, at 5:15 p.m. in the Council Chambers at City Hall. Present were Committee Members Susanne Galbraith, Kathy Wilcox and Jeff Erlenbusch. Also present were City Clerk Lorrie Pearce, Police Chief Doug Colombik, Public Utilities Director Allen Kelm and Deputy City Clerk/HR Officer/Committee Recorder Linda Wilkins.

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

None

3. Unfinished Business

A. Discussion and recommendation to Full Council- MMIA policy changes

*\*\*Committee Member Galbraith moved to postpone discussion and recommendation on policy changes until the City Attorney and MMIA have had time to review them, seconded by Committee Member Erlenbusch. On roll call vote the motion **passed** unanimously, 3-0.*

4. New Business

A. Discuss process for review of City position descriptions - due Dec 31, 2016

Rotation over the next three months, Linda will send an e-mail to department directors asking for review of the positions descriptions related to their department.

B. Discuss draft position descriptions template for City non-union positions

HR Officer Wilkins provided to the committee a model position description from the University of Cincinnati, there was discussion around this model and it was decided to use the model with some modifications to include at the top of the of the position description who supervised the position along with exempt or non-exempt status.

**\*\*Committee Member Wilcox moved to have HR Officer Wilkins create the template a new job description for the City of Miles City based on the Cincinnati model with revisions discussed, seconded by Committee Member Galbraith. On roll call vote the motion passed unanimously, 3-0.**

It was recommended that HR Officer Wilkins provide a copy of the University of Cincinnati complete model for use when reviewing current position descriptions.

C. Discuss and make recommendation(s) concerning Police Administrative Assistant Position Description (i.e., Dispatch)

Add to the position description driver license required and occasional on-call may be required.

**\*\*Committee Member Galbraith moved to approve the General Office Clerk Position Description for the City of Miles City Police Department and add that they need to have a valid Montana Driver's License and also type 45 wpm with no errors and revisions as stated, seconded by Committee Member Erlenbusch.**

Committee Chairperson Wilcox commented that in the spirit of moving toward the Cincinnati model job classification could be General Office Clerk, but the Job Position Title itself would be Police Administrative Assistant. Under non-exempt position, first bullet of Essential Functions Sexual Violent Offender Registry, with (SVOR) after.

Committee Member Galbraith amended her motion to send the position description to MMIA and a resolution to send to council for wage, seconded by Committee Member Erlenbusch.

On roll call vote the motion passed unanimously, 3-0.

D. Discuss process for development of wage scales for City non-union positions

Chairperson Wilcox stated this came out of the Minnesota Plan the Committee was given and suggested that at this time the members take it home to review and bring back comments and continue to refine.

E. Discuss and make recommendation(s) concerning establishing base wage rate for current City Planner II position

HR Office Wilkins reported to the committee she has spoken to Attorney Larry Martin and is waiting for a phone call back from him for clarification on the resolution and letter to the employee.

5. Schedule Committee's Next Meeting: consider Wed, Oct 5, 2016 5:15 pm

Next meeting is scheduled for October 19 @ 4:00 p.m. Meetings will be earlier in the months of November and December.

6. Adjournment

*\*\*Committee Member Galbraith moved to adjourn, seconded by Committee Member Wilcox. The motion passed unanimously.*

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

---

Chairperson Kathy Wilcox

---

Recorder Linda Wilkins

## Public Safety Committee Meeting October 5, 2016

The Public Safety Committee met Wednesday, October 5, 2016, at 7:00 pm in the City Hall Conference Room. Present were Committee Members John Uden, Jeff Erlenbusch, and Ken Gardner, Kathy Wilcox was excused. Also present Committee Recorder Ally Capps.

Chairperson Uden called the meeting to order.

1. Request of Citizens  
None
2. Review and make recommendations on Ordinance No. 1305 regarding Fire Department repository units.

*\*\*Committee Member Erlenbusch moved to approve Ordinance No. 1305 with the following clarifications from the City Attorney; to what the word "other" would be referring to in Sec,11-1(a) and Sec,11-1(f), Does the Fire Chief or his/her designee authorized to write or cite citations into City Court?*

*Motion seconded by Committee Chair Uden. Upon roll call vote the motion passed unanimously 3-0.*

*\*\* Committee Member Gardner moved to adjourn the meeting, seconded by Committee Member Erlenbusch and passed unanimously, 3-0.*

The meeting was adjourned at 7:30 p.m.

Respectfully Submitted:

---

John Uden, Chairperson

---

Ally Capps, Recorder





# Public Hearing



**ORDINANCE NO. 1305**

**AN ORDINANCE ENACTING SECTION 11-1 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, TO ESTABLISH REGULATIONS GOVERNING FIRE DEPARTMENT REPOSITORY UNITS.**

**WHEREAS**, the City Council of the City of Miles City has determined that it is necessary and appropriate to enact Section 11-1 pertaining to regulations governing fire department repository units to the Code of Ordinances of the City of Miles City. The City recognizes that said repository units assist in providing the fire department rapid entry into locked buildings, increasing the chance of survival in a fire and a reduced risk of substantial property damage caused by delays in gaining entry into a structure, or caused as a result of forced entry into a structure.

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

**Section 1.** That there is hereby enacted a Section 11-1, entitled Fire Department Repository Units, as follows:

Sec. 11-1. – Fire Department Repository Units.

- (a) The owner or person in control of the following types of buildings as set forth in this section shall install and maintain a Fire Department Repository Unity of a type approved by the Fire Chief of the City of Miles City. A list of approved units, along with order forms, shall be maintained by the Fire Inspector. Repository Units shall be mounted 6 feet above ground level, on the right hand side of the main entrance. The following buildings shall be required to install Repository Units at the owner's expense:
1. Any newly constructed apartment building or other rental building containing four (4) or more residential living units and which access to the building or to common areas or mechanical or electrical rooms within the building is denied through locked doors.
  2. Any newly constructed nonresidential building which is used for a commercial or industrial purpose.
  3. Any existing or newly constructed non-residential building where a fire detection or suppression system is monitored by an alarm company or has an external audible alarm.
  4. Any building or facility containing a quantity of hazardous materials which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act).

- (b) The owner or person in control of the buildings or facilities described in Section 11-1(a) above shall cause to be placed in such Repository Unit a key to the following areas:
  - 1. Locked points of access in the exterior of the building or facility;
  - 2. Locked points of access to common areas, such as hallways or utility rooms, contained in such buildings or facilities;
  - 3. Locked mechanical rooms;
  - 4. Locked electrical rooms;
  - 5. All other locked areas, other than individual apartments or rented rooms, as directed by the Fire Chief.
- (c) The fire chief may require additional information to be stored within the Repository Unit, to include an emergency contact card, diagram showing locations of utility and fire protection controls, and any other contents as may be required by the Fire Chief or his/her designee.
- (d) All properties required by this section to have a Repository Unit shall have a period of six months from the final passage of this section to have said unit in place. Any newly constructed property required by this section to have a Repository Unit shall install said unit prior to the City issuing an occupancy permit to for the property.
- (e) The Board of Appeals for the City of Miles City may waive the requirements of this section for good cause shown, and only after a hearing before the Board of Appeals following notice to the Fire Chief of such request.
- (f) Violation of this ordinance shall be accomplished through citations issued by the Fire Chief or his/her designee, cited into City Court, and punishable by a fine not less than \$100.00 and not more than \$500.00, with each day of a continuing or existing violation being considered a separate offense.

**Section 2.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 27<sup>th</sup> day of September, 2016.

\_\_\_\_\_  
John Hollowell, Mayor

ATTEST: \_\_\_\_\_  
Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 11<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

# New Business



**RESOLUTION NO. 3987**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO AWARD A  
DOWNTOWN FAÇADE IMPROVEMENT GRANT TO WHIPPS WELAWIBEN GALLERY**

*WHEREAS*, the City has established a Façade Improvement Grant for qualified applicants within the Miles City Downtown Urban Renewal District, *and*

*WHEREAS*, the City has adopted Guidelines for said grant program, and

*WHEREAS*, Whipps Welawiben Gallery has applied for a Downtown Façade Improvement Grant and has met all program criteria set forth in said Guidelines,

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The City hereby awards a Downtown Façade Improvement Grant to the Whipps Welawiben Gallery in the amount of \$1,750 to assist with placement of an LA Huffman mural on the Fifth Street façade on their business at 500 Main Street, Miles City Montana.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the delivery said award.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 11<sup>th</sup> DAY OF OCTOBER.**

---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk





**RESOLUTION NO. 3988**

**A RESOLUTION ADOPTING A PROGRAM FOR PUBLIC INFORMATION**

*WHEREAS*, a substantial portion of the City of Miles City, Montana is located within the flood plain and flood way;

*AND WHEREAS*, a discount is applied to the flood insurance premium amounts which are paid by property owners with the City of Miles City based on the City's "Community Rating System" (CRS) score;

*AND WHEREAS*, the City of Miles City previously adopted a Program for Public Information (PPI) with Resolutions No. 3618 and 3635, which is in compliance with FEMA requirements can be used to improve the City's CRS score, and the City desires to update said PPI;

*AND WHEREAS*, the PPI Committee has prepared a revised PPI document for the consideration of the City Council, and the City Council finds the adoption of the revised PPI document and the implementation of the program to be in the best interests of the City of Miles City, Montana;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The revised City of Miles City Program for Public Information, attached hereto as Exhibit "A" and by this reference incorporated herein, is hereby approved and adopted, and the PPI Committee is hereby empowered to implement said program and to undertake the activities called for therein.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11<sup>th</sup> DAY OF OCTOBER, 2016.**

---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

## City of Miles City, Montana

### Program for Public Information (PPI)

#### Background

The City of Miles City has been developing educational and outreach projects with input and support from local volunteers and city staff, by the use of creative and innovative ideas and tools. With the floodplain situation that currently plagues the city an official outreach program was created to educate, prepare, and aid residents on flood and storm water protection.

The City of Miles City became part of the Community Rating System (CRS) on October 1, 1991 and has worked on educating the citizens of Miles City concerning flood and storm water protection. With the new Digital Flood Insurance Rate Maps (DFIRMs) that took effect in August of 2010, approximately 79% of the town was placed in the floodplain. This caused the City to look into a more innovative way to notify and empower the citizens with knowledge on floodplain management and insurance practices. The CRS proposed a new planning tool, the Program for Public Information (PPI), which will prove to be a vast benefit to the City.

The CRS is a part of the National Flood Insurance Program (NFIP). It provides reductions to flood insurance premiums in participating communities. The reductions are based on community floodplain management programs, outreach projects, and public information. To keep these flood insurance premium reductions, communities must continue to implement their programs and provide status reports to the NFIP each year.

When the PPI was formed Miles City was at a CRS Class 9, which gave residents up to a 5% discount on their premiums. The City chose to develop a PPI to help achieve a lower Class rating and higher discounts to flood insurance premiums through coordinated outreach efforts by city personal, elected officials, and stakeholders within the community. The PPI was initially adopted by Council September 10, 2013 by Resolution 3635.

#### PPI Committee

The City had been visiting with stakeholder organizations to spread awareness about this educational program. This is a group created of busy professionals and leaders of the community; the time chosen to meet was noon in the City Hall conference room.

At a minimum there must be at least five stakeholders (no more than ten total members) on the committee with an addition, of at least one councilperson, one insurance agent, one real estate agent, one lender, and a Certified Floodplain Manager (CFM). Stakeholders must make up the majority of the committee with at least 50% of the members being non-city employees or stakeholders from within the community.

Members will be appointed by soliciting the general public through advertisement and announcement of vacancies as soon as reasonable when a vacancy is created by a resignation. Applicants will be reviewed and recommended by the Floodplain Administrator and all members

shall be approved by the PPI Committee. Members shall be allowed to stay on the Committee until they choose to resign, the Committee may unanimously chose to remove a member due to conduct not pursuant to the Program for Public Information, or the Committee requests replacement of any member engaging in misconduct as defined in Appendix E (MCA 2-2-105).

The PPI committee members include nine stakeholders, one CFM from the City, the City Public Works Director, one City Councilperson, and one County Commissioner:

- Dannette Cremer - WA Mitchell Agency (Insurance)
- Matt Korell – Farm Bureau Financial Services (Insurance)
- Krista Stubblefield - First Interstate Bank (Lender)
- Lori Backes - First Interstate Bank (Lender)
- Paula Kurkowski - Stockman Bank (Lender)
- Carol Hardesty-Hardesty Real Estate (Realtors)
- Dawn Leidholt – Hardesty Real Estate (Realtors)
- Robbin Makelky – Integrity Realty (Realtors)
- John Laney – Chamber of Commerce
- Jeff Erlenbush – City Councilperson
- Jason Strouf – County Commissioner
- Scott Gray – Public Works
- Samantha Malenovsky – CFM, Floodplain Administrator

The first Committee meeting lasted one hour, during the meeting the members discussed what we plan to accomplish with the PPI and what avenues need to be addressed within the community. The members had some great suggestions regarding the fate of Miles City with insurance and the assessment study being the main focus. Overall the committee agreed that this is a community wide problem, not a floodplain/no floodplain problem.

Since this was the first meeting, the committee agreed an aggressive campaign needs to happen and the following should be followed:

- Activities should be organized and recorded. Including meetings and all correspondence.
  - The Floodplain Administrator will secure all recordings, minutes, and correspondence.
- Have stakeholders relieve messages they receive from the public and take comments and advice from stakeholders on ways to improve the program. An annual meeting will be held to get input from members and non-members, and produce an end of the year report.

- Start to work with outside organizations on projects, to better improve the way information is handled and reported to the public.
- Any outreach projects done by committee members are productive and should be considered projects and be recorded.
- Use committee members, they reach the public on a daily basis. The more the members are informed and educated on flood issues the better the public will receive new information on flood issues.

This PPI document is being assembled by staff and the committee members are asked to review the plan and to e-mail their comments. After any discussion, revisions or changes the document will be submitted to the City Council for adoption.

### **Community Needs Assessment**

Miles City is located in Eastern Montana, and is primarily made up of residential structures with the majority of businesses being located along the two main highways that run through downtown.

Miles City has 8,410 residents since the 2010 census report. Most structures are located on basements or crawlspaces, which makes them vulnerable to flood damage from ground water, shallow flooding and drainage problems.

**Flood Hazards:** Miles City is situated with the Tongue River on the West end then running into the Yellowstone River, which runs to the north. Miles City is a fairly flat area, storm drains become inundated with heavy rainfall causing streets to flood for a small amount of time.

Since Miles City is a community that is mainly floodplain, the committee decided to include the entire community in floodplain issues. A major flood could cause serious devastation to the City, and residents.

**Flood Insurance Data:** Flood insurance is required as a condition of Federal aid, a mortgage, or loan that is federally insured for a building, located in a high hazard A Zone. There are currently 309 policies in the Special Flood Hazard Area (SFHA), 131 Standard B, C & X Zone policies, and 708 Newly Mapped Policies in place as of December 31, 2015. Miles City has most flood insurance policies in the State of Montana.

The DFIRMs that took effect in 2010 only outlines AE Zones, the above polices are based off of either A Zones, which were always A Zones, or Newly Mapped properties which were originally in Zone B or X and remapped in 2010 to become Zone AE. Currently Miles City only has Zone AE or Zone X.

A flood insurance general assessment will be done on Miles City, with the summary attached, Appendix B. This summary will be updated yearly with information provided to council for review. This information will also be available for public review in requested.

**Social and Economic Needs:** The City of Miles City has a variety of religions, education levels, and age ranges. Approximately 48% of the population is considered lower income. Miles City has approximately 78% of its structures in the floodplain with 5% of those structures in the floodway.

The Committee is making sure to cover all these barriers and make sure that the right message, tools, and resources will be communicated to each target audience. The committee has noticed that messages will need to be repeated and distributed in different forms, coming from different sources.

**Target Audiences** (Refer to Appendix A for target audiences, messages, and desired outcomes)

**Target Areas:** The PPI Committee decided on two target areas that should be reached. Projects are to be directed to all properties (residential, commercial, industrial, and public) in these two main areas:

Target Audience #1: The entire City of Miles City: With approx. 78% of the town being in the floodplain, we have realized that this is a problem the whole community faces. Even if you live outside of the floodplain, the businesses would be closed and work would slow down to a halt since so many structures would be affected or surrounded by the floodwaters.

Target Audience #2: Structures that were in Zone B on the 1983 map and are now Zone AE in the 2010 map: In 1983 approx. 30% of the town was in an A Zone, after adopting the 2010 DFIRMs an extra 50% of the town was included. At the time, Miles City had no floodway and Zone B was not regulated by the City.

**Other Target Audiences:** Other groups were identified by the committee as groups of people who needed special messages on flood protection (these groups may change throughout the course of the PPI Committee and extra groups may be added):

Target Audience #3: Floodway residents: These residents are extremely restricted with the regulations and have the highest chances of dealing with high velocity, deep flood waters.

Target Audience #4: Builders: Building contractors need to know the construction rules, post-disaster repair rules, and possible mitigation grants that could help their customers protect their homes from flooding.

Target Audience #5: Real estate, lending and insurance companies: These companies are key to conveying information about flood hazards and flood insurance. The Committee wants to make sure that they understand and have all the tools they need.

### **Other Public Information Efforts**

Miles City has recently been looking at additional public outreach programs to use to help get information out in regards to floodplain management. Currently a few key public information activities that are reaching the public for information:

- Flood Awareness, gives information that covers insurance, regulations, and general questions. Once a year
- Articles in newspaper informing citizens who to contact in regards to a floodplain permit. Once a year
- Hold meetings with local Civic groups. As needed, also will be done by local insurance agents.
- Various press releases regarding numerous floodplain topics. As Needed
- Website covering several floodplain topics. Updated as needed. Yearly
  - Website will contain the local ordinance, links to FloodSmart, USACE, AMFM, DNRC, and FEMA
- Radio announcement covering various floodplain topics.
- Letter to real estate, lenders and insurance agents that notifies them that the city provides a map determination service. Once a year
- Letter to critical facilities that they are located within the floodplain. Once a year
- Real Estate agents should notify property buyers about floodplain determination and flood hazards. The majority of Real Estate agents will give property buyers a copy of Flood Hazards and how it may affect their purchase. These must be signed by property owners to show they have read and understand the hazard. (Appendix C)
- When a floodplain application is approved, the property owner will read and sign the Insurance Implications sheet which explains the flood insurance implication that maybe faced if regulations are not followed. (Appendix D)
- The Floodplain Administrator will provide flood protection advice and assistance to applicants and citizens on a one-on-one basis. This service will be publicized yearly at the annual flood awareness day. Conduct site visits for all floodplain applications submitted and work with the property owner to ensure that the correct regulations are being followed.
- The Floodplain Administer will do monthly visits to all active floodplain projects to confirm that construction is happening correctly and will note any inconsistency that are notice and notify the property owner as soon as possible. The property owner may also request a site visit at any time.

## Messages and Outcomes

The following Messages and Outcomes are set as priorities.

<b>Table 1: Messages and Desired Outcomes</b>		
<b>Message</b>	<b>Outcome</b>	<b>Related CRS topics</b>
1. Know your flood risk	More map inquiries	1. Know your flood hazard
2. You need flood Insurance	Increase in number of flood policies	2. Insure your property for your flood hazard
3. All construction projects must meet flood and water quality rules.	Reduce number of citations.	3. Build flood smart.
4. Know flood building requirements.	Reduce number of citations.	4. Educate contractors
5. Everyone can buy flood insurance	Increase number of flood policies in Zone X	5. Flood insurance available to everyone
6. Turn around, don't drown	Fewer people getting stuck at underpass, Educate on flood water and effects.	6. Protecting people from flooding.
7. Only rain goes down the drain	Educate people on water quality	7. Protect water quality
8. You can protect your house from flooding	Increased number of inquiries on mitigation actions.	8. Incorporate low cost flooding protection measures and mitigation.
9. Avoid contact with rivers after it rains or during ice season.	Educate people on ice jams and high water.	9. Educate public on water safety.

## Projects and Initiatives

Certain projects and initiatives were chosen by the PPI Committee to be implemented. These projects and initiatives will be reviewed yearly and can change as situations, and objectives of the committee change. The spreadsheet is located at the end of this document.

## Flood Response Preparations

The PPI Committee recommends projects that will be implemented during and after a flood. Documentation will be drafted and made ready for reproduction and disseminations after a flood warning is issued. These will be reviewed and updated every year.

## **Follow Up**

The City of Miles City will monitor the projects as they develop, along with organizations that have volunteered to help, and will report on the results. The City will record all input from the PPI Committee and suggestions from other employees, elected officials, stakeholders participating in the activities, and concerned citizens. This will be available to all committee members at every meeting for consideration.

The PPI committee will meet at least twice each year to implement these projects and to review the outcomes of each project. The committee will recommend to the appropriate City offices and the stakeholders who implement projects, whether the projects should be changed or discontinued. A copy of the review will be attached to the end of this document (Appendix F).

Once a year the PPI committee will review the spreadsheet and make comments. The committee will decide whether to change, add, or approve each individual activity. All outcomes and revisions will be submitted as part of the City's annual recertification package to the CRS.

After the annual report is completed by the PPI Committee the report and any other changes will be submitted to Council by way of email and/or place in their city hall box. The Floodplain Administrator shall annually update the Council concerning the PPI including the annual report and the general flood insurance assessment document.

## **Adoption**

This document will become effective when it is adopted by the City Council, if it is revised it will need to go before City Council for amendment.



# APPENDIX A

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder
Entire City of Miles City	1. Know your flood risk. 6. Turn around, don't drown	More map inquiries, Educate on flood water and effects.	Mailing sent to each resident	Floodplain Administrator (FPA)	Yearly	
			Miles City Star articles	FPA	Yearly	
	2. You need flood insurance 5. Everyone can buy flood insurance.	Increase number of flood policies. Increase number of flood policies in Zone X.	Local Real Estate Agents post on all listing if property is located within the floodway	Realtors	Year-round as part of a regular service	Eastern Montana Realtors Board
			Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
	3. All construction projects must meet flood and waste quality rules. 4. Know flood building requirements	Reduce number of citations	FEMA brochures on flood insurance	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
			Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
	7. Only rain goes down the drain	Protect water quality	Hand out on message to local civic groups and meetings, Miles City website	FPA	Yearly	
			Permit handout	FPA	Year-round as part of a regular service	
	8. You can protect your house from flooding	Increased number of inquires on mitigation actions	Storm drain stenciling	Public Works Department	Summer of 2017	
			Presentation at annual outreach on protecting waterways	FPA	Yearly	
	9. Avoid contact with rivers during ice events or high water	Educate people on ice jakes and high water and effects.	Guidebook	FPA	Year-round as part of a regular service	
			Link to Floodsmart.org on website	Webmaster	Year-round as part of a regular service	
		Miles City Star articles	FPA	Yearly		
		Education during Flood Awareness Day	FPA	Yearly		

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder
Structures that were in Zone B now Zone AE	1. Know your flood risk	More map inquiries	Mailing sent to each resident	FPA	Yearly	
			Miles City Star articles	FPA	Yearly	
	2. You need flood insurance	Increase in number of flood policies	Local Real Estate Agents post on all listing if property is located within the floodway	Realtors	Year-round as part of a regular service	Eastern Montana Realtors Board
			Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
	5. Everyone can buy flood insurance.	Increase policies in Zone X.	FEMA brochures on flood insurance	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
			Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
	4. Know flood building requirements	Reduce number of citations	Hand out on message, Miles City website	FPA, Webmaster	Year-round as part of a regular service	
			Permit handout	FPA	Year-round as part of a regular service	

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder	
Floodway Residents	1. Know your flood risk. 6. Turn around, don't drown	More number of flood policies, Increase number of flood policies in Zone X.	Mailing sent to each resident  <i>Miles City Star</i> articles	FPA  FPA	Year-round as part of a regular service  Year-round as part of a regular service		
	2. You need flood insurance 5. Everyone can buy flood insurance.	Increase in number of flood policies Increase policies in Zone X.	Local Real Estate Agents post on all listing if property is located within the floodway  Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.  FEMA brochures on flood insurance	Realtors  Realtors, lenders, insurance agents  Realtors, lenders, insurance agents	Year-round as part of a regular service  Year-round as part of a regular service  Year-round as part of a regular service	Eastern Montana Realtors Board  Eastern Montana Realtors Board, local banks and insurance agents  Eastern Montana Realtors Board, local banks and insurance agents	
	3. All construction projects must meet flood and waste quality rules. 4. Know flood building requirements 8. You can protect your house from flooding	Reduce number of citations  Increase number of inquiries on mitigation actions	Hand out on message to local civic groups, Miles City website  Permit handout  Guidebook  Link to Floodsmart.org on website	Floodplain manager & public info officer  Floodplain manager & public info officer  Floodplain manager & public info officer  Webmaster	Year-round as part of a regular service  Year-round as part of a regular service  Year-round as part of a regular service  Year-round as part of a regular service		

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder
Building Contractors	3. All construction projects must meet flood and waste quality rules.	Reduce number of citations	Hand out on message, Miles City website	Floodplain manager & public info officer	Year-round as part of a regular service	
	4. Know flood building requirements		Permit handout	Floodplain manager & public info officer	Year-round as part of a regular service	
Real Estate, Lending, and Insurance Companies	2. You need flood insurance 5. Everyone can buy flood insurance.	Increase in number of flood policies Increase policies in Zone X.	Local Real Estate Agents post on all listing if property is located within the floodway	Realtors	Year-round as part of a regular service	Eastern Montana Realtors Board
			Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
			FEMA brochures on flood insurance	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents
			Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	Realtors, lenders, insurance agents	Year-round as part of a regular service	Eastern Montana Realtors Board, local banks and insurance agents

# APPENDIX B

**Total Structures in Miles  
City 3804**

As of  
May  
2016

Properties in Flood Fringe	2530
Properties in Floodway (excluding flood fringe)	208
Properties out of floodplain	861
<b>Total LOMR's</b>	<b>205</b>
for partial properties	12
Structures	98
whole properties	88
LOMR-F-S	5
LOMR-F-Partial property	2
<b>Total Structures in SFHA including LOMA</b>	<b>2735</b>
% Total Structures in Floodway	5.47%
<b>Total Structures in SFHA including LOMA's (for regulation purposes)</b>	<b>71.90%</b>

Old Floodplain 100-yr	1156
500-year	2160
% Total Structures in Old 100-yr	30.39%
% of Total Structures in Old 500-year	56.78%

Total Area in SFHA	1370	Acres
Total Area in Floodway	152.69	Acres
Total Area in Miles City	2144	Acres

% of total area in Floodway	7.12%
% of total area in SFHA	63.90%

Single Family Homes in Flood Fringe	2110
Single Family Homes in Floodway	177
Single Family Home out of SFHA	755

2-4 Family Homes in Flood Fringe	101
2-4 Family Homes in Floodway	0
2-4 Family Homes out of SFHA	20

Other Residential in Flood Fringe	44
Other Residential in Floodway	1
Other Residential out of SFHA	39

Non-Residential in Flood Fringe	178
Non-Residential in Floodway	3
Non-Residential out of SFHA	209

Accessory Structures in Flood Fringe	50
Accessory Structures in Floodway	13
Accessory Structures out of SFHA	19

Vacant Property	85
Vacant Property in Floodway	14

% of Single Homes in SFHA	75.18%
% of 2-4 Family Homes in SFHA	83.47%
% of Other Residential in SFHA	53.57%
% of Non-Residential in SFHA	46.41%
% of Accessory Structures in SFHA	76.83%

Flood Zone	# of Bldgs. In SFHA	# of bldgs. in SFHA with coverage	% of Bldgs. Covered	Premium (\$)	Insurance in Force (\$)
Single Family	2287	1041	45.52%	510,953	147,390,700
2-4 Family	101	42	41.58%	17,481	5,619,800
All other Residential	45	11	24.44%	5,704	1,261,100
Non-Residential	181	54	29.83%	98,355	14,964,000
Total	2614	1148	43.92%	632,493	169,235,600

As of May 2016.

Data based off of NFIP policies. Does not include privately held flood insurance.



# APPENDIX C

?????????

(Put the name of the company on top)

## Flood Hazard: Check Before You Buy

Most everyone knows that flooding occurs various ways such as: ice jams blocking river flow, large amounts of snow runoff, heavy rains that cause flash flooding, and drainage problems. It takes only one major flood event to cause a catastrophe. There are maps that show areas predicted to flood. To find out more about flood-prone area maps, check with the City of Miles City Engineering Office located at 17 S. 8<sup>th</sup> Street.

If you're looking at a property, it's a good idea to check out the possible flood hazard before you buy. Here's why:

- The force of moving water or waves can destroy a building.
- Slow-moving floodwaters can knock people off their feet or float a car.
- Even standing water can float a building, collapse basement walls, or buckle a concrete floor.
- Water-soaked contents, such as carpeting, clothing, upholstered furniture, and mattresses, may have to be thrown away after a flood.
- Some items, such as photographs and heirlooms, may never be restored to their original condition.
- Floodwaters are not clean: floods carry mud, farm chemicals, road oil, and other noxious substances that cause health hazards.
- Flooded buildings breed mold and other problems if they are not repaired quickly and properly.
- The impact of flood clean-up, making repairs and personal losses can cause great stress to you, your family, and your finances.

**Floodplain Regulations:** The City of Miles City regulates construction and development in the floodplain to ensure that buildings will be protected from flood damage. Filling and similar projects are prohibited in certain areas. Houses substantially damaged by fire, flood, or any other cause must be elevated to or above regulatory flood level when they are repaired. More information can be obtained from the City of Miles City Floodplain Administrator, Samantha Malenovsky at 234-3493.

**Check for a Flood Hazard:** Before you commit yourself to buying property, do the following:

- Ask the City of Miles City Floodplain Administrator Samantha Malenovsky (234-3493) if the property is in a floodplain; if it has ever been flooded; what the flood depth, velocity, and warning time are; if it is subject to any other hazards; and what building or zoning regulations are in effect.
- Ask the real estate agent if the property is in a floodplain, if it has ever been flooded, and if it is subject to any other hazards such as sewer backup or subsidence.

- Ask the seller and the neighbors if the property is in a floodplain, how long they have lived there, if the property has ever been flooded, and if it is subject to any other hazards.
- Check for any deed restriction that may be on the property. Homeowners are required to fill restrictions under certain circumstances.

**Flood Protection:** A building can be protected from most flood hazards, sometimes at a relatively low cost. New buildings and additions can be elevated above flood levels. Existing buildings can be protected from shallow floodwaters by regrading, berms, or floodwalls. There are other retrofitting techniques that can protect a building from surface or subsurface water.

**Flood Insurance:** Homeowners insurance usually does not include coverage for a flood. One of the best protection measures for a building (with a flood problem) is a flood insurance policy under the National Flood Insurance Program, which can be purchased through any licensed property insurance agent. If the building is located in a floodplain, flood insurance will be required by most federally backed mortgage lenders. Ask an insurance agent how much a flood insurance policy would cost.

---

Buyer's Printed Name

---

Buyer's Signature/Date

---

Buyer's Printed Name

---

Buyer's Signature/Date

---

Realtors Printed Name

---

Realtors Signature/Date

## FLOOD INSURANCE DISCLOSURE AND ACKNOWLEDGEMENT

Property flooding can occur any time of the year from both surface water as well as groundwater (water rising up through the ground). Your hazard insurance policy usually will NOT cover property damage due to this type of flooding. If a property is determined to lie within a FEMA-designated 1% Flood Hazard Area and you're obtaining a loan, your lender will likely require you to purchase flood insurance in connection with your purchase of the property.

The National Flood Insurance Program (NFIP) provides for the availability of flood insurance but also establishes flood insurance policy premiums based on the risk of flooding in the area where properties are located. Due to recent amendments to federal law governing the NFIP those premiums are increasing, and in some cases will rise by a substantial amount over the premiums previously charged for flood insurance for the property. As a result, you should not rely on the premiums previously-paid for flood insurance on a property as an indication of the premiums that will apply after you complete your purchase.

While the risk of flooding can be higher in a FEMA-designated Flood Hazard Area, flooding can also occur on properties that are NOT located within these Flood Hazard Area. Whether or not a property lies within a FEMA-designated Flood Hazard Area, you are encouraged to contact one or more carries of flood insurance for a better understanding of flood insurance coverage, the premiums that are likely to be required to purchase such insurance and any available information about how those premiums may increase in the future.

For more information on flood insurance and the National Flood Insurance Program (NFIP) research:

[www.floodsmart.gov](http://www.floodsmart.gov)

[www.fema.gov/national-flood-insurance-program](http://www.fema.gov/national-flood-insurance-program)

[www.realtor.org/topics/national-flood-insurance-program-nfip](http://www.realtor.org/topics/national-flood-insurance-program-nfip)

Property Address:

---

---

---

Buyer's Printed Name

---

Buyer's Signature/Date

---

Buyer's Printed Name

---

Buyer's Signature/Date

# APPENDIX D

## INSURANCE IMPLICATIONS

Permit # \_\_\_\_\_

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

Address of Proposed Structure: \_\_\_\_\_

Legal Description: \_\_\_\_\_

The Federal Insurance Administration, by statute, must charge insurance rates commensurate with the risk to which a building is exposed. In some instances the additional cost of insuring these buildings, if they are not elevated or floodproofed in accordance with the NFIP requirements, would approach or even exceed the cost of meeting NFIP elevation or dry floodproofing requirements, and the structure would still be exposed to flood damages.

Some structures within the floodplain will require floodplain insurance, flood insurance will be required by most federally back mortgage lenders. Please talk with your insurance agent and/or lender to review any implications this may have.

It is the property owner's responsibility to ensure that the home is built compliant with all federal, state, and local requirements and will apply for flood insurance as needed.

In signing this statement, the issuance understands and agrees with the above terms.

Property Owner:

\_\_\_\_\_

Please Sign Name

\_\_\_\_\_

Date

# APPENDIX E

**2005 MCA Section 2-2-105 Ethical requirements for public officers and public employees.**

- 1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.
- 2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.
- 3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to other, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.
- 4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.
- 5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.



# APPENDIX F

Target Audience	Message(s) (See table 1)	Project(s)	Notes from 2015 Review
Entire City of Miles City	1. Know your flood risk 6. Turn around, don't drown	Mailing sent to each resident	Flyer was sent out, this was covered during the Flood Awareness Day
		Miles City Star articles	NO article in the Star has been done yet. The FPA does send out a map determination letter every year to the insurance agents, real estate agents, and lenders to inform them of the service and they then refer people over to the Floodplain Administrator for determinations.
		Local Real Estate Agents post on all listing if property is located within the floodway	Real Estate Agents post this on their website.
	2. You need flood insurance 5. Everyone can buy flood insurance	Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Flyer was updated to include 2015 insurance changes; more calls were received concerning insurance and it's coverage. Real Estate agents and Insurance agents have brochures (FEMA & other) available to the public. There are also brochures available in City hall
		FEMA brochures on flood insurance	Flyer was sent out on upcoming changes concerning insurance and it's coverage.
		Local insurance agents advise their clients of the effects of from BW12	A brochure was produced by PPI for all new sales they have, real estate agents are currently using.
	3. All construction projects must meet flood and waste quality rules.	Hand out on message to local civic groups and meetings, Miles City website	Had a presentation with the some local civic groups, discussed construction stipulations and issues that have risen from current DFIRM along with options available to the City. Also done at the Flood Awareness Day
	4. Know flood building requirements	Permit handout	Portion of this is completed. Talked about making one handout that will cover floodplain, building, asbestos procedures.
	7. Only rain goes down the drain	Storm drain stenciling	Not completed yet. Public Works Director Scott Gray noted that we have been talking about having AmeriCorps do this.
	Presentation at annual outreach on protecting waterways	Done during 2015 Flood Awareness Day.	
8. You can protect your house from flooding	Guidebook	Portion of this is completed. Talked about making one guidebook/handout that will cover floodplain, building, asbestos procedures. Mitigation grants are talked about one-on-one with property owners. Mitigation has been discussed a lot more with property owners, and there is interest in it.	
	Link to Floodsmart.org on website	Completed	
9. Avoid contact with rivers during ice events	Miles City Star articles	Was completed during the 2015 year, will send out another informational piece when rivers start to ice over.	

	<p>or high water events.</p>	<p>Educate public on how the rivers can cause extreme risk when either of these events is occurring. For the following: See the above</p>
	<p>1. Know your flood risk</p>	<p>Mailing sent to each resident <i>Miles City Star</i> articles</p>
<p>Structures that were in Zone B now Zone AE</p>	<p>2. You need flood insurance 5. Everyone can buy flood insurance</p>	<p>Local Real Estate Agents post on all listing if property is located within the floodway Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.</p>
	<p>4. Know flood building requirements</p>	<p>FEMA brochures on flood insurance, meetings with civic groups Local insurance agents advise their clients of the effects of from BW12</p>
	<p>1. Know your flood risk 6. Turn around, don't drown</p>	<p>Hand out on message, Miles City website Permit handout Mailing sent to each resident</p>
	<p>2. You need flood insurance 5. Everyone can buy flood insurance</p>	<p><i>Miles City Star</i> articles Local Real Estate Agents post on all listing if property is located within the floodway Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.</p>
<p>Floodway Residents</p>	<p>3. All construction projects must meet flood and waste quality rules. 4. Know flood building requirements</p>	<p>FEMA brochures on flood insurance, meetings with civic groups Local insurance agents advise their clients of the effects of from BW12</p>
	<p>8. You can protect your house from flooding</p>	<p>Hand out on message to local civic groups, Miles City website Permit handout Guidebook</p>

Building Contractors	3. All construction projects must meet flood and waste quality rules. 4. Know flood building requirements	Link to Floodsmart.org on website  Hand out on message, Miles City website  Permit handout	Floodplain and Building Department were going to work jointly on a message and permit handout. There has been talk on holding a class to discuss multiple topics.
Real Estate, Lending, and Insurance Companies	2. You need flood insurance 5. Everyone can buy flood insurance	Local Real Estate Agents post on all listing if property is located within the floodway  Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.  FEMA brochures on flood insurance  Local insurance agents advise their clients of the effects of from BW12	See above  See above  See above  See above

Have made some updates to the PPI document plan on having it updated this 2016 year by council.

**RESOLUTION NO. 3989**

**A RESOLUTION APPROVING AN AMENDMENT TO THE MILES CITY AREA TRANSPORTATION PLAN SUBRECIPIENT AGREEMENT EXTENDING TERM OF AGREEMENT.**

*WHEREAS*, the City of Miles City and the Montana Department of Transportation entered into a funding agreement related to the Miles City Area Transportation Plan on April 2, 2105, which is still in the process of being developed;

*AND WHEREAS*, the parties desire to extend the term of such agreement to ensure that completion occurs within the contract period;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. "Amendment 1 to the Miles City Area Transportation Plan Subrecipient Funding Agreement Between The Montana Department of Transportation and The City of Miles City," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by the Council;

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and to bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11th DAY OF OCTOBER, 2016.**

---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

EXHIBIT A

AMENDMENT I TO THE  
MILES CITY AREA TRANSPORTATION PLAN  
SUBRECIPIENT FUNDING AGREEMENT  
BETWEEN

THE MONTANA DEPARTMENT OF  
TRANSPORTATION AND  
THE CITY OF MILES CITY

The City of Miles City (SUBRECIPIENT) and the Montana Department of Transportation (DEPARTMENT) do hereby agree and acknowledge that the Miles City Area Transportation Plan Update Funding Agreement entered into April 1, 2015, is amended as follows:

**Section 2, Time of Performance** The term of this agreement is extended to twenty (20) months unless terminated before this date as provided in Section IO of the initial agreement.

This change is necessary to accommodate an extended schedule and does not affect agreed upon funding or scope.

The agreement between the LOCAL AUTHORITIES and DEPARTMENT executed on April 1, 2015, and as amended herein, constitutes the entire agreement between the parties and no statements, promises, or inducements made by either party, or agents of either party, which are not contained in written agreement, shall be binding or valid.

WITNESS WHEREOF, the parties have caused this agreement to be executed.

CITY OF MILES CITY

By: \_\_\_\_\_  
Mayor  
City of Miles City

Date: \_\_\_\_\_, 2016

STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Transportation Planning Division

Date: \_\_\_\_\_, 2016

Approved for Legal Content:

By:  \_\_\_\_\_  
Department Legal Services

Date: SEPTEMBER 27, 2016

**RESOLUTION NO. 3991**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH THE CUSTER COUNTY WATER AND SEWER DISTRICT FOR FLUSHING HYDRANTS IN CALENDAR YEAR 2016.**

*WHEREAS*, The City of Miles City, acting through its Fire Department, has proposed to the Custer County Water and Sewer District to provide hydrant flushing services to the district for 2016 for the sum of Five Thousand dollars and no/100 (\$5,000.00), as reflected in the proposal attached hereto as Exhibit "A;"

*AND WHEREAS*, the Custer County Water and Sewer District is agreeable to the City providing such services according to the terms contained in said proposal;

*NOW THEREFORE BE IT RESOLVED* by the City Council of Miles City, Montana, as follows:

The 2016 Proposal for Hydrant Flushing Services attached hereto as Exhibit "A," and made a part hereof, is hereby approved, and Chief of the Miles City Fire Department is hereby empowered and authorized to carry out the terms of this Agreement on behalf of the City of Miles City.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 11<sup>th</sup> DAY OF OCTOBER, 2016.**

\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk



Suppression  
Ambulance

EXHIBIT A  
**MILES CITY FIRE & RESCUE**

Gary L. Warren, Fire Chief  
Scott Moore, Battalion Chief

Prevention  
Public Education

**CITY OF MILES CITY**

2800 Main Street  
Miles City, MT 59301

Telephone: (406) 234-2235  
Fax: (406) 234-8666

Custer County Sewer and Water District  
P.O. Box 967  
Miles City, MT 59301

May 13, 2016

**2016 PROPOSAL FOR HYDRANT FLUSHING SERVICES**

**The City of Miles City proposes to flush the Water and Sewer District fire hydrants for a fee of \$5,000.00 with a maximum of 71 hydrants. District will pay all invoices within 30 days of billing by the city.**

**The District will pay for all water utilized in the procedure.**

**Services would be provided pursuant to standard hydrant flushing procedures used by MCFR.**

**The District will have all risk of breakage or damage to valves or pipes resulting from the flushing process.**

**The service will be performed prior to September 15, 2016.**

**The City will provide all equipment needed to flush the hydrants.**

**This offer is contingent upon final approval of the agreement by the Miles City Council.**

**Dated May 13, 2016**

**Gary L. Warren**

**Fire Chief-MCFR**



**RESOLUTION NO: 3992**

**A RESOLUTION ESTABLISHING FIRE INSPECTION FEES FOR  
MILES CITY, MONTANA**

**WHEREAS**, pursuant to the 2012 International Fire Code, as adopted by the State of Montana and the City of Miles City, Miles City Fire Rescue is required to annually conduct a fire code compliance inspection for buildings and premises; and

**WHEREAS**, Miles City Fire Rescue incurs administrative time and expense in connection with the performance of fire code compliance inspection for buildings and premises for Miles City; and

**WHEREAS**, Miles City Fire Rescue has studied the aforementioned costs and expenses associated with the performance of fire code compliance inspection for businesses and premises for Miles City; and

**WHEREAS**, Miles City Fire Rescue has made certain recommendations to establish a fire code compliance inspection fee; and

**NOW, THEREFORE, BE IT RESOLVED by the Council of Miles City, Montana, as follows:**

1. That Miles City Fire Rescue is hereby authorized to charge rates for fire inspections as set forth in the attached Exhibit "A", which is hereby incorporated into this resolution as if fully set forth herein.

2. That Miles City Fire Rescue, pursuant to Sections 103.1-104.3 of the 2012 International Fire code, has the following authority related to inspections:

(a) *Authority to Enter.* The Fire Inspector or designee is authorized to enter and inspect, or cause to be inspected, all buildings and premises for the purpose of conducting an annual fire code compliance inspection.

(b) *Annual Inspection Fee.* The Fire Inspector or designee shall charge an annual inspection fee for each fire code compliance inspection except local and state government buildings. It shall be the duty of every person maintaining or operating the business or premise to pay the annual inspection fee. Equipment requiring periodic testing or operation shall be tested or operated as specified by the 2012 International Fire Code, as adopted by the State of Montana.

(c) *Required Posting of Fire Inspection Certificate.* Each building or premise shall post their Fire Inspection Certificate in plain view and each Fire Inspection Certificate will be updated upon the completion of the annual fire inspection.

*(d) Finding of Dangerous or Hazardous Conditions; Notice of Violation.* Whenever the Fire Inspector or designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this section, he or she shall give notice of the alleged violation to the persons responsible. The notice shall be in writing, include a statement of the reasons why it is being issued, allow a reasonable time, not less than ten (10) days, for the performance of any act it requires, be served upon the owner or his agent, or the occupant, as the case may require. The notice shall be deemed properly served upon the owner, agent or occupant if a copy thereof is sent by regular mail or email to the last known address. The notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this article.

3. BE IT FURTHER RESOLVED that a public hearing shall be held on said fees on the 25th day of October, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, pursuant to §7-1-4128 MCA, 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE  
THIS 11<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
JOHN HOLLOWELL, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF  
MILES CITY, MONTANA, THIS 25<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
JOHN HOLLOWELL, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

EXHIBIT A

**FIRE INSPECTION FEES**

**SELF-INSPECTION**

\$10.50

**LIVE INSPECTION**

\$25 = 0-5000 SQ FT

\$50 = 5001-7500 SQ FT

\$75 = 7501-10,000 SQ FT

\$100 = 10,001+ SQ FT

\$25 = Reinspection

**LATE FEES**

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be accessed to the responsible party.



**ORDINANCE NO. 1306**

**AN ORDINANCE REPEALING AND REPLACING “CHAPTER 24 – ZONING” OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, FOR THE PURPOSE OF IMPLEMENTING A REVISED ZONING CODE.**

**WHEREAS**, the City Council of the City of Miles City has developed an updated zoning code which is intended to replace “Chapter 24 – Zoning” of the Code of Ordinances of Miles City, Montana;

**AND WHEREAS**, the Zoning Commission held noticed public hearings on August 24, 2016 and September 20, 2016 to receive public comment, concern and feedback as to the provisions of the proposed new zoning code, and the Zoning Commission then made recommendations for changes for consideration by the City Council;

**AND WHEREAS**, the City Council finds the adoption of the updated zoning code, following public hearing at the City Council level for additional public comment, to be in the best interests of the City and its residents.

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

**Section 1.** Chapter 24 shall be replaced with the updated zoning code contained in Exhibit “A”, attached hereto and incorporated by this reference.

**Section 2.** A public hearing shall be held on the approval of the updated zoning code on the 8th day of November, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §76-2-303(2) MCA, at least 15 days prior to the hearing.

**Section 3.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 11th day of October, 2016.

---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 8<sup>th</sup> day of November, 2016.

---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

# DRAFT Chapter 24 - Zoning

## Table of Contents

ARTICLE I. – IN GENERAL .....	4
Sec. 24-1. - Title of Chapter.....	4
Sec. 24-2. - Statutory authority.....	4
Sec. 24-3. - Territorial jurisdiction.....	4
Sec. 24-4. - Purposes of Chapter.....	4
Sec. 24-5. – Effective Date.....	5
Sec. 24-6. – Severability Clause.....	5
Sec. 24-7. – Conflict with Other Laws and Ordinances.....	5
Sec. 24-8. – Relationship to Growth Policy.....	5
Sec. 24-9. – Relationship to Private Agreements.....	5
Sec. 24-10. – Terms and Definitions.....	5
ARTICLE II. - ZONING DISTRICTS.....	6
Sec. 24-11. - Zoning district map adopted.....	6
Sec. 24-12. - Districts established.....	6
Sec. 24-13. - Boundaries established.....	7
Sec. 24-14. – Zoning upon annexation.....	7
Sec. 24-15. - Residential A district (RA).....	7
Sec. 24-16. - Residential B district (RB).....	8
Sec. 24-17. - Residential C district (RC).....	10
Sec. 24-18. - Semi-rural district (SR).....	11
Sec. 24-19. - Mobile home residential district (MH-A).....	13
Sec. 24-20. - Mobile Home – RV Park district (MH-RV).....	14
Sec. 24-21. - Central business district (CBD).....	15
Sec. 24-22. - General commercial district (GC).....	17
Sec. 24-23. - Highway commercial district (HWC).....	19
Sec. 24-24. - Heavy commercial/light industrial district (HCLI).....	20
Sec. 24-25. - Heavy industrial district (HI).....	21
Sec. 24-26. - Open space district (OS).....	22
Sec. 24-27. - Medical campus district (MC).....	23

Sec. 24-28 - Planned unit development overlay district (PUDOD).....	24
Sec. 24-29 - Sexually Oriented Business Overlay District (SOBOD).....	27
Secs. 24-30—24-39. - Reserved.....	27
ARTICLE III. – APPLICATION OF ZONING REGULATIONS TO ALL DISTRICTS.....	27
Sec. 24-40. – Standards Applicable to All Districts When Required. ....	27
Sec. 24-41. – Building Setbacks.....	27
Sec. 24-42. – Yards.....	28
Sec. 24-43. – Vacant Lots in Residential Districts.....	29
Sec. 24-44. – Outdoor Lighting.....	30
Sec. 24-45. – Floodplain Compliance.....	30
Sec. 24-46. – Storm Water Management Plan.....	30
Sec. 24-47. – Clear Vision Triangles.....	31
Sec. 24-48. – Maximum height of fences and hedges; projecting tree branches or shrubbery... 33	
Sec. 24-49. – Landscaping requirements.....	33
Sec. 24-50. – Off-Street Parking and Loading.....	43
Secs. 24-51—24-59. – Reserved.....	48
Sec. 24-60. – Standards for Specific Land Uses.....	48
Sec. 24-61. – Mobile Homes.....	48
Sec. 24-62. – Recreational Vehicles.....	49
Sec. 24-63. – Accessory Buildings. (Also see Accessory Dwelling Units, Sec. 24-65).....	50
Sec. 24-64. – Home Occupations.....	50
Sec. 24-65. – Accessory Dwelling Units.....	51
Sec. 24-66. – Bed and Breakfasts.....	52
Sec. 24-67. – Multiple-Family Dwellings, Two-Family Dwellings, Townhouses and Townhomes. .....	53
Sec. 24-68. – Requirements for chickens.....	54
Sec. 24-69. – Animal rescue shelters.....	55
Sec. 24-70. – Antennae, Antenna Support Structures and Wireless Communications Facilities. .....	55
Secs. 24-71—24-79. – Reserved.....	62
ARTICLE IV. – ADMINISTRATION AND ENFORCEMENT .....	62
Sec. 24-80. – Permits Required.....	62
Sec. 24-81. – Exemptions for Development Activity.....	63



Sec. 24-82. – Application Forms and Fees..... 63

Sec. 24-83. – Contents of Applications..... 63

Sec. 24-84. – Site Inspection. .... 64

Sec. 24-85. – Procedures for Building Permits, Change of Occupancy Permits and Certificates of Occupancy..... 64

Sec. 24-86. – Interpretation of use. .... 65

Sec. 24-87. – Uses preempted by state statute..... 66

Sec. 24-88. – Application of Zoning Regulations to State and Local Government Agencies (76-2-402, MCA)..... 66

Sec. 24-89. – Nonconforming Uses..... 66

Sec. 24-90. – Board of Adjustment. .... 67

Sec. 24-91. – Conditional Use Permit Review..... 68

Sec. 24-92. – Variances..... 70

Sec. 24-93. – Zoning Appeals. .... 73

Sec. 24-94. - Zoning Commission..... 74

Sec. 24-95. - Duties of Zoning Commission..... 74

Sec. 24-96. – Zone Changes and Zoning Amendments..... 74

Sec. 24-97. – Public Hearing Notices..... 77

Sec. 24-98. – Violations/Enforcement..... 77

Secs. 24-99—24-999. - Reserved..... 80

ARTICLE V. – DEFINITIONS ..... 80

## **ARTICLE I. – IN GENERAL**

### **Sec. 24-1. - Title of Chapter.**

The provisions of this Chapter shall be designated as the Miles City Zoning Ordinance, and may be cited as such.

### **Sec. 24-2. - Statutory authority.**

The zoning regulations set forth in this Chapter are adopted under the authority of 76-2-301, Montana Code Annotated (MCA).

### **Sec. 24-3. - Territorial jurisdiction.**

The jurisdiction of this Chapter shall include all land within the corporate limits of the City of Miles City, Montana.

### **Sec. 24-4. - Purposes of Chapter.**

The purposes of these regulations are to:

- a) Promote the public health, safety, morals and general welfare of the community (76-2-304 and 76-2-304(1)(b)(ii), MCA);
- b) Accord with the Miles City Growth Policy (76-2-304(1)(a), MCA);
- c) Secure safety from fire and other dangers (76-2-304(1)(b)(i), MCA);
- d) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements (76-2-304(1)(b)(iii), MCA);
- e) Provide adequate light and air (76-2-304(2)(a), MCA);
- f) Minimize negative effects on motorized and nonmotorized transportation systems (76-2-304(2)(b), MCA);
- g) Promote compatible urban growth (76-2-304(2)(c), MCA);
- h) Enhance the character of the districts and their peculiar suitability for particular uses (76-2-304(2)(d), MCA);
- i) Conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area (76-2-304(2)(e), MCA);
- j) Provide appropriate regulations to be enforced within the jurisdictional area's various districts (76-2-307, MCA); and
- k) Comply with the requirements of 76-8-107, MCA to adopt regulations for the administration and enforcement of the creation of buildings for lease or rent on a single tract, thus exempting

all buildings for lease or rent from special review provided they are in conformance with this Chapter.

**Sec. 24-5. – Effective Date.**

This revised Chapter shall become effective 30 days after its final passage by the City Council, giving an effective date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Sec. 24-6. – Severability Clause.**

Where any word, phrase, clause, sentence, paragraph, or section or other part of these regulations is held invalid by a court of competent jurisdiction by express inclusion in the decision to be invalid, such judgment shall affect only that part held invalid and such decision shall not affect, impair or nullify these regulations as a whole or any other part thereof.

**Sec. 24-7. – Conflict with Other Laws and Ordinances.**

Wherever conflicts exist between the standards imposed by these regulations and any such standard imposed by other local ordinances or regulations or state statutes, the higher or more restrictive standards shall govern. See 76-2-309, MCA.

**Sec. 24-8. – Relationship to Growth Policy.**

The Miles City Growth Policy provides the policy basis for these regulations and standards. The regulations and standards herein have been made in consideration of and in conformance with the Miles City Growth Policy.

**Sec. 24-9. – Relationship to Private Agreements.**

Adoption of these regulations does not nullify easements, covenants, and similar private agreements, but where any such agreement imposes requirements less restrictive than those adopted here, the requirements of these regulations apply. Where the provisions of any private agreements are more restrictive or impose higher standards than these regulations, the city has no duty to enforce such restrictions or advise of their existence. The city may enforce private restrictions if the city is a party to such restrictions, or if such restrictions were required by the city during the land permitting and development process in order to meet the requirements of these or other city regulations.

**Sec. 24-10. – Terms and Definitions.**

Article V gives definitions of certain terms used in these regulations. Terms and phrases used in these regulations that are not defined shall have the term's or phrase's common meaning when appropriate for its context and to promulgate the purposes and intent of these regulations. When a question arises concerning application of any term or phrase, it shall be the duty of the Administrator to ascertain all pertinent facts and make an official interpretation in writing upon

written request. Thereafter such interpretations shall govern. All interpretations shall be on file at City Hall. Any appeal of the Administrator's official written interpretation shall be reviewed by the Board of Adjustment according to Section 24-93.

## **ARTICLE II. - ZONING DISTRICTS**

### **Sec. 24-11. - Zoning district map adopted.**

The designation, location and boundaries of zoning districts established under this Chapter shall be shown and depicted on a map designated as the Official Miles City Zoning District Map, which is hereby adopted by reference and may be amended from time to time. 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. The Official Miles Zoning District Map and all amendments thereto shall be kept in the offices of the Administrator.

### **Sec. 24-12. - Districts established.**

- a) **Zoning Districts.** A zoning district is a geographic area within which development of certain uses and buildings is permitted upon approval of a Building Permit and certain other uses and buildings may be developed upon approval of a Conditional Use Permit. For the purpose of classifying, regulating, and defining uses that are appropriately located, the following zoning districts are established:
1. Residential A District (RA)
  2. Residential B District (RB)
  3. Residential C District (RC)
  4. Semi-Rural District (SR)
  5. Mobile Home Residential District (MH-A)
  6. Mobile Home – RV Park District (MH-RV)
  7. Central Business District (CBD)
  8. General Commercial District (GC)
  9. Highway Commercial District (HWC)
  10. Heavy Commercial/Light Industrial District (HCLI)
  11. Heavy Industrial District (HI)
  12. Medical Campus District (MC)
  13. Open Space District (OS)
- b) **Overlay Districts.** An overlay district modifies the regulations applicable in the zoning districts “over” which it is mapped. The following overlay districts are established:
1. Planned Unit Development Overlay District (PUDOD)

2. Sexually Oriented Business Overlay District (SOBOD)

- c) **Compliance Required.** No building shall be erected, altered or used, and no land shall be developed or used in a manner that does not conform with the regulations prescribed for the zoning district and overlay district in which it located, except as authorized in Section 24-89 – Nonconforming Uses.

**Sec. 24-13. - Boundaries established.**

The boundaries of districts are shown on the Official Miles City Zoning District Map. Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

- a) The district boundaries are centerlines of streets, alleys or waterways unless otherwise shown.
- b) Where the district boundaries are not centerlines of streets, alleys or waterways and where the land has been divided into lots, the district boundaries shall be construed to follow lot lines.

The Administrator shall be responsible for interpreting the zoning district boundaries. Any person who disputes a decision of the Administrator may appeal the decision to the Board of Adjustment using the procedure found in Section 24-93.

**Sec. 24-14. – Zoning upon annexation.**

All territory which may hereafter be annexed into the City of Miles City shall be zoned at the time of annexation. Prior to such annexation and zoning, the Administrator shall have made a zoning recommendation to the Zoning Commission, and the Zoning Commission shall have made its investigation and shall make a recommendation and report to the City Council on the question of zoning. City Council public hearings on the question of zoning shall be held in conjunction with the necessary annexation procedures.

**Sec. 24-15. - Residential A district (RA).**

- a) **Intent.** It is the intent of the RA district to provide for residential neighborhoods of single family and multifamily dwellings up to four units.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the RA district are shown in Table II.1. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.1: RA DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Multifamily dwellings not in excess of four units	Day care centers in excess of 12 children

Schools	Bed and breakfasts
Public parks, buildings, and playgrounds	Accessory dwelling units
Religious institutions	
Home occupations with no more than one on site employee (in addition to a homeowner or renter)	
Accessory uses	
Home day cares up to 12 children	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

c) **District regulations.** Specifications for the RA district are shown in Table II.2.

**TABLE II.2: RA DISTRICT SPECIFICATIONS**

<b>Regulations</b>	<b>Specifications</b>
Minimum lot width	50 feet
Minimum lot size	5,500 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet Corner lots – 10 feet for side yard adjacent to street
Minimum rear yard setback	15 feet
Maximum lot coverage	45%
Maximum building height	Primary building - 35 feet Accessory buildings – 18 feet

**Sec. 24-16. - Residential B district (RB).**

- a) **Intent.** It is the intent of the RB district to provide for residential neighborhoods of single family and multifamily dwellings up to eight units.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the RB district are shown in Table II.3. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.3: RB DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Multifamily dwellings not in excess of eight units	Day care centers in excess of 12 children
Schools	Accessory dwelling units
Public parks, buildings, and playgrounds	Home occupations with up to two on site employees (in addition to the homeowner or renter)
Religious institutions	Bed and breakfast
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares up to 12 children	
Accessory uses	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c)	
Minor utility installations	

c) **District regulations.** Specifications for the RB district are shown in Table II.4.

**TABLE II.4: RB DISTRICT SPECIFICATIONS**

Regulations	Specifications
Minimum lot width	50 feet
	Multifamily dwellings in excess of four units – 75 feet
Minimum lot size	5,500 square feet
	Multifamily dwellings in excess of four units – 8,000 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots – 10 feet for side yard adjacent to

	street
	Multifamily dwellings in excess of four units - 10 feet
Minimum rear yard setback	15 feet
	Multifamily dwellings in excess of four units - 20 feet
Maximum lot coverage	60%
Maximum building height	Primary building - 40 feet
	Accessory buildings - 18 feet

**Sec. 24-17. - Residential C district (RC).**

- a) **Intent.** It is the intent of the RC district to provide for multifamily residential uses in excess of eight units.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the RC district are shown in Table II.5. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.5: RC DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Multifamily dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Public parks, buildings, and playgrounds	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Religious Institutions	Bed and breakfast
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Accessory uses	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

- c) **District regulations.** Specifications for the RC district are shown in Table II.6.



**TABLE II.6: RC DISTRICT SPECIFICATIONS**

<b>Regulations</b>	<b>Specifications</b>
Minimum lot width	50 feet
	Multifamily dwellings four to eight units - 75 feet
	Multifamily dwellings in excess of eight units - 100 feet
Minimum lot size	5,500 square feet
	Multifamily dwellings four to eight units - 8,000 square feet
	Multifamily dwellings in excess of eight units - 10,000 square feet
Minimum front yard setback	20 feet
	Multifamily dwellings in excess of eight units - 25 feet
Minimum side yard setback	5 feet
	Multifamily dwellings in excess of eight units - 10 feet
Minimum rear yard setback	15 feet
	Multifamily dwellings in excess of eight units - 20 feet
Maximum lot coverage	70%
Maximum building height	60 feet

**Sec. 24-18. - Semi-rural district (SR).**

- a) **Intent.** It is the intent of the SR district to provide for low density residential uses where small scale agricultural practices may occur.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the SR district are shown in Table II.7. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.7: SR DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Mobile homes	Home occupations with up to four on site employees (in addition to a homeowner or renter)
Public parks	Bed and breakfast
Religious institutions	Wireless communication facilities
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares and day care centers	
Accessory uses	
Accessory dwelling units	
Animal rescue shelters (up to 8 animals)	
Growing of crops	
Stables	
Grazing	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

c) **District regulations.** Specifications for the SR district are shown in Table II.8.

**TABLE II.8: SR DISTRICT SPECIFICATIONS**

Regulations	Specifications
Minimum lot width	100 feet
Minimum lot size	20,000 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	20 feet
Maximum lot coverage	45%

Maximum building height	Primary building - 35 feet
	Accessory buildings - 18 feet

**Sec. 24-19. - Mobile home residential district (MH-A).**

- a) **Intent.** It is the intent of the MH-A district to provide for residential neighborhoods of mobile homes, single family and multifamily dwellings up to four units.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the MH-A district are shown in Table II.9. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.9: MH-A DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Mobile homes	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Single-family dwellings	Day care centers in excess of 12 children
Multifamily dwellings not in excess of four units	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Schools	Bed and Breakfast
Public parks, buildings, and playgrounds	Accessory dwelling units
Religious institutions	
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Accessory uses	
Home day cares up to 12 children	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

- c) **District regulations.** Specifications for the MH-A district are shown in Table II.10.

**TABLE II.10: MH-A DISTRICT SPECIFICATIONS**

<b>Regulations</b>	<b>Specifications</b>
Minimum lot width	40 feet
Minimum lot size	4,800 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots - 10 feet for side yard adjacent to street
Minimum rear yard setback	15 feet
Maximum lot coverage	50%
Maximum building height	Primary building - 35 feet
	Accessory buildings - 18 feet
Skirting	Within 60 days siting, a mobile home shall be skirted with material similar to its siding material or better.

**Sec. 24-20. - Mobile Home – RV Park district (MH-RV).**

- a) **Intent.** It is the intent of the MH-RV district to provide for a mobile home park to be developed for residential use and recreational vehicle parks for transient recreational use. Such developments shall comply with the Montana Subdivision and Platting Act and Miles City Subdivision regulations.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the MH-RV district are shown in Table II.11. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.11: MH-RV DISTRICT PERMITTED AND CONDITIONAL USES**

<b>Permitted Uses</b>	<b>Conditional Uses</b>
Mobile home parks	None
Mobile homes	
Recreational vehicle parks	
Recreational vehicles	
Accessory uses to mobile home parks and recreational vehicle parks such as park offices, laundromats, and recreational facilities	
Public parks, buildings, and playgrounds	

Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

c) **District Regulations.** Specifications for the MH-RV district are shown in Table II.12.

**TABLE II.12: MH-RV DISTRICT SPECIFICATIONS**

Regulations	Specifications
Mobile Home Setbacks	All mobile/manufactured homes must be located at least 25 feet from any property boundary line abutting upon a public street or highway right-of-way and at least 15 feet from other boundary lines of the park
	The mobile/manufactured home pad must be located at least 10 feet from the street that serves it.
	No detached structure, such as a storage shed, may be located within 10 feet of any mobile/manufactured home or its attached structures.
	No mobile/manufactured home or its attached structures, such as awnings and carports, may be located within 20 feet of any other mobile home or its attached structures.
RV Setbacks	Recreational vehicles must be separated from each other and from other structures by at least 15 feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.
	Recreational vehicle spaces must be located at least 25 feet from any public street or highway right-of-way.
MH Skirting	Each mobile/manufactured home must be skirted within 30 calendar days after it is moved to a space within the mobile/manufactured home park.

**Sec. 24-21. - Central business district (CBD).**

- a) **Intent.** It is the intent of the CBD to encompass the traditional downtown core of the city and maintain existing ground floor storefronts that rely on convenient access for pedestrians.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the CBD are shown in Table II.13. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.13: CBD DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Retail	Ground floor residential provided the residence is not abutting Main Street
Hotels and similar accommodations	
General commercial services	
Eating and drinking establishments	
Residential above ground floor use	
Theaters, lodges, and places of assembly	
Offices	
Banks and other financial institutions	
Public buildings, including, government, libraries, and museums	
Day care centers	
Religious institutions	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c)	
Minor utility installations	

c) **District regulations.** Specifications for the CBD district are shown in Table II.14.

**TABLE II.14: CBD DISTRICT SPECIFICATIONS**

Regulations	Specifications
Minimum lot width	25 feet
Minimum lot size	None
Minimum front yard setback	0 feet
Maximum front yard setback	0 Feet 25 feet for buildings where a public space is provided subject to the main building façade facing the front yard setback area
Minimum side yard setback	0 feet
Minimum rear yard setback	0 feet
Maximum lot coverage	100%
Maximum building height	65 feet

Ground floor glazed area requirements	Windows or other glazed area must cover at least 40% of the public street-facing ground floor building wall. Darkly tinted, or highly reflective glazing may not be counted toward minimum glazed area requirements. On corner parcels, this requirement applies only along the building frontage. In the event that these minimum glazed area requirements conflict with city building code requirements, the building code governs. Glazed area requirements shall apply to that area of the ground floor building wall facing a public street up to the finished ceiling height of the first floor building space.
Design Elements	<p>The developer shall provide at least three of the following design elements:</p> <p>Awnings and overhangs along the street that will not impede pedestrian movement</p> <p>Articulated façades and recessed entryways</p> <p>Original façade restoration and enhancement</p> <p>Brick, stone, glass and other materials blending with the historic downtown character</p> <p>Carved ornaments, moldings and decorative structural elements</p> <p>Colors and materials that complement the patterns, colors and appearance of nearby historic buildings</p> <p>Plantings such as flower boxes</p>
Rehabilitation of Historic Structures	<p>New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.</p> <p>New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.</p>

**Sec. 24-22. - General commercial district (GC).**

- a) **Intent.** It is the intent of the GC district to provide for commercial districts in close proximity to and serving the ordinary shopping needs residents and visitors, and which do not attract large volumes of traffic. Examples of general commercial uses include community oriented retail establishments, eating establishments, hardware stores, auto parts stores, grocery and convenience stores, neighborhood lodges and assembly facilities, banks and other financial

institutions, medical and dental clinics, professional and personal services, print shops, fitness centers, and other similar uses serving the commercial needs of the community.

- b) **Allowed Uses.** The permitted and conditional uses allowed in the GC district are shown in Table II.15. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.15: GC DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
General commercial uses up to 15,000 square feet	General commercial uses in excess of 15,000 square feet
Continued use of residences	Wireless communication facilities
Multifamily dwellings	
Accessory uses associated with primary use	
Bars and taverns	
Schools and other educational facilities	
Public parks, buildings, and playgrounds	
Religious Institutions	
Day care centers	
Home occupations	
Accommodations serving up to ten guest rooms	
Animal rescue shelters	
Neighborhood lodges and places of assembly	
Recreational Vehicle Parks	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

- c) **District regulations.** Specifications for the GC district are shown in Table II.16.

**TABLE II.16: GC DISTRICT SPECIFICATIONS**

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	15 feet



Minimum side yard setback	0 feet
	Corner lots – 10 feet for side yard adjacent to street
	Uses abutting residential districts – 5 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts – 15 feet
Maximum lot coverage	80%
Maximum building height	Primary building - 40 feet
	Accessory buildings – 18 feet

**Sec. 24-23. - Highway commercial district (HWC).**

- a) **Intent.** It is the intent of the HWC district to provide for commercial oriented uses around highways and arterials that rely on convenient automobile access. Examples of highway oriented businesses include overnight accommodations, casinos, gas stations, eating and drinking establishments, hardware stores, grocery stores, vehicle and equipment sales, and retail.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the HWC district are shown in Table II.17. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.17: HWC DISTRICT PERMITTED AND CONDITIONAL USES**

<b>Permitted Uses</b>	<b>Conditional Uses</b>
Highway oriented commercial uses up to 30,000 square feet	Highway oriented commercial uses in excess of 30,000 square feet
Accessory uses associated with primary use	Wholesale
Schools	Wireless communication facilities
Public parks, buildings, and playgrounds	Day care centers
Religious institutions	
Animal rescue shelters	
Recreational vehicle parks	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

c) **District Regulations.** Specifications for the HWC district are shown in Table II.18.

**TABLE II.18: HWC DISTRICT SPECIFICATIONS**

<b>Regulations</b>	<b>Specifications</b>
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots – 10 feet for side yard adjacent to street
	Uses abutting residential districts – 5 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts – 15 feet
Maximum lot coverage	80%
Maximum building height	45 feet

**Sec. 24-24. - Heavy commercial/light industrial district (HCLI).**

- a) **Intent.** It is the intent of the HCLI district to provide for businesses and services which may require large storage space, may be open in the evenings, may generate large volumes of traffic, and which require a type of service activity which tends to generate open storage yards, building material yards, light manufacturing and assembly, and warehousing. In comparison to heavy industrial uses, commercial and industrial operations located in this district are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to other uses. Allowed uses in this district will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the HCLI district are shown in Table II.19. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.19: HCLI DISTRICT PERMITTED AND CONDITIONAL USES**

<b>Permitted Uses</b>	<b>Conditional Uses</b>
Commercial uses	Wireless communication facilities
Wholesale and warehousing facilities	Religious institutions
Light manufacturing, assembly, fabrication, and repair	
Food and beverage process and packaging	
Offices and accessory uses associated with primary use	

Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Utility installations	

c) **District regulations.** Specifications for the HCLI district are shown in Table II.20.

**TABLE II.20: HCLI DISTRICT SPECIFICATIONS**

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots – 10 feet for side yard adjacent to street
	Uses abutting residential districts – 50 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts – 50 feet
Maximum lot coverage	80%
Maximum building height	45 feet

**Sec. 24-25. - Heavy industrial district (HI).**

- a) **Intent.** It is the intent of the HI district to provide for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. In comparison to heavy commercial and light industrial uses, the uses associated with this district are likely to generate noise, pollution, vibration, dust, fumes, odors, higher levels of truck traffic, hazardous materials, and/or other similar conditions. Heavy industrial uses are unsuitable immediately adjacent to residential uses or districts and therefore require greater setbacks, buffering, and screening fences (see Section 24-50 for buffering/screening fencing requirements).
- b) **Allowed Uses.** The permitted and conditional uses allowed in the HI district are shown in Table II.21. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.21: HI DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
----------------	------------------

All uses allowed in the HCLI district	Wireless communication facilities
Heavy manufacturing, assembly, and processing of raw materials	
Junkyards, wrecking yards, and similar uses <sup>1</sup>	
Fuel Distribution	
Oil supportive industries	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Utility installations	

<sup>1</sup> The outdoor areas containing junkyards, wrecking yards, and similar uses shall meet the setback requirements of Table II.22 below.

c) **District regulations.** Specifications for the HI district are shown in Table II.22.

**TABLE II.22: HI DISTRICT SPECIFICATIONS**

<b>Regulations</b>	<b>Specifications</b>
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots - 10 feet for side yard adjacent to street
	Uses abutting residential districts - 100 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts - 100 feet
Maximum lot coverage	80%
Maximum building height	45 feet

**Sec. 24-26. - Open space district (OS).**

- a) **Intent.** It is the intent of the OS district to provide land without physical structures and buildings except where accessory to the provision of open space and recreational opportunities.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the OS district are shown in Table II.23. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.23: OS DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Public parks	None
Accessory buildings and signs	
Non-motorized trails	
Sports facilities	
Easements for public utilities	
Cemeteries	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c).	
Minor utility installations	

**Sec. 24-27. - Medical campus district (MC).**

- a) **Intent.** It is the intent of the MC district to provide for medical services with residential buffers that will allow the development of a medical campus.
- b) **Allowed Uses.** The permitted and conditional uses allowed in the MC district are shown in Table II.24. All uses not explicitly listed as permitted or conditional uses are prohibited.

**TABLE II.24: MC DISTRICT PERMITTED AND CONDITIONAL USES**

Permitted Uses	Conditional Uses
Hospitals	Wireless communication facilities
Nursing homes, including but not limited to assisted care and ambulatory care facilities	
Day care centers	
Medical clinics for human services, including but not limited to physicians, surgeons, psychologists, dentists, optometrists, clinics and offices.	
Pharmaceutical stores	
Durable medical goods stores, including assembly	
Health and exercise establishments	
Medical diagnostic and research laboratories	

Dental laboratories	
Medical education facilities in conjunction with other permitted uses	
Public parks	
Religious institutions	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with Section 24-70(c)	
Minor utility installations	

c) **District regulations.** Specifications for the MC district are shown in Table II.25.

**TABLE II.25: MC DISTRICT SPECIFICATIONS**

<b>Regulations</b>	<b>Specifications</b>
Minimum lot width	50 feet
Minimum lot size	5,500 square feet
Minimum front yard setback	25 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	20 feet
Maximum lot coverage	70%
Maximum building height	45 feet

**Sec. 24-28 - Planned unit development overlay district (PUDOD).**

a) **Intent.** The intent of the PUDOD is to:

1. Provide flexibility in regulations and performance standards in exchange for community benefits and innovative, quality design;
2. Encourage a complementary mixture of uses, developed in accordance with an approved plan, that protects adjacent properties;
3. Encourage the preservation and enhancement of natural amenities, cultural resources and open space;
4. Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and,

5. Encourage infill development, traditional neighborhood development, affordable housing, low-impact, energy efficient and innovative projects, and a variety of housing types and sizes to accommodate households of all ages, sizes and incomes.
- b) **Applicability.** PUD designation is available in the following zoning districts: RA, RB, RC, MH-A, and GC. Approved PUDs must be identified on the zoning districts map by appending the map symbol “/PUD” to the base zoning district (e.g., “RA/PUD”).
- c) **Requirements.** No application for a PUD will be accepted or approved unless all of the property included in the application is under unified ownership or a single entity’s control. In addition, PUDs must contain the following components:
1. A size of at least 10 acres except for infill development, where the minimum size is 2.5 acres;
  2. Pedestrian and bicycle facilities throughout and connecting to adjacent facilities;
  3. A mixture of land uses and housing types;
  4. A connected road network, preferably lots and blocks with alleys;
  5. Architectural design standards to be implemented by a private party such as a property owners association;
  6. A coordinated landscape plan;
  7. Significant open spaces such as playground or park areas designed for active and passive users with the scale, type and natural features depending on the projected needs of the future users of the site; and
  8. Community facilities in common ownership and use.
  9. Larger scale projects are also encouraged to include:
    - a. A functional neighborhood center that is the focal point of the neighborhood with indoor and outdoor spaces and a mixture of uses, opportunities for civic engagement and public art; and
    - b. The majority of dwellings located within 2,000 feet of the neighborhood center.
- d) **Regulations Eligible for Modification.** Unless otherwise expressly approved by the governing body, PUDs are subject to all applicable standards of the base zoning district regulations. The governing body may approve PUDs that deviate from specific standards if it determines that the resulting development satisfies the approval criteria in subsection (f) below. The specific standards that may be modified include:
1. Land uses. Regardless of the underlying zoning, the governing body may approve a mix of use types within a PUD as a means of accommodating mixed-use developments and developments with a broader range of housing types and affordable housing options. A list of uses to be allowed in a PUD must be approved by the governing body;

2. Minimum lot size, provided that lot sizes are adequate to safely accommodate all proposed buildings and site features and are warranted to support the public benefit likely to result from the proposed development;
3. Setbacks, when determined to be warranted to support the public benefit likely to result from the proposed development;
4. Building height, when the governing body determines that such an increase is warranted to support the public benefit likely to result from the proposed development;
5. Maximum lot coverage, so long as storm water is determined likely to be contained in a manner that will not negatively impact surface water quality or downstream properties;
6. Parking and loading, when the governing body determines that such modifications are warranted to support the public benefit likely to result from the proposed development; and
7. Street and non-motorized transportation standards so long as the governing body determines such designs would better meet the purpose of the PUD overlay while still providing safe and efficient traffic movement.

e) **Review Process.** Planned Unit Development Overlay Districts are established through the approval of a zoning map amendment and a PUD master site plan, which shall be reviewed concurrently. At the option of the developer, the master site plan may also serve as a preliminary subdivision plat if such intention is declared at the pre-application meeting and if the site plan includes all information required for preliminary plats. If the master site plan contemplates distinct phased preliminary plats, the plat for the first phase shall be reviewed concurrently with the zoning map amendment and master site plan.

A zoning map amendment and a PUD master site plan become final when approved by the governing body. A subdivision reviewed along with a PUD becomes final when all conditions of approval have been complied with and the final plat is recorded. All subdivisions authorized under a PUD must become final within 10 years of PUDOD and master site plan approval or the approval for the non-final portion shall lapse.

In addition to the requirements for zoning map amendments and subdivisions, each PUD application must include the following items:

1. A master site plan showing the location and area of lots and blocks, buildings, transportation facilities, parks, open space and other amenities, utilities and other pertinent features.
2. A list of the specific standards that are requested to be modified;
3. A list of land uses that are proposed in the PUDOD;
4. A written description of the community benefits of the proposed development and how it provides greater benefits to the city than would development under conventional zoning district regulations;
5. Architectural standards; and



6. A description and draft documents indicating how common areas and facilities will be managed.
- f) **Review Criteria.** In reviewing and making decisions on proposed PUDODs and site plans, review and decision making bodies shall consider and make findings on the following criteria:
1. Whether the proposed PUD would result in a greater benefit to the city than would development under conventional zoning district regulations. Such greater benefit may include implementation of adopted planning policies, natural resource preservation, innovative urban design, low-impact or energy efficient development, affordable, workforce or senior housing, neighborhood or community amenities or an overall level of development quality;
  2. The zoning amendment criteria of Section 24-96;
  3. The proposal's consistency with the adopted plans for the area;
  4. Compliance with this Section; and
  5. Primary review criteria for subdivisions, when applicable.

#### **Sec. 24-29 - Sexually Oriented Business Overlay District (SOBOD).**

- a) **Intent.** The intent of the SOBOD is to reasonably govern the location of sexually-oriented businesses in order to avoid adverse secondary effects which may result from the operation of such businesses.
- b) **Applicability.** Sexually oriented businesses may be located only in the Sexually Oriented Business Overlay District shown on the Miles City Zoning District Map.
- c) **Conditional Use Permit.** All sexually oriented businesses require review and approval of a Conditional Use Permit by the Board of Adjustment pursuant to Sec. 24-91 of these regulations.

#### **Secs. 24-30—24-39. - Reserved.**

### **ARTICLE III. – APPLICATION OF ZONING REGULATIONS TO ALL DISTRICTS**

#### **Sec. 24-40. – Standards Applicable to All Districts When Required.**

The following sections of these regulations outline standards applicable to the various zoning districts when required. Article V defines the terms related to several of these standards. This Article outlines how certain terms and definitions are applied with these zoning regulations.

#### **Sec. 24-41. – Building Setbacks.**

The zoning district a lot is located within includes the minimum required setbacks for buildings. The minimum setback is measured horizontally from the applicable property line to the outer wall

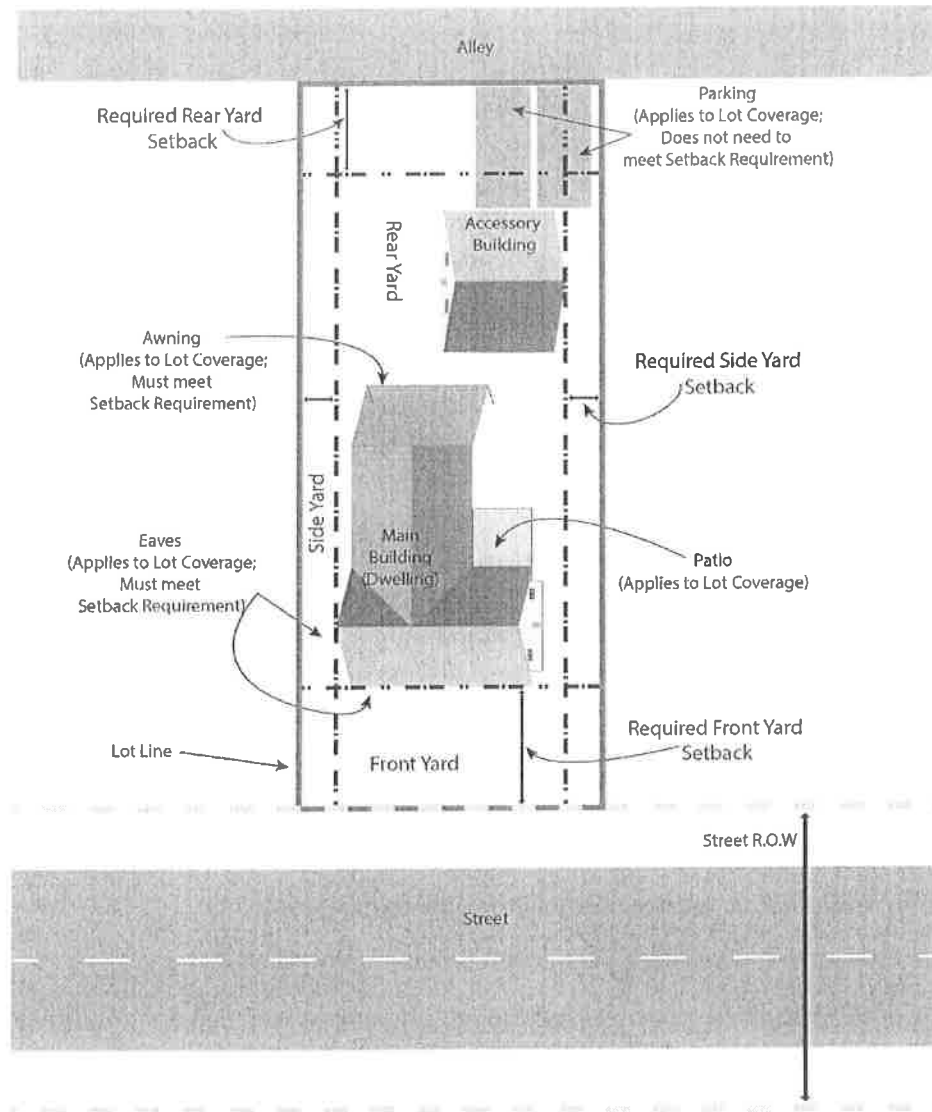
of any building, at grade, or any above-grade extension or projection of the building. See Figure III.A.

#### **Sec. 24-42. – Yards.**

A yard is an area of a lot between a property line and an actual building setback line. A *required* yard is a yard unoccupied by buildings except as may be expressly allowed by these regulations. A minimum setback distance establishes the respective *required* minimum yard size on a lot. See Figure III.A. These regulations establish three types of yards, each of which may have a *required* minimum yard size as a result of the minimum setback:

- a) **Front Yard:** The yard between the front lot line and the front side of any building closest to the front lot line.
- b) **Rear Yard:** The yard between the rear lot line and the rear side of the main building on a lot.
- c) **Side Yard:** A yard between the side of any building and the side lot line extending from the front yard to the rear lot line. For purposes of determining side yards, any lot line not a rear lot line or a front lot line shall be deemed a side lot line.

**FIGURE III.A: SETBACKS AND YARDS**



As illustrated by Figure III.A, the eaves, awning and other above grade projections must meet the setback requirements and constitute lot coverage. The patio, if at grade, is deemed lot coverage, but would not need to meet the setback requirements because it is not above grade. The minimum front and side yard setbacks form the respective minimum yards. The rear yard as a whole is formed by the area between the rear lot line and the back of the main building, and the accessory building (garage) is allowed in the rear yard, but not the *required rear yard setback*. See Section 24-62 for a description of where accessory buildings are allowed in yards.

**Sec. 24-43. – Vacant Lots in Residential Districts.**

Vacant lots in residential districts 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. Noxious

weed and grass shall be managed in compliance with Chapter 15, Nuisances. All other uses of vacant lots in residential districts shall not be approved without a variance granted by the Board of Adjustment. In the event a variance is granted for the storage of vehicles and/or equipment, the applicant shall install screening to soften the visual impact on neighboring properties. Appropriate screening shall be determined by the Board of Adjustment and may include fencing and/or landscaping.

**Sec. 24-44. – Outdoor Lighting.**

Outdoor lighting shall be downward pointed and side-shielded to not illuminate any other property or cause excessive glare on public streets.

**Sec. 24.45. – Floodplain Compliance.**

All development may be required to demonstrate compliance with applicable floodplain requirements.

**Sec. 24.46. – Storm Water Management Plan.**

- a) A storm water management plan shall be implemented by all commercial developments and multi-family residential developments in excess of four units. Such plans shall be prepared by a qualified professional and are reviewed by the Administrator. Storm water management plans shall comply with applicable requirements of the Montana Department of Environmental Quality (DEQ).
- b) Storm water management plans shall demonstrate the following:
  - 1. How runoff and erosion control on the site will be addressed;
  - 2. How and to what extent existing vegetation will be maintained;
  - 3. How the area disturbed by construction at any one time will be minimized and how disturbed areas will be stabilized during the construction period;
  - 4. How disturbed areas will be promptly, permanently stabilized by revegetation or structural techniques;
  - 5. How runoff velocities will be minimized and drainage ways will be prepared to handle any acceleration or increase in runoff;
  - 6. How the additional volume of runoff generated will be retained on-site and absorbed, evaporated, or released at the pre-development rate of release;
  - 7. How sediment resulting from accelerated soil erosion will be retained on site;
  - 8. How water quality in adjoining or nearby streams or wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and similar means;
  - 9. How groundwater quality will be protected; and

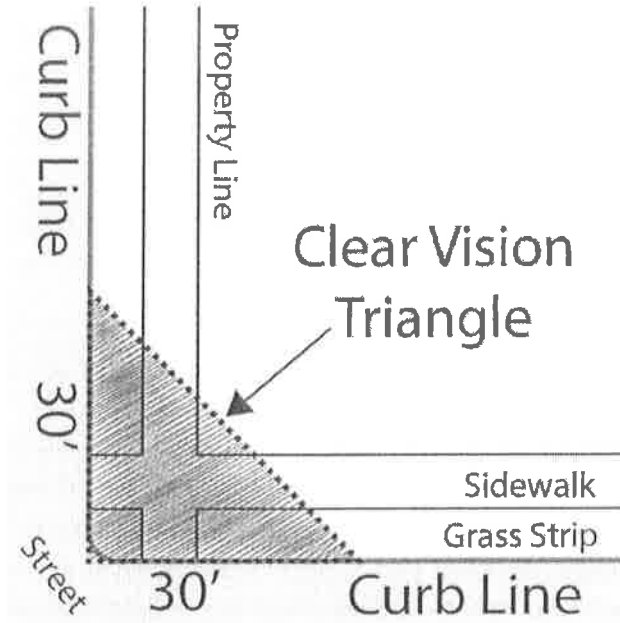
10. How the future maintenance of runoff management measures (including earthwork, plantings and structures) will be provided.
- c) Any storm water management plan that proposes to utilize Miles City storm sewer infrastructure shall require approval by the Miles City Public Works Department prior to issuance of a permit for development.

#### **Sec. 24-47. – Clear Vision Triangles.**

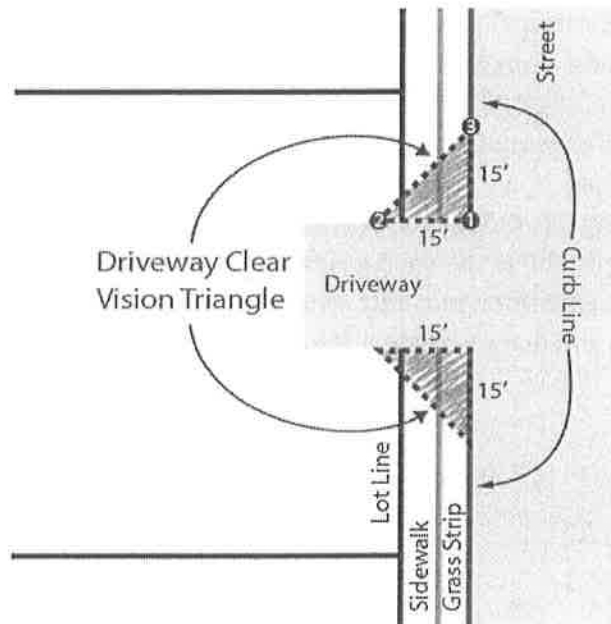
Clear vision triangles are triangular areas at intersections of streets and intersections of streets and driveways in which certain visual obstructions are prohibited. These regulations establish two kinds of clear vision triangles:

- a) **Street Intersection Clear Vision Triangle.** Clear vision triangles at street intersections are triangular areas formed on corner lots where visual obstructions are prohibited. The two legs of the triangle along the streets are 30 feet long, as measured from the point of intersection of the curb lines of the two intersecting streets (See Figure III.B). If curb does not exist, the predominant edge of the street shall be used. The clear vision triangle is an area in which no parking, and no fence, hedge or other visual obstruction exceeding 36 inches in height, or transparent chain link fence (no slats) exceeding 42 inches in height above an established top of curb grade are prohibited except as provided by these regulations. Trees may be permitted in street intersection clear vision triangles, but only where all branches are pruned to a height of at least eight feet above grade and do not create a visual obstruction.
- b) **Driveway Clear Vision Triangles.** Driveway clear vision triangles shall be provided on both sides of driveways. A driveway clear vision triangle is formed by the connection of three points: Point 1 shall be at the intersection of the curb line and the edge of the driveway; point 2 shall be 15 feet from point 1 extending along the edge of the driveway; and point 3 shall be 15 feet from point 1 extending along the edge of the curb line (or street edge where no curb exists - see Figure III.C). For driveways accessing arterials, the distances shall be increased to 30 feet. The driveway clear vision triangle is an area in which no parking, and no fence, hedge or other visual obstruction exceeding 36 inches in height, or transparent chain link fence (no slats) exceeding 42 inches in height above the curb grade are prohibited except as provided by these regulations. Trees may be permitted, but only where all branches are pruned to a height of at least eight feet above grade and do not create a visual obstruction. See Figure III.C.

**FIGURE III.B: STREET INTERSECTION CLEAR VISION TRIANGLE**



**FIGURE III.C: DRIVEWAY CLEAR VISION TRIANGLE**



**Sec. 24-48. – Maximum height of fences and hedges; projecting tree branches or shrubbery.**

- a) No fence, hedge or other visual obstruction exceeding 36 inches in height, or transparent chain link fence (no slats) exceeding 42 inches in height, as measured from the street grade, shall be constructed in the required front yard or along any yard along a public street in any residential district. The foregoing height requirements shall also apply to any perimeter fence, hedge or other visual obstruction located within the front 20 feet of any lot in a residential district, as measured from the back of the curb, or edge of the street if no curb, of the front yard.
- b) In all other areas, the fence, hedge or other visual obstruction may not exceed six feet in height, as measured from the street grade.
- c) It shall be unlawful for the owner or occupant of any premises within the city to permit any branches of any trees, bushes, shrubs or shrubbery to project over any sidewalk or street at a height less than eight feet or otherwise create a visual obstruction.
- d) These restrictions are intended to work in conjunction with the standards for clear vision triangles in the preceding Section 42-47.

**Sec. 24-49. – Landscaping requirements.**

Installation of landscaping features and perimeter vegetative buffers is among the most effective techniques for improving land use compatibility and enhancing the community's image. Landscaping shall be planned and implemented as required by this Section.

- a) **Purpose.** The purposes of these landscape standards are as follows:
  - 1. To mitigate potential land use conflicts;
  - 2. To enhance the visual appeal of the city, including the appearance of major commercial corridors of the city by providing minimum standards for landscaping and flexibility for landowners; and
  - 3. To encourage a pleasant and safe environment for pedestrians by thoughtful placement of trees and other vegetative features.
- b) **Scope.**
  - 1. **Applicability:** All new, redeveloped, and expanded land uses listed in Table III.1 require installation and maintenance of landscaped areas on the lot in compliance with this Section, with the exception of such uses in the Central Business District, where landscaping is not required.
  - 2. **Exception:** This Section shall not apply to lots or sites within a subdivision or planned unit development which have been previously approved with its own landscape plan. However,

these provisions shall be used as the basis for determining the landscaping plans for future subdivisions and planned unit developments, and such developments' landscaping plans shall meet or exceed these landscape standards.



**TABLE III.1: LANDSCAPING REQUIREMENTS FOR LAND USES**

Land use (below)	Percentage of lot to be landscaped (minimum) in %	Perimeter buffers: Category required (see categories below)	
		Buffer along public street frontage	Buffer along adjacent residential use or district
All commercial uses not listed below	10	A	B
Religious Institutions	10	A	A
Day care centers in excess of 12 children	20	A	A
Animal rescue shelters	10	A	B
Multifamily dwellings in excess of eight units	20	A	A
Hotels and similar accommodations	15	A	B
General services	10	A	A
Eating and drinking establishments	10	A	B
Theaters, lodges, and places of assembly	15	A	B
Offices	10	A	A
Banks and other financial institutions	10	A	A
Hospitals	10	A	B
Nursing homes, including but not limited to assisted care and ambulatory care facilities	15	A	A
Medical clinics for human services, including but not limited to physicians, surgeons, psychologists, dentists, optometrists, clinics and offices.	10	A	B
Pharmaceutical stores	10	A	B
Durable medical goods stores, including assembly	10	A	B
Health and exercise establishments	10	A	B
Medical diagnostic and research laboratories	10	A	B
Dental laboratories	10	A	B
Public or commercial parking lots	15	B	B
All industrial uses not listed below	15	D	D
Wholesale and warehousing facilities	10	C	D
Light manufacturing, fabrication, and repair	15	C	D
Food and beverage process and packaging	15	C	D
Heavy manufacturing, assembly, and processing of raw materials	10	E	E

Junkyards, wrecking yards, and similar uses	10	E	E
Fuel Distribution	10	E	E
Oil supportive industries	10	E	E

c) **Perimeter buffer categories.** This Section applies five (5) categories of perimeter buffers along public streets and along adjacent residential uses or districts. The categories are as follows:

1. Category A: 5' wide with 1 tree and 3 shrubs per 40 linear feet.
2. Category B: 5' wide with 1 tree and 3 shrubs per 25 linear feet.
3. Category C: 10' wide with 2 trees and 5 shrubs per 25 linear feet.
4. Category D: 15' wide with 2 trees and 5 shrubs per 25 linear feet.
5. Category E: 15' wide with 2 trees and 5 shrubs per 25 linear feet plus 6' high sight obscuring fence or wall located between the perimeter landscape buffer and all buildings and parking/loading areas.

d) **Other landscaped area requirements.** Table III.1 outlines minimum percentages of lots that must be landscaped. The perimeter buffers count toward the total landscaped areas. The remaining landscaped areas after incorporating the perimeter buffers may be placed in locations at the discretion of the landowner. For all required landscaped areas outside perimeter buffers, each required landscaped area shall incorporate a minimum of 1 tree and 3 shrubs per 200 square feet of landscaped area. Areas must contain at least 1 tree and 3 shrubs (or 2 trees) to count as landscaped areas.

e) **Groundcover.** In all required landscaped areas, groundcover shall be areas substantially pervious to rain and storm water consisting of the following:

1. Well-maintained grass; or
2. Mulch groundcover or decorative landscape rock broken with vegetation such as flowers, shrubs, creeping vegetative groundcover, and/or grasses.

f) **Calculations of areas, trees, and shrubs.** When calculating perimeter buffer and other landscape area requirements, the following methods shall be used:

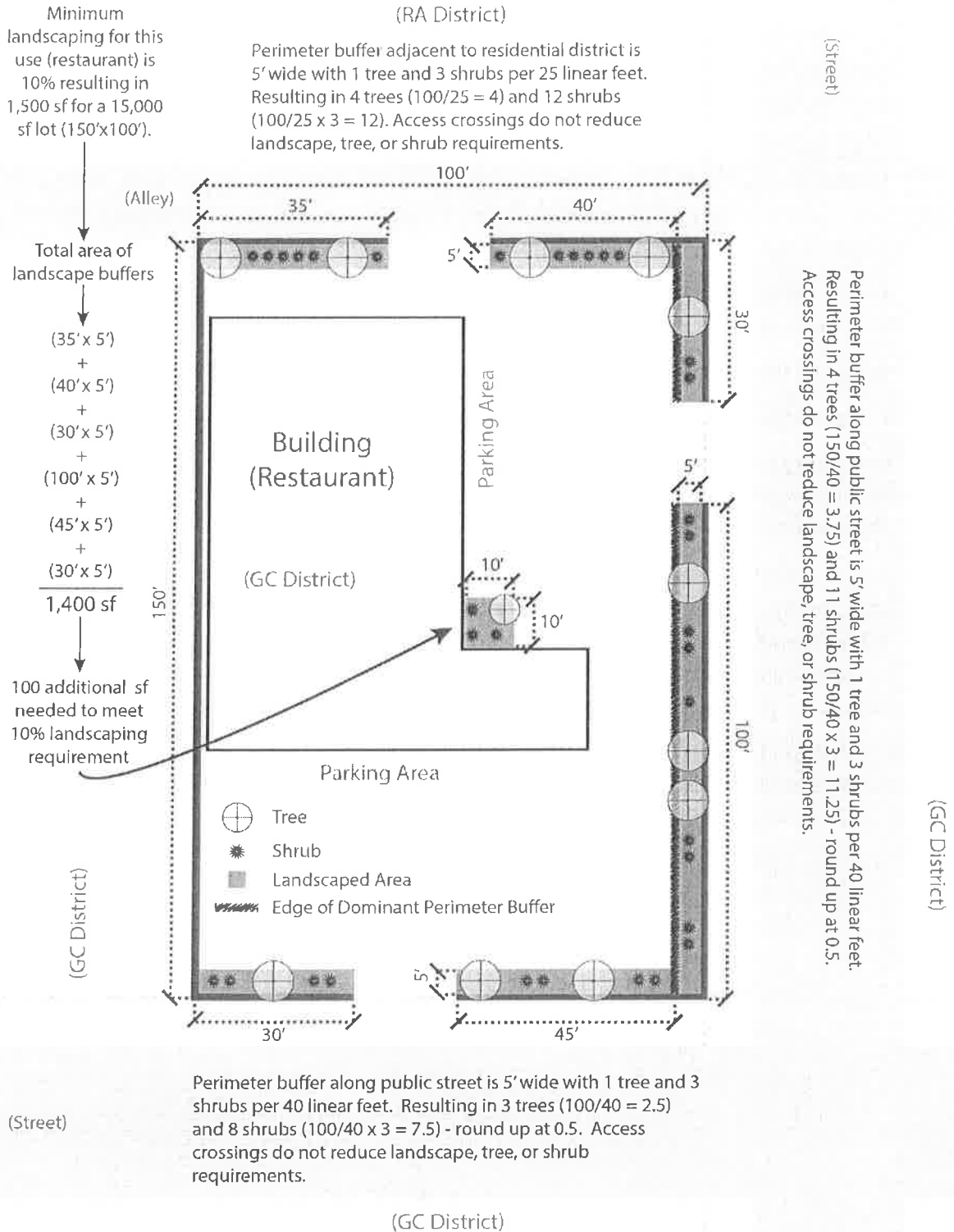
1. Measure the length of each perimeter segment (i.e., each street frontage and each property line adjacent to a residential use or district). Where described perimeter buffers overlap, choose one to dominate.
2. For each segment, calculate the number of trees and shrubs based on buffer type. Where the resulting number is not a whole number, numbers ending in .5 and above shall be rounded

up and numbers <.5 shall be rounded down. The resulting numbers of trees and shrubs is the required number of each for that segment.

3. The above trees and shrubs shall be placed within their respective perimeter buffers.
4. Perimeter buffers may be broken by access crossings. Access crossings do not reduce the total area to be landscaped (see 8 below) or the minimum number of trees and shrubs along each lot line.
5. Trees and shrubs in perimeter buffers are not required to be evenly distributed along the perimeter and may be planted in clusters; however, the trees and shrubs shall be distributed effectively to meet the intent of this Section to provide visual buffers from the public street and/or residential land use.
6. Buffer widths are minimums and shall be placed between the property line and the developed areas of the subject property, including parking areas.
7. Calculate the total area of the lot.
8. Calculate the percentage of the lot to be landscaped.
9. Calculate the area of landscaping required by the perimeter buffers and subtract perimeter buffers from the total area of the lot to be landscaped. The remaining required landscaped area may be placed anywhere on the lot.
10. For all required landscaped areas outside perimeter buffers, each required landscaped area shall incorporate a minimum of 1 tree and 3 shrubs per 200 square feet of landscaped area. Where the resulting number is not a whole number, numbers ending in .5 and above shall be rounded up and numbers <.5 shall be rounded down. The resulting numbers of trees and shrubs is the required number of each for those areas.

Figure III.2 shows how several of the provisions of this Section would apply to landscaping buffers and areas in a scenario where a commercial use (restaurant) is proposed on a 150' by 100' lot in the GC district adjacent to the RA district and at the intersection of two public streets.

**FIGURE III.2: LANDSCAPING SCENARIO**



g) **Public street frontage buffers.**

1. Public street frontage buffers apply to any street owned by, dedicated to, or open to the public (except alleys).
2. Public street frontage buffers do not apply to alleys; however, where a residential use or district is located across the alley, the residential buffer applies.
3. Where a public street right-of-way contains mature boulevard trees, the boulevard trees may be used to count toward the required number of trees in that segment of street frontage buffer. However, credit for boulevard trees does not reduce the required landscaped area or number of shrubs required on the lot.

h) **Residential buffers.**

1. Residential buffers apply to the land uses listed in Table III.1 when they are adjacent to or across a public street, highway, right-of-way or railroad from a residential district or property used primarily for residential purposes. In these cases, the residential buffer applies instead of the public street frontage buffer.
2. In such instances described by subsection (h)(1) above, where a public street right-of-way contains mature boulevard trees, the boulevard trees may be used to count toward the required number of trees in that segment of residential buffer. However, credit for boulevard trees do not reduce the required landscaped area or number of shrubs required on the lot.

i) **General.** The following are general requirements and guidelines. Where the word "shall" is used, the provision is a mandatory requirement.

1. The preservation and use of existing healthy trees that meet the material specifications is allowed and encouraged.
2. The use of coniferous trees is encouraged in the perimeter buffers in order to enhance the effectiveness of buffers year-round.
3. Where trees are preferred by the landowner over shrubs for any reason any three (3) shrubs may be replaced by one (1) tree.
4. All required landscaped areas shall be maintained and kept free of weeds, debris and litter.
5. Drought tolerant vegetation is encouraged.
6. Native species of vegetation is encouraged.
7. Irrigation systems shall be part of any landscaping plans unless a qualified professional provides a statement that the landscaping plan has been designed such that an irrigation system is not appropriate due to the species of vegetation in the plan, ample ground water or storm water sources, or other on-site conditions. When an irrigation system is not proposed, the landscaping plan shall include said statement from the qualified professional along with certification from the landowner that they will provide ample water and maintain the landscaping in a healthy condition and in compliance with this Section.

8. Where landscaping is required by this Section, no required parking space shall be located further than 100 linear feet from a landscaped area containing a tree. The purpose of this requirement is to ensure parking areas are broken up by landscaping and are not excessively large.
9. No trees or shrubs used to meet these requirements may be planted within utility easements.

j) **Timing.**

All landscaping shall be installed prior to expiration of the building permit. If the landscaping is not to be completed prior to expiration of the permit and issuance of a Certificate of Occupancy, or as may be extended by this Chapter, a performance bond or letter of credit for one-hundred fifty (150) percent of the landscaping materials and labor costs shall be posted with the Administrator to ensure the placement of the required landscaping. The property shall be inspected by the Administrator to make sure that the required landscaping has been planted before the Certificate of Occupancy is issued. The planting of the required landscaping may be delayed until the next suitable planting season with written approval from the Administrator.

k) **Landscaping Plans.**

Any permit application that prompts the landscaping requirements of this Section shall include a landscaping plan that demonstrates compliance with this Section. The plan shall include a description of the various elements of the plan, the timing of installation of the landscaping features, and address long-term maintenance of the landscaping features. The landscaping plan may be included on the overall project site plan, but to demonstrate compliance with this Section, a site plan shall be submitted in conjunction with the landscaping plan required by this Section that includes:

1. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;
2. Project name, street address, and legal description;
3. Location of existing boundary lines and dimensions of the lot;
4. Location of building footprints;
5. Required zoning setbacks, floodplains, and easements as applicable;
6. The approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, utility lines, driveways and sidewalks on the lot and/or adjacent to the lot;
7. Location, maturity, height, and material of proposed screening and fencing (with berms to be delineated by one foot contours);
8. Locations and dimensions of all proposed landscaped areas;

9. Complete landscape legend providing a description of plant materials shown on the plan, including typical symbols, names (common and botanical names), locations, quantities, container or caliper sizes at installation, heights, spread and spacing. The location and type of all existing trees on the lot must be specifically indicated;
10. Complete illustration of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas and the number and location of required off-street parking and loading spaces;
11. An indication of how existing healthy trees and shrubs (if any) are to be retained and protected from damage during construction;
12. Size, height, location and material of proposed seating, lighting, planters, sculptures, and water features;
13. A description of proposed watering methods;
14. Location of clear vision triangles on the lot (if applicable);
15. Designated snow removal and storage areas;
16. Location of pavement, curbs, sidewalks and gutters;
17. Location of existing and/or proposed drainage facilities;
18. Existing and proposed grades;
19. Size of plantings at the time of installation and at maturity;
20. Areas to be irrigated and location of irrigation infrastructure; and
21. Front, rear and side elevation views of buildings, fences and walls with height dimensions if not otherwise provided by the application.

**I) Material specifications.**

1. Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.
2. Landscaping materials shall comply with the following minimum size standards at the time of planting.
3. Minimum height for deciduous trees shall be eight (8) feet. Expected height at maturity shall be at least twenty-five (25) feet.
4. Minimum height for evergreen trees shall be five (5) feet. Expected height at maturity shall be at least twenty-five (25) feet.
5. Minimum caliper size for trees six (6) inches above grade shall be a one and one-half (1½) inch.

6. Minimum size for shrubs shall be five (5) gallon containers and two (2) feet height above grade.
7. It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized.

**m.) Administrative relief.**

1. Administrative relief is provided to add flexibility in the application of the landscaping requirements, when a requirement is inapplicable, inappropriate, or infeasible to a specific use or development proposal. It is recognized that the landscaping requirements cannot anticipate all possible scenarios and that there may be landscaping plans which conform to the purpose, intent and objectives of the landscaping regulations, but were not anticipated in these specific requirements. Therefore, the Administrator may grant administrative relief in the event of these situations and proposals.
2. The Administrator shall attempt to balance the reasonable use of a lot with the provision of required landscaping. This balance will be affected by the site's characteristics as well as the proposed site plan.
3. The reasonable development of a site may require the granting of administrative relief to some of the landscaping requirements. Although all of the landscaping requirements are considered important, when reviewing for administrative relief, the Administrator will generally assign the following priorities for compliance with the landscaping requirements:
  - i. First priority: adjacent residential uses should be buffered;
  - ii. Second priority: the visual appeal along public street frontages should be enhanced;
  - iii. Third priority: parking areas and buildings within public view should be visually softened and enhanced by trees and other landscaping.
4. A written request for administrative relief shall be submitted to the Administrator either before or in conjunction with the Building Permit review process. The written request shall include a justification in terms of the findings necessary to grant administrative relief. The written request shall close with a section for the Administrator's use which will include a block for the decision of approval/denial, the Administrator's signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. The Administrator must make all of the following findings in order to grant Administrative Relief:
  - i. The strict application of the regulation in question is unreasonable given the development proposal or that the property has extraordinary or exceptional physical conditions that will not allow a reasonable use of the property in its current zone in absence of relief;
  - ii. The granting of administrative relief will not result in an adverse impact upon surrounding properties.



5. The Administrator shall render a decision on the request within five working days of receipt of the request and all required information. An appeal of the Administrator's decision may be made to the Board of Adjustment, within 10 working days after the decision. At this time, the appeal will be put on the agenda for the next Board of Adjustment meeting for which the notice requirements of these regulations can be met (Section 24-97), and at which time will allow for its proper consideration.

### **Sec. 24-50. – Off-Street Parking and Loading.**

Unless otherwise indicated in these regulations, all new developments shall provide off-street parking and loading areas in compliance with the following standards for off-street parking and loading areas. Driveways must adhere to Americans with Disabilities Act standards as applicable. The required number of disabled parking spaces with the required dimensions shall be provided pursuant to federal law.

- a) **Purpose.** These standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.
- b) **Off-Street Parking Required.** Except as indicated in (f), (g), (h), and (i) below, all uses and buildings shall provide at least the minimum number of off-street parking spaces required by Table III.2. Off street parking for different uses in the same building shall be calculated separately. Parking areas shall have properly graded and drained surfaces. Each standard off-street parking space shall be located outside any public right-of-way, be designed at least nine feet by twenty feet (9' x 20') in size with vertical clearance of seven feet (7'), for parking of typical passenger vehicles with room to get out on either side of the vehicle, with adequate maneuvering space and accessible to public streets or alleys.
- c) **Off-Street Parking Requirements for Uses Not Listed.** The classification of uses and the off-street parking requirements for uses not listed in Table III.2 shall be determined by the Administrator based on:
  1. The most similar land use listed in Table III.2; and
  2. Published sources of parking information such as those produced by the Institute of Transportation Engineers, the American Planning Association or the International Building Code.
- d) **Location of Off-Street Parking.** Required off-street parking spaces shall be within 600 feet of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 200 feet of the main entrance of the dwelling unit served.
- e) **Control of Parking.** Off-street parking shall generally be provided on the same lot or parcel, and under the same ownership as the use it serves, but two or more uses may share parking where:
  1. The total number of spaces provided meets the minimum standards for the number of spaces required for all buildings or uses served, and

2. A contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a Certificate of Occupancy.

In such cases, the required off-street parking may be located on the lot or parcel serving one of the uses.

- f) **Exception: Commercial Parking Requirements in the Central Business District.** In the CBD commercial enterprises are granted a 100% reduction in off-street parking spaces required in Table III.2. This exceptions does not apply to residential uses in the CBD, which shall meet the full parking space requirements in Table III.2.
- g) **Exception: Commercial Parking Requirements in the General Commercial District.** In the GC district commercial enterprises are granted a 40% reduction in off-street parking spaces required in Table III.2. Additionally, the Administrator may grant commercial enterprises up to a 60% reduction in off-street parking spaces required in Table III.2, provided the applicant demonstrates sufficient on-street and/or shared parking is available to meet the demand of the particular use. These exceptions do not apply to residential uses in the GC district, which shall meet the full parking space requirements in Table III.2.
- h) **Exception: Commercial Parking Requirements in Residential Districts.** In all residential districts, commercial enterprises, permitted through the issuance of a conditional use permit, are granted a 20% reduction in off-street parking spaces required in Table III.2. Additionally, the Administrator may grant commercial enterprises up to a 40% reduction in off-street parking spaces required in Table III.2, provided the applicant demonstrates sufficient on-street and/or shared parking is available to meet the demand of the particular use. These exceptions do not apply to residential uses, day care centers, or bed and breakfasts in residential districts, which shall meet the full parking space requirements in Table III.2.
- i) **Exception: Reduction in Shared Off-Street Parking Spaces.** The Administrator may authorize the joint use of parking facilities under the following circumstances:
  1. When at least 50% of the parking spaces required by this Section are for primarily “night-time” uses such as theatres, bowling alleys, bars and related uses, and the parking spaces to serve those uses are provided by “day-time” uses such as banks, offices, furniture stores, manufacturing, large-scale retail, wholesale and related uses;
  2. When at least 50% of the parking spaces required by this Section for primarily “day-time” uses may be supplied primarily by “night-time” uses;
  3. When at least 60% of the parking spaces required by this Section for a religious institution, an auditorium incidental to a school, or a similar use, may be supplied by the off-street parking facilities provided by uses primarily of a “day-time” or complimentary nature;
  4. The joint parking facility shall be located within 600 of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 200 feet of the main entrance of the dwelling unit served;

5. The applicant for the joint use parking facility shall show there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of the off-street parking facilities is proposed;
  6. A contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a Certificate of Occupancy.
- j) **Passenger Loading Areas.** Schools, community residential facilities, places for public assembly and similar uses located on arterial roads shall provide at least one safe, properly signed off-street passenger loading area.
- k) **Freight Loading Areas.** Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area, except in the CBD, where reliance on on-street or alley loading areas may be permitted. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions:
1. Vertical clearance: 14 feet;
  2. Width: 12 feet; and
  3. Depth or length: 35 feet. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.
- j) **Driveways.** Properly graded and drained driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single family dwellings.
1. No parking or loading area shall create a situation in which vehicles are required to back onto a public street. Parking areas for single family dwellings with access to minor and collector streets are exempt from this requirement.
  2. Continuous curb cuts shall be prohibited. All access to public streets shall be via driveways that comply with these standards.
  3. Driveways accessing an arterial shall be at least 200 feet from any other point of access (other driveways or intersections).
  4. Driveways to roads intersecting an arterial shall be located at least 150 feet from the arterial or, where that distance cannot be attained, at the property line most distant from the arterial.
  5. Driveway clear vision triangles shall be provided on both sides of driveways pursuant to Section 24-48. See Section 24-48 and Figure III.C .
- j) **Circulation in Off-Street Parking Areas.** The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.
1. Minimum aisle widths shall be:
    - a. 90° parking: 24 feet for two-way circulation;

- b. 60° angle parking: 18 feet for one-way circulation; 22 feet for two-way circulation; and
- c. 45° angle parking: 15 feet for one-way circulation; 20 feet for two-way circulation.

**TABLE III.2: OFF-STREET PARKING REQUIREMENTS BASED ON USES**

<b>Use</b>	<b>Required Parking</b>
Single family dwellings	2 per DU*
Multi-family dwellings	1.5 per DU
Dwelling units exclusively for seniors age 65+ and individuals with a disability	1 per 3 DU
Bed and breakfasts	2 for the residents and 1 per guest room
Community residential facilities	1 per employee on maximum shift and 1 per 5 residents and 1 per vehicle operated by the facility
Retirement homes	1 per employee on maximum shift and 1 per 3 DU
Convalescent homes, nursing homes, rest homes	1 per employee on maximum shift and 1 per 6 beds
Day care centers	1 per employee on maximum shift and 1 pick up/drop off space and 1 per 10 children
Home day care	Same as residential requirements
Full service restaurants, taverns, and bars	1 per 100 Sf** of floor area for the first 3,000 Sf with 6 spaces minimum and 1 for each additional 300 Sf of floor area
Drive through restaurants	1 per 150 Sf of floor area, minimum of 6 spaces
Libraries/Museums/Art galleries	1 per 500 Sf of floor area
Schools - elementary and junior high school	1 per employee
Schools - high school	1 per employee and 1 per 5 students
Schools - trade school and community college	1 per employee and 1 per 3 students
Fraternal/Civic Organizations/Clubs/Lodges	1 per 250 Sf of floor area and 1 per 4 employees

Religious institutions/theaters/auditoriums/places of assembly	1 per 4 seats
Hospitals	1 per employee and 1 per 4 beds
Medical and dental clinics	1 per employee and 1 per 250 Sf of floor area
Professional offices not providing on-site customer service	1 per employee
Banks, financial institutions and professional offices providing on-site customer service	1 per 500 Sf of floor area, minimum of 5 spaces
Bowling alley	2 per lane
Fitness, recreational sports, gym	3 per 1,000 Sf of floor area
Go cart, driving range, shooting range, and similar use requiring large, uninhabited areas	1 per each unit of activity (each go cart, tee box, firing position, etc.)
Utilities	One per employee on maximum shift and 2 additional spaces
Manufacturing, production, and fabrication, processing, assembly	One per employee on maximum shift and 3 additional spaces
Auto wrecking yard	11 for sites up to ten acres and 1 for each additional acre up to 25 acres
Recycling center	1 per employee on maximum shift
Grocery and general merchandise stores	4 per 1,000 Sf of floor area
Animal shelter and boarding	1 per 1,000 Sf of floor area
Laundromat	1 per 4 machines
Storage facilities	1 space per employee on maximum shift and 1 space for every 50 storage units.
Vehicle sales	1 per employee on maximum shift and 1 per 1,000 Sf of floor area
Furniture, appliance and other large item retail	1 per 1,000 Sf of floor area
Automotive services	1 per employee on maximum shift and 2 for each service bay
Convenience store	3 per 1,000 Sf of floor area
Gasoline sales	1 per 400 Sf of floor area
Salons, barber shops, and spas	6 per 1,000 Sf of floor area

Beverage retail stores	3 per 1,000 Sf of floor area
Equipment sales and rental	1 per employee on maximum shift and 1 per 1,000 Sf of floor area
Hardware stores	4 per 1,000 Sf of floor area
Warehousing, wholesale, and freight terminals	1 per 2,000 Sf of floor area
Car wash	1 per cleaning bay
Retail stores or services businesses not otherwise named.	One per 500 Sf of floor area.

\*DU = Dwelling Unit

\*\*Sf = Square feet

**Secs. 24-51—24-59. – Reserved.**

**Sec. 24-60. – Standards for Specific Land Uses.**

The following sections of these regulations outline standards applicable to specific land uses as allowed in the various zoning districts.

**Sec. 24-61. – Mobile Homes.**

The following standards apply to all mobile home installations:

- a) Footings shall meet the following requirements:
  1. All grass and organic material shall be removed from beneath the footings.
  2. All footings shall be of a material impervious to rot which has a minimum weight bearing ability equal to or greater than a solid piece of wood having minimum nominal dimensions of two inches by 12 inches by 20 inches.
  3. Each footing may be constructed from more than one piece of material provided that each piece of material has minimum nominal dimensions of not less than two inches by 12 inches by 20 inches, unless smaller dimensions are approved by the Building Inspector prior to use.
  4. A footing shall be at least four inches longer and four inches wider than the pier resting upon it, unless smaller dimensions are approved by the Building Inspector prior to use.
  5. Tiedowns are to be either one-half-inch (I) bolt or one-half-inch (J) bolt poured within the footing. A one-quarter-inch cable is to be used from the bolt to the frame of the mobile home, and a 3/16-inch turnbuckle to be used for adjustments.
- b) Piers shall meet the following requirements:
  1. Wooden or concrete piers.

- a. A pier shall be constructed of a material or materials which have a minimum weight bearing ability equal to or greater than a standard eight-inch by eight-inch by 16-inch minimum celled concrete block. If a celled concrete block or an expanded shell is used to construct piers, the material shall be installed so the open end of each cell is perpendicular to the frame rail and to the ground.
  - b. A pier shall be not less than eight nominal inches wide, and in any event shall be the same width as the cap resting upon it.
  - c. A pier eight inches in height or less may be constructed of more than one piece of material, provided each piece has minimum nominal dimensions of two inches by four inches by 16 inches.
  - d. A pier more than eight inches in height or less may be constructed of more than one piece of material having minimum nominal dimensions of eight inches wide, eight inches high and 16 inches long, provided that the pieces fit flush one to another.
2. Metal piers. Fabricated metal piers of equal load capacity and stability may be used.
- c) Caps shall meet the following requirements:
- 1. All piers, except metal piers with their own caps, shall be topped with a cap not more than six inches in height and not less than eight nominal inches wide and 16 inches long.
  - 2. Each cap shall be constructed of the same material throughout, and may be constructed of more than one piece of material, each having minimum nominal dimensions of one inch by eight inches by 16 inches.
- d) Shims shall meet the following requirements:
- 1. All shims shall be two inches or less in thickness and wide enough to provide bearing over the width of the cap; the maximum included angle shall be one degree.
  - 2. The shims shall be driven tight between the cap and the frame rail to provide uniform bearing.
- e) Footings, piers, caps and shims shall be installed directly under the main frame or chassis of the mobile home according to the manufacturer's recommendations, so long as those recommendations meet the minimum standards in this Section.
- f) All footings, piers, caps and shims shall be located under the unit's support structure and shall be installed so the longest dimension of each piece of material used for the construction of a pier and of each footing, cap and shim is parallel with the ground and perpendicular to the frame rail. Those nearest each end of the mobile home shall be within five feet from the end of the home, and the maximum spacing shall be ten feet on centers, or according to the manufacturer's instructions.

**Sec. 24-62. – Recreational Vehicles.**

The following apply to recreational vehicles (RVs) outside RV Parks:

- a) One RV per dwelling unit (excluding accessory dwelling units) may be kept or stored on each residential lot, but RVs may not be occupied as residences on a basis exceeding 15 days consecutively or for more than 30 days per calendar year.
- b) On non-residential lots, RVs may be kept or stored, but RVs may not be occupied for sleeping purposes.

**Sec. 24-63. – Accessory Buildings.** (Also see Accessory Dwelling Units, Sec. 24-65)

Accessory buildings are allowed in all zoning districts subject to permitting requirements except as exempted under Section 24-81 and the following standards:

- a) No accessory building shall be located within ten feet (10') of any principal residential building.
  - b) On residential lots, accessory buildings may be located in rear yards, but not in the required rear yard setback – see Figure III.A: Setbacks and Yards.
  - c) No accessory building shall be located in any required side or front yard in residential districts, with the following exceptions: Storm shelters, fallout shelters and similar shelters to protect human life during periods of danger may be constructed in the required front or side yard, but no part of the building may protrude above the average grade of the lot. In addition, such buildings with impervious surfaces shall be calculated against the permitted lot coverage.
  - d) In non-residential districts, with the exception of the CBD, accessory structures may be located in any yard, but not required yards.
- a) For those uses listed as a conditional use, the addition of accessory buildings that expand a conditional use beyond what may have been reviewed under a Conditional Use Permit process require review as a conditional use.
  - b) For nonconforming uses, the addition of accessory buildings that expand the nonconformity shall not be permitted without approval of a variance. For purposes of this requirement, nonconformity is increased if any portion of a required yard would be diminished by the proposed activity.

**Sec. 24-64. – Home Occupations.**

Home occupations are non-intrusive commercial or light industrial activities conducted in a dwelling or a building accessory to a dwelling, which may be allowed as a permitted or conditional use in the residential districts depending upon the number of employees (see permitted and conditional use tables in district regulations, Article II) subject to the following standards:

- a) The use of the dwelling unit and/or accessory building for the home occupation shall be clearly incidental and subordinate to the property's residential use by its occupants.
- b) There shall be no change in the outside appearance of the building or premises and other visible evidence of the conduct of such home occupation other than signage as allowed under separate ordinance.



- c) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. For the purpose of comparing traffic volumes, traffic generated by existing land uses and also potential permitted land uses on the subject property may be used.
- d) No equipment or process shall be used in such home occupation which will cause any vibration, glare, fumes, odors or electrical interference detectable through the normal senses off the lot, if the occupation is conducted in a dwelling, or outside the dwelling unit if conducted in an accessory building. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- e) Businesses established for the purpose of providing, purveying, selling, growing, manufacturing, or otherwise dealing in the procurement, production and sale of medical marijuana shall not be permitted as home occupations.

**Sec. 24-65. – Accessory Dwelling Units.**

- a) **Purpose.** The purpose of these performance standards is to allow efficient use of the existing housing stock and infrastructure, provide housing options that respond to changing household sizes and needs, provide a means for residents—particularly seniors, single parents and empty-nesters—to remain in their homes and neighborhoods, obtain extra income, security, companionship and assistance, and to provide a broader range of affordable housing options.
- b) **Applicability.** The following are considered accessory dwelling units or uses:
  1. A single dwelling unit occupied by the owner, a manager, or a guard is a customary accessory use on commercial and industrial properties in the HCLI and HI districts.
  2. An accessory apartment (an attached, single, functionally separate dwelling unit) is a customary accessory use in all single family dwellings.
  3. A detached accessory dwelling unit (a single, fully functional dwelling unit physically separated from the primary dwelling on a lot), including an apartment above a garage, is a customary accessory residential use in the RA, RB, RC, and SR districts.
- c) **Specification Standards.**
  1. Only one accessory dwelling is permitted per lot;
  2. Except for an accessory dwelling provided for a manager or guard on a commercial or industrial property in the HCLI or HI districts, accessory dwelling units are only allowed on lots developed with single family residences.
  3. An accessory dwelling shall not contain more than two bedrooms (rooms used primarily for sleeping purposes);
  4. In the residential districts, the lot must meet the minimum size requirement of the district;

5. The ground floor area of the accessory unit shall not exceed 50% of the ground floor area of the principal dwelling or structure;
  6. An accessory dwelling shall not exceed the district's maximum height limitation for accessory buildings;
  7. The accessory dwelling shall have a roof pitch, siding, trim and window proportions similar to that of the principal dwelling or structure to the extent feasible, as determined by the Administrator;
  8. The accessory dwelling shall comply with all other standards for principal dwellings or structures such as setbacks, lot coverage and height;
  9. The accessory dwelling unit shall not require a separate access approach to the adjacent public street, with the exceptions that the alley may serve the accessory dwelling and existing driveway approaches may serve the accessory dwelling unit;
  10. At least one off-street parking space must be provided for an accessory dwelling unit; and
  11. Approval from the Montana Department of Environmental Quality may be required prior to issuance of a permit.
- d) **Renting an accessory dwelling unit.** Renting of either dwelling may occur so long as the two conditions below are met. (Renting an accessory dwelling unit to a manager or guard on a commercial or industrial property is exempt from these conditions.)
1. One of the dwellings shall be occupied by the landowner as a permanent residence.
  2. The landowner shall record a signed affidavit and deed restriction, in a form approved by the City Attorney, stating the property owner will reside on the property, either in the principal or accessory dwelling unit. Once recorded, the deed restriction may not be removed or modified without City Council approval.
- e) **Violation of terms.** In the event that any of these terms is violated, the owner shall provide for the removal of the accessory dwelling improvements and restore the site to its principal use.

### **Sec. 24-66. – Bed and Breakfasts.**

The purpose of this Section is to provide options for overnight accommodations and meal services to tourists and visitors while minimizing impacts to the neighborhood in which the accommodations are located. For purposes of this Chapter, a bed and breakfast is defined as 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. Bed and breakfasts are Conditional Uses in the RA, RB, RC, MH-A, and SR districts, subject to Conditional Use review and approval by the Board of Adjustment and the following standards:

- a) The establishment must be operated by the owner of the home, who must live in the structure.
- b) The bed and breakfast may not provide accommodations for more than 18 guests.
- c) Food service may be provided for resident guests only.

- d) Bed and breakfasts may not be leased or offered for use as reception space, party space, meeting space or similar events open to non-resident guests.
- e) Bed and breakfasts may display signs as permitted by Section 24-51.
- f) Off-street parking shall be provided in compliance with Section 24-50.
- g) The exterior appearance of the building shall not be altered from its single-family residential appearance.

**Sec. 24-67. – Multiple-Family Dwellings, Two-Family Dwellings, Townhouses and Townhomes.**

Multiple-family dwellings, Two-Family Dwellings (duplexes,) townhouses and townhomes are subject to all applicable regulations of the Miles City Codes except as modified or supplemented by these standards. These standards apply to multiple-family and two-family dwelling structures, including apartments, condominiums and retirement homes that contain more than two living units. They also apply to townhouse structures, and when a single parcel contains either multiple two-family dwellings or a combination of multi-family dwellings and two-family dwellings.

- a) **Pedestrian Access.** Such developments must provide a system of walkways connecting each dwelling to the following when applicable: adjacent public sidewalks, on-site parking lots or parking structures, other on-site multiple-family dwelling buildings, garages, disposal and recycling containers, mail boxes, recreation areas and storage areas.
- b) **Parking and Vehicle Access.**
  - 1. Off-street parking shall be provided in compliance with Section 24-50.
  - 2. No more than 30% of the parking area may be located between the principal building and the front street.
  - 3. Parking may not be located within any required side setback area.
  - 4. Access and access routes meeting the requirements of the Miles City Fire Department may be required to ensure residents have adequate means of escape in the event of an emergency and that the fire department has sufficient access.
- c) **Design Features.** The developer shall provide at least three of the following (at the developer's discretion):
  - 1. Modulated building wall planes on the front façade through the use of projections, recesses and offset planes with a minimum depth of two feet;
  - 2. Balconies or bay windows on the front building façade;
  - 3. Varied rooflines;
  - 4. Visual diversity on all building facades by varying materials, texture, or color; and
  - 5. Windows or glazed area equal to at least 15% of the combined total of all the building facades.

- d) **Utilities.** Each unit shall be provided with separate utility connections and meters.
- e) **Townhouses and Townhomes Unit Access.** Each unit of townhouse/townhome developments shall be provided with at least two separate and private outdoor access doors.
- f) **Landscaping.** Landscaping shall be installed in accordance with Section 24-49.

**Sec. 24-68. – Requirements for chickens.**

The keeping of up to six chickens, but no roosters, shall be allowed in all residential districts if the following requirements are met:

- a) No coops or runs shall be located in front yards. In addition, for corner lots, required side yards shall not be used.
- b) Chicken coops and runs shall be located at least 20 feet away from any residential structure, religious institution, school, or other building inhabited by people except the residence of the chicken owner, custodian, or keeper as measured from the nearest exterior wall of both structures.
- c) Coops and runs must be set back a minimum of ten feet from all property lines as measured from the nearest wall of the coop or run.
- d) No coop shall exceed 48 square feet in size; however eaves, feed boxes, and other minor appurtenances may extend further without being calculated as the basic square footage.
- e) All coops shall be designed to be predator proof.
- f) No coop shall exceed the height of eight feet.
- g) No coops or runs shall be constructed in the floodway in compliance with the floodplain regulations and shall also comply with any floodplain regulation requirements if located in the floodway fringe.
- h) Runs shall be constructed of wood or woven wire materials, allow chickens to contact the ground, shall not exceed six feet in height, and shall not exceed 20 square feet per chicken.
- i) Run fencing shall be attached to the coop except in the case of a mobile coop.
- j) Electrified fences on runs are prohibited.
- k) No flags or banners shall be strung around the perimeter of runs.
- l) If electrical lines/cords to coops are strung aerially, they shall not be visible from neighboring properties or public spaces.
- m) Mobile coops are allowed but are required to meet the location and design requirements in subsections (a) through (l) of this Section and shall be confined within a run.

**Sec. 24-69. – Animal rescue shelters.**

- a) The keeping of a total of up to eight dogs, cats, or a combination of both, not exceeding eight animals, for the purpose of operating an animal rescue shelter are allowed in certain districts subject to the requirements below.
- b) Animal rescue shelters of any size are permitted uses in the GC and HWC districts.
- c) In the SR district, any personal dogs or cats kept as pets by the operator of the facility shall reduce the allowed number of sheltered animals by a count of one animal for each dog or cat that is being housed on the same premise and kept as a pet.
- d) An animal shelter in the SR district shall not be located any closer than 3,000 feet from another existing animal rescue shelter.
- e) For purposes of determining the total number of allowed animals, litters under four months of age shall count the same as one adult animal. For rescued animals that give birth after being rescued, animals under the age of four months shall not be counted in the total. For shelters being operated out of a single-family home, only one litter at a time shall be allowed.
- f) A permit is required and the permit holder shall comply with all other applicable control regulations.

**Sec. 24-70. – Antennae, Antenna Support Structures and Wireless Communications Facilities.**

- a) **Intent.** The intent of this Section is to:
  - 1. Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the city;
  - 2. Require the joint use of new and existing antenna support structures when possible;
  - 3. Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on city residents is minimal;
  - 4. Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennas; and
  - 5. Enhance the ability of the providers of wireless communication services to provide such services as quickly, effectively, and efficiently as possible.

**b) Permit requirements.**

All uses within the city for the location, construction, or modification of a new wireless communication facility, antenna support structure or amateur radio antenna support structure shall require compliance with the applicable Administration and Enforcement requirements of Article IV.

- 1. In districts where amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in

compliance with Section 24-70(c) (below) are listed as a permitted use, the project shall require review of a Zoning Conformance Permit pursuant to Section 24-85.

2. In districts where wireless communications facilities are listed as a conditional use, the project shall require review of a Conditional Use pursuant to Section 24-91.

c) **Permitted uses.**

The following are permitted uses:

1. Amateur radio antenna support structures and alternative antenna support structures, within any district, that meet all of the following criteria:
  - a. Are located within the rear yard of a lot;
  - b. Are not located within any setback required in the zoning district in which it is located or across or upon any existing legal right of way or easement;
  - c. Obtain a Building Permit under Article IV;
  - d. Have no lighting upon the structure except such hazard lighting as mandated by the FAA, provided, however, seasonal decorations which do not conflict with government regulations, may be permitted;
  - e. Have no signage or displays of any type upon the structure except warning signs required by law or applicable regulation, provided, however, seasonal decorations which do not conflict with government regulations, may be permitted; and
  - f. The maximum total antenna and support structure height is less than or equal to 100 feet;
2. Amateur radio antenna support structures and antenna support structures, that were in existence and in place or under actual construction in place prior to July 25, 2006, unless:
  - a. Such amateur radio antenna support structure or antenna support structure is subsequently damaged or destroyed and the cost of repair or reconstruction of such support structure exceeds 50 percent of the replacement cost of such support structure; or
  - b. Such antenna support structure has been abandoned. Abandonment is presumed if the support structure has not been utilized by any licensed user of the support structure for a period in excess of 180 consecutive days and use of the support structure has not been reinstated by any licensed user within 90 days of the city giving written notice of its declaration of abandonment to all licensed users of the support structure. If the city declares a support structure abandoned pursuant to this subsection, the burden shall be upon the licensed users of the support structure to document actual use of the support structure within such 180 consecutive day period; or
  - c. Such antenna support structure is modified subsequent to July 25, 2006 and unless such modification is limited to:

- i. Addition of antenna arrays which do not result in an increase in the height of the tallest portion of the structure by more than 20 feet of the height of the structure as it existed on July 25, 2006 and do not result in the antenna support structure height exceeding 75 feet for an antenna support structure that was less than 75 feet in height on July 25, 2006;
- ii. Addition of antenna, otherwise complying with subsection (1), above, not exceeding the number of antennas for which the antenna support structure was originally designed to accommodate.
- d. Such amateur radio antenna support structure is modified subsequent to July 25, 2006 and such modification results in the antenna support structure height exceeding 75 feet.

**d) Building Permits required for all antenna support structures and certain amateur radio antenna support structures.**

- 1. Any amateur radio antenna support structure shall require a Building Permit if the amateur radio antenna support structure together with any attached antenna have an antenna support structure height in excess of six feet, if ground mounted, or in excess of six feet above the highest point of the roof, if roof mounted. The application must include documentation that the amateur radio antenna support structure is adequately anchored and engineered to prevent collapse and damage to adjacent structures or property in the event of failure.
- 2. All antenna support structures shall require a Building Permit. The application must include documentation that the antenna support structure is adequately anchored and engineered to prevent collapse and damage to adjacent structures or property in the event of failure.

**e) General requirements for location and construction of all wireless communication facilities.**

- 1. All construction shall comply with all applicable local and State of Montana building codes;
- 2. All facilities shall comply with all other applicable government laws and regulations;
- 3. Minimum setback requirements from any residential structure or any lot line adjacent to any residential district:
  - a. For antenna support structures one-half the height of the antenna support structure; and
  - b. For accessory structures: The greater of 15 feet or the minimum yard setback requirements for the zone in which the structure is located.
- 4. Antenna support structures and accessory structures located in commercial or industrial zones shall meet the minimum yard setbacks for the zone in which they are located.
- 5. Antenna support structures and accessory structures shall not exceed the maximum lot coverage limits for the zone in which they are located.
- 6. Accessory structures shall not exceed the height limits for the district in which they are located.

7. A secure chain link fence with plastic lath inserts, painted solid wood fence, or masonry wall, with a minimum height of six feet, shall be constructed and maintained around the perimeter of the antenna support structure with any setbacks required for fences within the district in which the structure is located.
8. The only lighting permitted upon an antenna support structure shall be:
  - a. Lighting mandated by FAA or other government regulation. Unless otherwise mandated by such regulations, all such mandated lighting shall be only red beacons; and
  - b. Security lighting mounted no higher than 20 feet above ground level. All such security lighting shall be directed towards the ground to minimize light pollution, prevent off-site light spillage, and avoid illumination of the tower. Cut-off security lighting must be utilized adjacent to existing residences or lots zoned in a residential district. When incorporated into the approved design of the facility, light fixtures used to illuminate adjacent sport fields, parking lots or similar areas may be included in the facility upon approval of the Administrator.
9. Signage shall be limited to non-illuminated warning and equipment identification signs, unless otherwise mandated by applicable government regulation.
10. To facilitate co-location, antenna support structures shall be designed and constructed to accommodate the applicant's antennas and the following additional comparable antennas:
  - a. For structures with an antenna support structure height greater than 100 feet, two additional antennas;
  - b. For structures with an antenna support structure height less than 100 feet but greater than 75 feet, one additional antenna.
11. All new antennas must be co-located on existing antenna support structures or alternative antenna support structures unless the application for special review demonstrates that it is not feasible to co-locate such antennas.
12. Equipment at a wireless communication facility shall be automated whenever feasible in order to minimize traffic and congestion upon the facility site.
13. All wireless communication facilities and the site upon which they are located shall be maintained at all times in compliance with all applicable government laws and regulations.
14. Wireless communications facilities shall comply with the following visual impact/aesthetics standards unless otherwise mandated by government law or regulation:
  - a. Exterior finish shall be galvanized steel or a neutral color which blends with the color of structures adjacent to the site;
  - b. Antennas installed on a structure other than a tower, together with associated electrical and mechanical equipment, shall be of a neutral color identical to or blending with the color of the support structure so as to render the antennas, electrical and mechanical equipment as visually unobtrusive as possible;



- c. Antennas and antenna support structures may be mounted on the roofs of buildings (other than buildings which are utilized primarily as equipment enclosures for a wireless communication facility) that are greater than 30 feet in height above street grade so long as the antennas and antenna support structure do not add more than 30 feet to the total height of the building upon which they are mounted. Only monopole antenna support structures with omni-directional (whip) or low profile single-directional (panel) antennas shall be mounted upon building roofs. Crows nest antenna arrays are prohibited upon building roofs.
- d. Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and placed so as to be incorporated with the vertical design elements of the structure.
- e. Wireless communication facilities shall not be located within any officially designated historic district unless:
  - i. The location is required to be permitted by preemptive government law or regulation; or
  - ii. The proposed facility, upon conditional use review and approval, is determined by the Board of Adjustment to be designed to be hidden, screened or otherwise blend with the historical district structures and surroundings so as to be virtually unnoticeable.

15. Antenna support structures with a height in excess of 75 feet shall be located at least one linear mile from any other antenna support structure with a height in excess of 75 feet, unless the proposed antenna support structure is to be located in a tower farm.

16. A tower farm shall be located at least one linear mile from any other tower farm.

17. Exceptions to requirements of subsections (15) and (16) above, may be granted by the Board of Adjustment during the conditional use review process, if the applicant satisfactorily documents:

- a. No existing antenna support structure within the required separation distance of the proposed location can accommodate the applicant's proposed antenna; or
- b. A critical need exists for the proposed location and it is not technically feasible to locate or co-locate structures at or beyond the required separation distance.

**f) Conditional Use Permit applications.**

- 1. Prior to commencing construction or modification of any wireless communication facility in the districts in which the use is listed as a conditional use, the person or entity proposing construction of such structure or facility, shall submit a Conditional Use Permit application pursuant to Section 24-91, which shall, in addition to the standard requirements for a Conditional Use Permit application, contain all of the following information:
  - a. The full name, current address and telephone number of the applicant and the address of the applicant's principal place of business;

- b. If the applicant is an entity, the form of entity, state of organization and, if a corporation or limited liability company, a certificate of good standing or certificate of existence issued by the Montana Secretary of State;
- c. A description of the proposed location of the facility or structure, including physical address, legal description of all land upon which the facility or structure will be sited, the height, latitude and longitude (or GPS coordinates) of the proposed location of the facility or structure, a map to scale showing the service area of the proposed facility or structure, and an explanation of the need for the facility or structure;
- d. A site plan showing the following:
  - i. North arrow.
  - ii. The location and dimensions of all vehicular points of ingress and egress, drives, alleys, streets, and easements.
  - iii. Center line and names of streets relevant to the application.
  - iv. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
  - v. Setbacks from all property boundaries for existing and proposed structures and buildings.
  - vi. Property boundaries and lot line dimensions.
  - vii. Elevation drawing of proposed wireless communication facility including the antenna support structure, antenna platforms and associated equipment enclosures. Also indicate the maximum number of antenna platforms that can be supported.
  - viii. Location of artificial light sources and the areas of illumination.
- e. Area map showing the property boundaries of all lots or tracts adjacent to the proposed site and the location of any existing buildings on the adjacent properties;
- f. Documentation of any mandated lighting requirements of the FAA or any other Government;
- g. If applicable, documentation of any FAA airspace review and a copy of any FAA comments;
- i. If the application is for an amateur radio antenna support structure, a copy of the applicant's amateur radio FCC license. Otherwise, a copy of the applicant's FCC license authorizing it to provide the wireless communications services for which the facility or structure is proposed;
- j. Other than an application for an amateur radio antenna support structure, documentation of the applicant's inability to utilize an existing antenna support

structure or wireless communication facility to accommodate the applicant's proposed antenna or antenna array. Such documentation shall include:

- i. A description of any existing antenna support structure or wireless communication facility which would meet the applicant's engineering requirements and documentation of the applicant's attempt to obtain permission to utilize such existing structure or facility and the owner's refusal to accommodate such request. If the inability to obtain permission is based upon applicant's position that the cost of use of such existing structure or facility is unreasonable, a comparison of the cost of such use with the cost of constructing and maintaining the proposed new structure or facility.
- ii. Documentation that no existing antenna support structure or wireless communication facility meets the applicant's engineering requirements. This documentation shall consist, at the minimum, of documentation that:
  - A. No existing or approved antenna support structures are located within the geographic area required to meet the applicant's engineering requirements.
  - B. Existing or approved antenna support structures are not of sufficient height to meet the applicant's engineering requirements.
  - C. Existing or approved antenna support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength.
  - D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing or approved antenna support structures, or the antenna on the existing or approved antenna support structures would cause interference with the applicant's proposed antenna.
  - E. The applicant demonstrates that there are other limiting factors that render existing or approved antenna support structures unsuitable.
- k. Other than an application for an amateur radio antenna support structure, a statement from the applicant that the applicant, upon commercially reasonable terms, will permit co-location by any FCC licensed wireless communication provider utilizing compatible technology up to the antenna support structures capacity to accommodate additional antennas. The statement shall include details of how requests for co-location will be processed;
- l. Documentation of the applicant's efforts to minimize adverse impact of the proposed structure or facility upon property values within a 400 feet radius of the proposed structure or facility.
- m. A map of all properties within a 400 feet radius of the proposed site, measured from the exterior boundaries of the lot containing the proposed site, together with a list of the names and mailing addresses of all record owners of tracts of land within such 400 feet radius, and envelopes, with proper prepaid postage attached, preaddressed to each such property owner.

- n. Such additional or supplemental information as the Administrator shall designate in writing to the applicant as necessary for the consideration of the application.
2. At least 15 calendar days before the hearing, the Administrator shall, in addition to the noticing requirements of Section 24-91 and Section 24-97, post in a conspicuous place upon the tract of land upon which the tower structure is proposed to be located a notice to the public stating the name of the applicant, the date of posting, applicant's intent to apply for a Conditional Use permit to construct a tower, the proposed height of the tower to be constructed, and, that the application for the permit may be examined at City Hall. The notice shall be on fluorescent orange colored card stock of 1.5 feet by 2.0 feet nominal dimension with black lettering in at least 30-point bold type. The posting shall remain in place for at least 15 consecutive days.
3. The notification area for Conditional Use reviews of wireless communication facilities is extended from 150 feet (per Section 24-97(b)(1)) to 300 feet of the exterior boundaries of the lot containing the proposed site.
4. Section 24-91 of these regulations outlines the other processes and criteria for Conditional Use review.
5. No application shall be denied or subject to conditions upon the basis of environmental effects of radio frequency emissions to the extent that such facility or structure complies with FCC regulations concerning such emissions.

**Secs. 24-71—24-79. – Reserved.**

**ARTICLE IV. – ADMINISTRATION AND ENFORCEMENT**

This Article describes administrative processes and procedures of the zoning regulations, how exceptions are applied, and other aspects of administration.

**Sec. 24-80. – Permits Required.**

A permit shall be required for any clearing, grading, excavation, construction, reconstruction, non-minor change of occupancy or use, land development, re-development or building activity, except as specifically exempted by these regulations or per Section 24-81 below. These regulations include the following four kinds of permits, the procedures for administration of which are found in Section 24-85 below:

- a) A Building Permit, where compliance with zoning is assessed, shall be required for any new building activity listed as “permitted” in the various districts adopted by these regulations (see Sections 24-15 through 24-39).
- b) A Conditional Use Permit shall be required for any land use or building activity listed as a “conditional use” in the various zoning districts (see Sections 24-15 through 24-39).
- c) A Change of Occupancy Permit is required when a non-minor change in use or occupancy occurs in a building or on a premises.

- d) A Certificate of Occupancy is required when a new building is completed.

Building permit applications are submitted with applications for the above permits when building codes apply to the development. Building permits are then processed by the Miles City Building Inspector in conjunction with zoning review by the Administrator and, when applicable, the Board of Adjustment. Sign permits are authorized under separate ordinance.

**Sec. 24-81. – Exemptions for Development Activity.**

The activities listed here are not exempt from any applicable requirement of these regulations, except the requirement for a permit. No permit shall be required for:

- a) Clearing, grading, or excavation for the installation or maintenance of landscaping and gardens;
- b) Repair or remodeling that does not alter the exterior dimensions of the building by more than six inches (note that fire or building codes may require a permit for such activities);
- c) Construction or installation of accessory buildings that are less than 10 feet in height with a projected roof area of less than 120 square feet that are not used for habitation and are exempt from building permit requirements, provided the buildings meet all standards of these regulations;
- d) Minor changes of occupancy as defined by Article V;
- e) Construction of public streets and other municipal infrastructure, and subdivision improvements as allowed and/or required by a subdivision approval issued by the City Council; and
- f) Minor utility installations.

**Sec. 24-82. – Application Forms and Fees.**

- a) Applications for permits shall be submitted on forms provided by the city. All applications shall include a site plan, and all other maps, plans, drawings, tabulations, calculations, and text needed to demonstrate compliance with these regulations. The Administrator may require submission of multiple copies of application forms and supporting materials, as well as a copy of all documents to be submitted electronically in PDF or similar format.
- b) Application fees for each type of permit and the other procedures established by these regulations shall be set by the City Council.
- c) No incomplete or insufficient application will be accepted for review and acted upon by the appropriate decision-making body (e.g., Administrator, Board of Adjustment).

**Sec. 24-83. – Contents of Applications.**

Applications and site plans shall include information necessary to demonstrate compliance with these regulations. Each permit application lists specific information that is pertinent to that request. All pertinent information shall be submitted by the applicant. Site plans shall be to scale and depict the information below. Individual required elements of site plans may be waived at the discretion of the Administrator.

- a) Property boundaries/lot lines with dimensions and a north arrow indicator;
- b) Geographic features such as slopes, water bodies, floodplains, wetlands, trees and other vegetation;
- c) Topographic contours at a minimum interval of two feet or as determined by the Administrator;
- d) Onsite and adjacent offsite streets, roads, alleys and easements to a distance of 150 feet from the subject property, including existing and proposed improvements such as curb, gutter, sidewalks, and bike paths;
- e) Parking facilities, including bicycle racks, landscaping, drainage, lighting, handicap-accessible parking, typical dimensions (including labeling angles for angled parking), traffic flow on-site, ingress and egress points, driveways, and paving details;
- f) Existing and proposed wells, septic tanks and drainfields (if applicable);
- g) Existing and proposed utilities and municipal facilities, such as water lines and sewer lines;
- h) Existing and proposed buildings with dimensions, including all above grade projections and lot coverage;
- i) Location of fire hydrants, fire lanes and turnarounds;
- j) Exterior refuse collection areas;
- k) Elevation plans or side profiles for structures with dimensions for building heights, demonstrating the building height as defined by Article V;
- l) For any application that involves buildings for lease or rent, the applicant shall submit an assessment of potential significant impacts on the surrounding physical environment and human population in the area to be affected, including any proposed measures, if any, to avoid or minimize potential significant impacts identified; and
- m) Any additional application information required by any Section of these regulations.

**Sec. 24-84. – Site Inspection.**

The filing of an application for a permit constitutes permission for the Administrator and appropriate personnel to conduct inspections of the site during their consideration of the application, and to subsequently monitor compliance with any conditions of approval during the life of the permit.

**Sec. 24-85. – Procedures for Building Permits, Change of Occupancy Permits and Certificates of Occupancy.**

- a) **Purpose:** The purpose of this permit procedure is to ensure that routine building and land use activities comply with these regulations.
- b) **Procedures:** The following is the typical procedure for an applicant to apply for and receive a Building, Change of Occupancy and Certificate of Occupancy Permit:

1. The applicant shall submit a properly completed application form, a site plan, any supporting materials necessary to demonstrate compliance with these regulations, and the required application fee at City Hall.
  2. The Administrator shall determine whether the application is complete and sufficient for review. If an application is determined incomplete or insufficient, the Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
  3. The Administrator shall determine whether the proposed activity is in compliance with these regulations. If it complies, the application shall be approved and a permit shall be issued at that time. If the proposed development fails to comply, the application for a permit shall be denied. Conditions may be attached to the permit to direct the applicant and agents to requirements of these and other regulations.
  4. Approval Period: Building and Change of Occupancy Permits are valid for one year. During the approval period all construction must be completed and compliance with the permit demonstrated. However, at the end of the approval period the Administrator may, at the request of the applicant, extend approval for up to one additional year. The purpose of these timeframes is to ensure construction activities are not in an active state for an unreasonable amount of time posing threats to public health, safety, and welfare, and to ensure effective administration of these regulations.
  5. After a permit is issued and prior to permit expiration, the applicant shall notify the Administrator and demonstrate that development conforms to these regulations and any conditions of approval. The Administrator shall visit the site to check for conformance and, if verified, issue a Certificate of Occupancy. If the development is determined not to be in conformance, the Administrator shall notify the applicant of the deficiencies. The applicant must demonstrate conformance within the original or extended approval period, reapply for a permit, or appeal the Administrator's decision under Section 24-93. If voluntary compliance is not achieved a notice of violation may be issued under Section 24-98.
- c) **Appeal:** Any action or decision by the Administrator may be appealed to the Board of Adjustment using the appeals procedure of Section 24-93.

**Sec. 24-86. – Interpretation of use.**

It is the intent of this Section to group similar or compatible land uses into specific zoning districts, either as permitted or conditional uses. Evaluation of uses shall be as follows:

- a) The Administrator shall determine if a use not listed is materially similar to a permitted or conditional use listed in the applicable district. Interpretations may be appealed to the Board of Adjustment per Section 24-93.
- b) Materially similar means the use provides a similar function, occurs within a similar structure or setting, and has a similar scale and impact to a permitted or conditional use listed.

- c) Land uses deemed not to be materially similar to a permitted or conditional use shall be prohibited unless a variance is received (see Section 24-92) or amendment to these regulations is made (see Section 24-96).

**Sec. 24-87. – Uses preempted by state statute.**

Uses that are required to be allowed in a zoning district by state statute shall be allowed in accordance with state law whether or not the use is included in this Chapter. Such uses shall be subject to review and permitting as permitted or conditional uses as designated by the various districts. Where such uses are indicated as prohibited, the uses are treated as conditional uses subject to review by the Board of Adjustment pursuant to Section 24-91.

**Sec. 24-88. – Application of Zoning Regulations to State and Local Government Agencies (76-2-402, MCA).**

For purposes of this section, an “agency” means a board, bureau, commission, department, district, an authority, or other entity of state or local government.

- a) If an agency proposes to develop or use public land contrary to these zoning regulations, the agency shall first notify the Board of Adjustment of its intent to develop land contrary to these zoning regulations.
- b) Whenever an agency proposes to use land contrary to these zoning regulations, a public hearing shall be held by the Board of Adjustment.
- c) The Administrator shall give notice of the public hearing in accordance with Section 24-97.
- d) The Board of Adjustment shall hold a public hearing within 30 days of the date the agency gives notice to the Board of Adjustment of its intent to develop or use land contrary to these zoning regulations.
- e) The Board of Adjustment shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

**Sec. 24-89. – Nonconforming Uses.**

Except as may be allowed by variance, the following apply to lawful nonconforming uses and structures existing at the time of the adoption of this Chapter and/or effectiveness of a provision of these regulations:

- a) The nonconforming use of a building or premises may be continued, but the degree of nonconformity shall not be expanded.
- b) There shall be no limit on the maintenance and repairs of nonconforming uses or buildings, provided all such activities comply with applicable fire and building codes.



- c) No building which has been damaged by fire or other catastrophic event to the extent of more than fifty percent (50%) of its assessed value exclusive of foundations shall be repaired or rebuilt except in conformity with these regulations.
- d) Any nonconforming use abandoned for more than 12 months shall be terminated. Abandonment shall not be measured by the owner's intent, but solely by the fact that use ceases for a period of 12 or more months.
- e) Temporary nonconforming uses or structures shall not be made permanent without full compliance with these regulations. For example, a building of a temporary character or low-grade construction in a location that does not comply with a setback requirement may not be enhanced with permanent construction features that would make it a permanent structure.

**Sec. 24-90. – Board of Adjustment.**

- a) The Board of Adjustment is established to act on conditional uses (special exceptions), variances, and appeals of the Administrator decisions and actions.
- b) The Board of Adjustment consists of five members appointed by the mayor for staggered three year terms, and subject to the confirmation by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Board members serve without compensation. A Board member is removable for cause by the City Council upon written charges and after public hearing.
- c) The Board of Adjustment shall appoint one of its members as chairman and will set its operating rules in accordance with 76-2-321 through 76-2-328, Montana Code Annotated.
- d) All official files of the Board of Adjustment shall be held in the offices at City Hall.
- e) Meetings of the Board of Adjustment must be held at the call of the chairman and at other times that the board may determine.
- f) The chairman or in the chairman's absence the acting chairman may administer oaths and compel the attendance of witnesses.
- g) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrator; to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under these regulations; or to effect any variation in these regulations.
- h) All meetings of the Board of Adjustment shall be open to the public.
- i) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the offices at City Hall and shall be a public record.

## Sec. 24-91. – Conditional Use Permit Review.

- a) **Purpose:** Conditional uses require public review for activities that may have a significant impact on the landscape setting, public facilities, or neighboring land uses. Conditional uses are special exceptions that may be compatible with the permitted uses in a zoning district, but require individual review of their location, scale, design, and configuration, and may include the imposition of special conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district.
- b) **Applicability:** The conditional uses for each district are listed in the permitted and conditional use tables in the various districts sections in Article II. When a proposed use is listed as a conditional use in the site's zoning district, the following require review under this Section:
1. Any new conditional uses;
  2. Any non-minor changes of occupancy resulting in a different conditional use, as determined by the Administrator;
  3. Any expansion to an existing use listed as a conditional use involving addition to buildings or outdoor areas directly associated with the conditional use that is greater than 25 percent of the existing square footage or 5,000 square feet, whichever is less; and
  4. Changes in use where the parking requirements will exceed 25 percent of the existing use.
- c) **Procedure:** The following is the typical procedure for an applicant to apply for and receive a Conditional Use Permit:
1. The applicant shall submit a properly completed Conditional Use Permit application form, a site plan, any supporting materials necessary to demonstrate compliance with these regulations, and the required application fee at City Hall.
  2. The Administrator shall determine whether the application is complete and sufficient for review. When an application is determined incomplete or insufficient, the Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
  3. After determining a Conditional Use Permit application is complete and sufficient, the Administrator shall place a public hearing on the proposed conditional use on the agenda of the next Board of Adjustment meeting for which the notice requirements of these regulations can be met (Section 24-97), and at which time will allow for its proper consideration.
  4. The Administrator shall give notice of the public hearing in accordance with Section 24-97.
  5. The Administrator shall prepare, or contract for preparation of, a report that describes the proposed conditional use, its site, its context, and its compliance, or failure to comply, with the applicable requirements of these regulations. In preparation of the report, the Administrator may seek input from the police, fire, parks, sewer and water, streets, solid waste and other departments as well as other agency and service providers including the Montana Department of Transportation, local school district, utility service providers,

Montana Department of Environmental Quality and others. In the report the Administrator shall propose findings of fact and a recommendation of approval, approval with conditions or denial of the proposal for the Board of Adjustment's consideration.

6. The Board of Adjustment shall conduct a hearing on the proposed conditional use. At that hearing, the Board of Adjustment shall review the particular facts and circumstances of the proposed conditional use and adopt findings of fact in support of its decision. If the Board finds the application complies with the evaluation criteria in (d), below it shall approve the application. If the Board finds the application fails to comply, it shall deny the application. The concurring vote of four members of the Board of Adjustment shall be necessary to take official action to approve a request.
  7. Conditions may be attached to approval of any Conditional Use Permit as provided in (e) below, provided the Board of Adjustment specifically identifies the basis for each condition.
  8. Consideration of a Conditional Use Permit application may be tabled for no more than 35 calendar days.
  9. Within 10 days after a decision on the Conditional Use Permit application is made, the Administrator, working on behalf of the Board of Adjustment, shall notify the applicant of the decision and any conditions attached to the approval.
  10. Upon the applicant demonstrating compliance with any conditions required by the Board of Adjustment to the Administrator, the Conditional Use Permit will be issued by the Administrator within 10 days.
  11. Approval of a conditional use by the Board of Adjustment does not require the Administrator to permit any activity that is found to not comply with other applicable requirements.
- d) **Evaluation Criteria.** The Board of Adjustment, after weighing and evaluating the proposed use in light of the criteria set forth below, shall grant a Conditional Use Permit if the application, supplemental information, public hearing and other evidence demonstrate that:
1. The proposed use complies with the applicable standards and the requirements of the zoning district in which the project is proposed;
  2. The proposed use, including mitigation measures, shall have no more adverse effects on the health, safety, or welfare of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other permitted or conditional uses in the same district. In making such determination, consideration shall be given to the location, type, height, scale, layout, and the type and extent of landscaping and screening on the site, as well as measures proposed by the applicant to minimize impacts to neighborhood;
  3. Adequate facilities and services are, or will be, through the application of these regulations and the adoption of conditions, made available to serve the proposed use including police, fire, parks, sewer, water, streets, motorized and non-motorized transportation, drainage, solid waste, schools and other facilities and services as appropriate;

4. Adequate measures shall be taken as necessary to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads; and
  5. No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare into a residential district. "Excessive" is defined for these purposes as a degree that could be observed by the Administrator and Board of Adjustment to be injurious to the public health, safety or welfare.
- e) **Conditions.** Conditions may be imposed upon the approval of any Conditional Use Permit, if:
1. They are clearly designed to ensure compliance with one or more specific requirement of these or other adopted regulations the city has the ability to enforce;
  2. They are clearly designed to ensure the applicant complies with other laws or regulations;
  3. They are directly related to the anticipated impacts of the proposed use;
  4. They are roughly proportional to the anticipated impacts of the proposed use;
  5. The applicant offers to take specific actions in relation to the proposal that can be ensured through the implementation of a condition; or
  6. That conditions are deemed necessary to protect the public health, safety and general welfare.
- f) **Approval Period.** Conditional Use Permits are typically valid for two years from the date of approval by the Board of Adjustment, during which time all construction must be completed and compliance with the permit demonstrated. After this time, the use must remain in compliance with the Board of Adjustment approval and these regulations. However:
1. A Conditional Use Permit may be granted with a shorter approval period as deemed appropriate by the Board of Adjustment with a justifiable reason related to protecting public health and safety or to ensure compliance with these regulations or other applicable regulations or laws.
  2. At the end of the approval period the Board of Adjustment may, at the request of the applicant, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated and signed by at least 4 members of the Board of Adjustment and the applicant. The Board of Adjustment may issue more than one extension. For a permit to be extended, the applicant may be required to submit substantiating evidence justifying the request and showing good cause for extending the permit period.

#### **Sec. 24-92. – Variances.**

- a) **Purpose:** Variances provide relief for landowners who, due to some unique characteristic of their property, would suffer unnecessary hardship if these regulations are strictly enforced. Variances may be granted, but only as provided here.

b) **Procedure:** The following is the typical procedure for an applicant to apply for and receive a variance:

1. The applicant shall submit a properly completed variance application form, the required supporting materials including a narrative evaluating the variance request under the evaluation criteria in (c) below, and the required application fee to City Hall.
2. The Administrator shall determine whether the application is complete and sufficient for review. When an application is determined incomplete or insufficient, the Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
3. After determining a variance application is complete and sufficient, the Administrator shall place a public hearing on the requested variance on the agenda of the next Board of Adjustment meeting for which the notice requirements of these regulations can be met (Section 24-97), and at which time will allow for its proper consideration.
4. The Administrator shall give notice of the public hearing in accordance with Section 24-97.
5. The Administrator shall prepare, or contract for preparation of, a report that describes the variance and the overall project, its site, its context, and its compliance, or failure to comply, with the applicable requirements of these regulations. In preparation of the report, the Administrator may seek input from the police, fire, parks, sewer and water, streets, solid waste and other departments as well as other agency and service providers including the Montana Department of Transportation, local school district, utility service providers, Montana Department of Environmental Quality and others. In the report the Administrator shall propose findings of fact and a recommendation of approval, approval with conditions, or denial of the proposal for the Board of Adjustment's consideration.
6. The Board of Adjustment shall conduct a hearing on the variance request. At that hearing, the Board of Adjustment shall review the particular facts and circumstances of the variance request and adopt findings of fact in support of its decision. If the Board finds the application complies with the evaluation criteria in (c) below, it shall approve the variance. If the Board finds the application fails to comply, it shall deny the variance. The concurring vote of four members of the Board of Adjustment shall be necessary to take official action approving a request.
7. Conditions may be attached to approval of any variance request, as provided in (d) below, provided the Board of Adjustment specifically identifies the basis for each condition.
8. Consideration of a variance request may be tabled for no more than 35 calendar days.
9. Within 10 days after a decision on the variance is made, the Administrator, working on behalf of the Board of Adjustment, shall notify the applicant of the decision and any conditions attached to the approval.
10. Upon the applicant demonstrating compliance with any conditions required by the Board of Adjustment to the Administrator, the permit associated with the variance request will be

issued by the Administrator within 10 days. This does not require the Administrator to permit any activity that is found to not comply with other applicable requirements.

c) **Evaluation Criteria.** The Board of Adjustment shall approve a variance only upon finding that the following criteria are substantially met or not relevant to the proposal:

1. The need for a variance results from special conditions, such as physical limitations, dimensions or unique circumstances related to the lot or parcel, on which the variance is requested;
2. Due to those special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship;
3. Without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;
4. The alleged hardship has not been created by action of the applicant, owner or occupants;
5. Approval of the variance will not have a substantial adverse impact on neighboring properties;
6. Approval of the variance will not be contrary to the public interest; and
7. Approval of the variance will observe the spirit of these regulations and provide substantial justice.

d) **Conditions.** Conditions may be imposed upon the approval of any variance, if:

1. They are clearly designed to ensure compliance with one or more specific requirement of these or other adopted regulations the city has the ability to enforce;
2. They are clearly designed to ensure the applicant complies with other laws or regulations;
3. They are directly related to the Evaluation Criteria;
4. They are roughly proportional to the anticipated impacts that may result from the reduced standard;
5. The applicant offers to take specific actions in relation to the proposal that can be ensured through the implementation of a condition; or
6. That conditions are deemed necessary to protect the public health, safety and general welfare.

e) **Approval Period.** Variance approvals are typically valid for two years from the date of approval by the Board of Adjustment, during which time all construction must be completed and compliance with the permit demonstrated. After this time, the use must remain in compliance with the Board of Adjustment approval and these regulations. However:

1. A variance approval may be granted with a shorter approval period as deemed appropriate by the Board of Adjustment with a justifiable reason related to protecting public health and

safety or to ensure compliance with these regulations or other applicable regulations or laws.

2. At the end of the approval period the Board of Adjustment may, at the request of the applicant, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing, dated and signed by at least four members of the Board of Adjustment and the applicant. The Board of Adjustment may issue more than one extension. For an approval to be extended, the applicant may be required to submit substantiating evidence justifying the request and showing good cause for extending the permit period.

### **Sec. 24-93. – Zoning Appeals.**

- a) **Applicability.** Any decision of the Administrator may be appealed to the Board of Adjustment as per 76-2-326, MCA. Appeals of decisions by the Board of Adjustment are petitioned to a court of record as per 76-2-327, MCA.
- b) **Procedure for Administrative Appeals:** The following is the procedure to appeal a decision by the Administrator:
  1. The appellant shall submit a letter providing a notice of appeal and supporting materials to the Administrator. Any appeal fees adopted by the City Council shall be paid at City Hall.
  2. The Administrator shall place a public hearing on the appeal on the agenda of the next Board of Adjustment meeting for which the notice requirements of these regulations can be met (Section 24-97), and at which time will allow for its proper consideration.
  3. The Administrator shall give notice of the public hearing in accordance with Section 24-97. Notice shall also be given to the parties in interest.
  4. The Administrator shall, in a timely manner, transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.
  5. The Administrator shall publish a summary report that includes the decision and the surrounding circumstances, and forward it, along with a copy of pertinent information, to the Board of Adjustment.
  6. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrator certifies to the Board of Adjustment after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record, on notice to the Administrator, and on due cause shown.
  7. The Board of Adjustment shall conduct a public hearing on the appeal. At the hearing, the Board of Adjustment shall determine whether the Administrator made an error in any order, requirement, decision, or determination, and reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end

shall have all the powers of the Administrator. The concurring vote of four members of the Board of Adjustment shall be necessary to take official action to reverse, wholly or partly, or modify the order, requirement, decision, or determination appealed from.

8. At the hearing, any party may appear in person or by the party's attorney.
9. Consideration of the appeal may be tabled for no more than 35 days.
10. The Board of Adjustment shall notify the appellant of its decision within 10 days after it is made. The decision shall be in writing and contain a summary of the facts relied on as the basis for its decision.
11. 76-2-327, MCA outlines state laws regarding appeals of decisions by the Board of Adjustment to a court of record. The petition must be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment.

#### **Sec. 24-94. - Zoning Commission.**

- a) In order to avail itself of the powers conferred by this Chapter, the City Council has appointed a Zoning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein.
- b) The Zoning Commission shall consist of five members, who shall be appointed for staggered three-year terms and shall be removable for cause by the City Council upon written charges and public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

#### **Sec. 24-95. - Duties of Zoning Commission.**

The duties of the Zoning Commission are as follows:

- a) Conduct public hearings on zoning changes/amendments.
- b) Make and submit reports on proposed zoning changes/amendments to City Council.

#### **Sec. 24-96. – Zone Changes and Zoning Amendments.**

- a) **Purpose:** Any person may petition for the amendment of the zoning district map and/or these regulations. The amendment procedure shall be as provided here and in 76-2-303, MCA. Amendments may also be initiated by the Zoning Commission or Administrator, in which cases steps (b)(1) through (b)(3) below, will not be required.
- b) **Amendment Process:**
  1. The applicant shall submit a properly completed application form, the required supporting materials, including a narrative evaluating the amendment request under the amendment criteria in (c) below, and the required application fee at City Hall.
  2. The Administrator shall determine whether the application is complete and sufficient. When an application is determined incomplete or insufficient, the Administrator shall provide



written notice to the applicant indicating what information must be submitted for the review to proceed.

3. After the application is determined to be complete and sufficient, the Administrator shall schedule a public hearing on the application for a zoning amendment on the agenda of the next Zoning Commission meeting for which the notice requirements can be met (Section 24-97), and at which time allows for its proper consideration.
4. The Administrator shall give notice of the public hearing in accordance with Section 24-97.
5. The Administrator shall prepare, or contract for the preparation of, a report that describes the proposed amendment and how it complies, or fails to comply, with the amendment criteria. The report shall include a recommendation for approval, approval with modifications or denial.
6. The Zoning Commission shall conduct at least one public hearing on the proposed amendment. At the hearing, the Zoning Commission shall make a report regarding the proposed zone change and consider whether the proposed amendment meets the amendment criteria. The Zoning Commission shall review the particular facts and circumstances of the proposed amendment and develop findings and conclusions that support its recommendation that the City Council approve, approve with modifications, or disapprove it accordingly.
7. The Zoning Commission's action on a proposed amendment may be tabled, but for no more than 35 days.
8. The Administrator shall convey the Zoning Commission's recommendation and all public comments to the City Council and, unless the application is withdrawn, place a hearing on the agenda of the next City Council meeting for which the notice requirements can be met (Section 24-97), and at which time allows for its proper consideration. The City Council shall not hold its public hearing or take action until it has received the report of the Zoning Commission.
9. The Administrator shall give notice of the City Council's public hearing in accordance with Section 24-97.
10. The City Council shall conduct a public hearing on the proposed amendment. At the hearing, the City Council shall consider the recommendation of the Zoning Commission and all testimony received, then approve, reject, or modify and approve the amendment. Action on the proposed amendment may be tabled, but for no more than 35 days.
11. If approved or approved with modifications, the City Council shall pass an ordinance effectuating the amendment to the zoning map or regulations, as applicable.
12. An amendment to the zoning may not become effective except upon favorable vote of two-thirds of the present and voting members of the City Council if a protest against a change is signed by the owners of 25% or more of:
  - a. The area of the lots included in the proposed change; or
  - b. Those lots or units, as defined in 70-23-102, MCA, 150 feet from a lot included in a proposed change. For purposes of this protest provision, each unit owner is entitled to

have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, MCA spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest or by the presiding officer of the association of unit owners.

13. At the conclusion of the amendment process, the Administrator shall notify the applicant of the City Council decision within 10 days.

**c) Amendment Criteria:**

1. Zoning amendments shall be made:
  - a. In accordance with the growth policy;
  - b. To secure safety from fire and other dangers;
  - c. To promote public health, safety, and general welfare; and
  - d. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
2. In reviewing and making recommendations or decisions on zoning amendments, the Administrator, Zoning Commission, and City Council shall also consider:
  - a. Reasonable provision of adequate light and air;
  - b. The effect on motorized and non-motorized transportation systems;
  - c. The promotion of compatible urban growth;
  - d. The character of the district, and its peculiar suitability for particular uses; and
  - e. Conserving the value of buildings and encouraging the most appropriate use of the land throughout the jurisdictional area.
  - f. Whether the proposal might be considered illegal spot zoning. Factors to be considered include whether the proposed land use is significantly different from the prevailing use in the area; whether the area of the proposed zone change is relatively small not only in terms of acreage, but from the perspective of the number of separate landowners who would benefit from the proposed change; and whether the change would amount to special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or general public. In order for spot zoning to be considered illegal, all three of the factors must be present.
3. Other criteria include whether the amendment:
  - a. Corrects an inconsistency in the zoning; and

- b. Addresses changing conditions or furthers a specific public challenge such as the need for affordable housing, economic development, mixed use development or sustainable environmental features.

**Sec. 24-97. – Public Hearing Notices.**

- a) All required public hearing notices shall provide the following information:
  1. Name of the applicant and the landowner (if different);
  2. Legal description of the site and its address or another general description by which the public can locate it. For proposed zoning amendments, the geographic area of the district must be included;
  3. Present land use at the site;
  4. The proposed use;
  5. That a public hearing is to be held to accept public comment and what board or body will conduct a public hearing;
  6. The date, time and place of the hearing; and
  7. Where applications are available for review.
- b) Notice of the hearing shall be provided as follows:
  1. By certified mail, at least 15 calendar days before the hearing, to the applicant, landowner, and all adjoining property owners (including purchasers of record under contract for deed) and owners of land within 150 feet of the subject property;
  2. By newspaper publication, at least calendar 15 days before the hearing, one legal notice in the official newspaper;
  3. When a zoning amendment is not specific to a subject property and is an amendment to the text or a zoning amendment or update to the map and/or regulations initiated by the City of Miles City staff, Zoning Commission, or other city official, the mailing notice requirement of (1) above does not apply;
  4. All notices shall comply with (a) above.

**Sec. 24-98. – Violations/Enforcement.**

- a) **Violations.** Any person, partnership, association, company, corporation or individual who violates, disobeys, omits, neglects or refuses to comply with the provisions of these regulations shall be deemed guilty of a misdemeanor offense, and upon conviction thereof, shall be punished as prescribed below. Each day a violation of these regulations remains after notice to the offending party, as described below, shall constitute a separate misdemeanor offense. A person violates these regulations whenever he or she:

1. Proceeds with an activity for which a permit is required by these regulations without having obtained a permit;
2. Makes any misrepresentation in any application for a permit required by these regulations;
3. Fails to fulfill any condition imposed on the approval of a permit;
4. Fails to maintain any improvement required for compliance with these regulations or any permit granted under these regulations;
5. Engages in the development of land in any way not consistent with the requirements of these regulations;
6. Obscures, obstructs, removes or destroys any notice required to be posted or otherwise given under the terms of these regulations;
7. Fails to comply with any lawful order issued under the authority of these regulations; or
8. Disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of these regulations.

b) **Responsibility for Violations.** The following persons may be jointly or severally responsible for violations of these regulations and subject to its enforcement provisions (also referred to as responsible party):

1. Any owner of property on which a violation occurs;
2. Any architect, engineer, planner, surveyor, builder, contractor, agent or any other person who knowingly participates and assists, directs, creates or maintains a situation that constitutes a violation of these regulations; and
3. Any tenant or occupant who has control over or responsibility for, use or development of the subject property.

c) **Enforcement Process.** The process for enforcement of these regulations shall be as described here.

1. The Administrator shall notify the occupant (and owner, if they are not the same) of the violation by certified mail and/or posting on the site. The notice shall describe the violation, cite the section(s) of these regulations being violated, and order the responsible party to attain compliance within 30 days.
2. The notice of violation may order an activity or work to cease, state the specific activity to be stopped, the specific reasons for the ordered stoppage, and the conditions under which the activity may resume. If the activity does not cease, the Administrator shall ask the City Attorney to take prompt action as authorized by 76-2-308, MCA, to end the violation, obtain applicable penalties, and to require restoration of the site to its original condition. Restoration may include re-establishment of vegetative cover where sites have been graded in violation of these regulations.
3. Any person who receives a notice of violation may:

- a. Request inspection by the Administrator to show that compliance has been attained within the 30 days allowed, or
  - b. File a notice of appeal of the Administrator's notice, following the procedure in Section 24-93.
4. If voluntary compliance is not attained or a notice of appeal is not filed within 30 days, the Administrator shall ask the City Attorney to begin legal action, as authorized by 76-2-308 and 76-2-315, MCA, against any responsible party who fails to attain compliance within the specified time, or show, on appeal, that a violation has not occurred.
  5. This enforcement procedure may be accelerated where the Administrator finds that public health and safety are endangered by a violation. In such cases, the Administrator shall ask the City Attorney to take immediate action to end the danger to public health and safety.

**d) Penalties.**

1. Penalties for zoning violations shall be as provided in 76-2-315, MCA.
2. Zoning violations are misdemeanor offenses, and upon conviction, a guilty party is subject to a fine of up to five hundred dollars (\$500.00), or imprisonment in the county jail not exceeding six months, or both.
3. Any person who violates these regulations may be required by court order or other action or proceedings to abate or remediate a violation or otherwise restore the premises to the condition in which it existed before the violation.
4. In addition to fines and imprisonment, the city is empowered to provide for civil penalties for violations. Such civil penalties are as follows:
  - a. For a first violation, a civil penalty of not more than five hundred dollars (\$500.00) shall be imposed.
  - b. For each repeat violation, a civil penalty not to exceed one thousand dollars (\$1,000.00) shall be imposed.

**e) Withhold Permit, Utilities Service or Other Development Authorization.**

1. The Administrator, Board of Adjustment, City Council or other authorized party may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements on property upon which there is an uncorrected violation of a provision of these regulations or of a condition or qualification of a permit, certificate, approval or other authorization previously granted. This enforcement provision may be applied regardless of whether the current property owner or applicant is responsible for the violation in question.
2. The Administrator, Board of Adjustment, City Council or other authorized party may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, develops or otherwise causes an uncorrected violation of a provision of these regulations or a condition or qualification of a permit, certificate, approval or other authorization previously granted.

This enforcement provision may be applied regardless of whether the property for which the permit or other approval is sought is the property in violation. For purposes of this Section, a "person" is defined as any individual or business entity with more than a 20% interest in the subject property.

3. No municipal utility service shall be provided to any development that is not in compliance with these regulations.

## **Secs. 24-99—24-999. - Reserved.**

## **ARTICLE V. – DEFINITIONS**

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

*Accessory building:* 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:* 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.

*Administrator:* The person appointed by the City Council to administer these zoning regulations.

*Alley:* A public way with a right-of-way not over thirty feet (30') in width which is not designed for general travel; which is used as a means of access to the rear of residences and business establishments and affords only a secondary means of access to the property abutting along its length.

*Alternative antenna support structure:* An antenna support structure designed to shield, conceal or disguise the presence of antennas or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, utility poles, clock towers, flagpoles and church steeples.

*Amateur radio antenna:* A ground, building or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR §97 and as designed by the Federal Communications Commission (FCC).

*Amateur radio antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennas. The term includes the structure and any support thereto.

*Animal rescue shelter:* 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.

*Antenna:* Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas but not including satellite earth stations.

*Antenna support structure:* Any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures and the like. The term includes the structure and any support thereto.

*Antenna support structure height:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennas. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. The height of roof-mounted antenna support structure height does not include the height of building on which they are mounted.

*Assembly:* The fitting together of manufactured parts into a complete product.

*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, where food service may be served to overnight guests only, and which meets the requirements of Section 24-66.

*Block:* 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:* The body authorized by the City Council to hear appeals on the interpretations of the provisions of this Chapter, to grant variances from any provision of this Chapter, and to grant special exceptions to the terms of this Chapter.

*Building:* A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or objects.

*Building for lease or rent:* A building intended to be leased or rented independent of another building on a single tract of land, including circumstances where a unit within a larger structure is to be leased or rented independently.

*Building height:* 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. For purposes of measuring building height, the following elements of a building are excluded: chimneys, cooling towers, elevators, bulkheads, fire towers, spires, smoke stacks, wireless communication towers, antennae, and necessary mechanical appurtenances.

*Certificate of Occupancy:* A permit/certificate issued by the Administrator upon a determination that a project or use complies with these regulations and any required conditions when a new building, fence is completed and is intended to be used per its zoning permit approval.

*Change of occupancy or use:* A change in the type of use, such as from one business to another. Changes of ownership or occupancy by a different family or occupancy by one commercial or industrial land use to the same land use listed in these regulations do not qualify as a change of occupancy or use. A change of occupancy or use can be minor or non-minor, as follows:

- 1) *Minor:* A change that has identical or less parking requirements, similar traffic generation potential, creates no additional signage, and has, as determined by the Administrator, similar or lesser impacts on neighboring land uses.
- 2) *Non-minor:* A change that has additional parking requirements, added traffic generation potential, creates additional signage, OR has, as determined by the Administrator, greater impacts on neighboring land uses.

*Change of Occupancy Permit:* A permit issued when a non-minor change in occupancy or use occurs in a building or on a premise.

*Clear vision triangles:* Triangular areas at intersections of streets or streets and driveways in which certain visual obstructions above particular heights are prohibited except as provided by these regulations. See Section 24-47.

*Co-location:* The use of a wireless communications facility by more than one wireless communications provider.

*Commercial wireless communications services:* Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

*Conditional use:* A use that may be allowed as a special exception in a zoning district with additional controls and safeguards to prevent undesired impacts to neighboring landowners, residents or the city as a whole.

*Conditional Use Permit:* A permit issued for any land use or building activity listed as a "conditional use" in the various zoning districts following review of a conditional use by the Board of Adjustment and the applicant meeting any conditions imposed by the Board of Adjustment.

*Condominium:* A form of ownership of single units with common elements located on property submitted to the provisions of the Montana Unit Ownership Act (Title 70, Chapter 23, MCA). The term does not include a townhome or townhouse.

*Corner lot:* 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 Administrator shall control.

*Curb level:* The level established for the curb in front of a building, measured at the center of such front.

*Depth of lot:* The mean horizontal distance between the front and the rear lot lines.



*District:* 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, multifamily:* A residential building designed for and occupied exclusively by more than two families.

*Dwelling, single-family:* A detached residential living unit, other than a mobile home, designed for and occupied by one family, which may include manufactured housing.

*Dwelling, two-family:* A residential building designed for and occupied exclusively by two families, also known as a duplex. This term is distinct from a single-family dwelling with an apartment that is used as an accessory dwelling unit.

*Easement:* 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.

*Equipment enclosure:* A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

*Existing structure or use:* Any structure or use in place prior to *[insert effective date]*.

*FAA:* Federal Aviation Administration.

*Façade:* That portion of a building fronting on and visible from a public street.

*Family:* One or more persons occupying the premises and living as a single housekeeping unit.

*FCC:* Federal Communications Commission.

*Floodway:* 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.

*Frontage:* The distance, measured in lineal feet, along any property line abutting a public street.

*Government:* The United States of America and all of its agencies, the State of Montana and all of its agencies and political subdivisions, including but not limited to Custer County and the City of Miles City.

*Home occupation:* A commercial or light industrial activity conducted in a dwelling or a building accessory to a dwelling. See Section 24-64.

*Hotel:* A building or premises where lodging is provided, with or without food, and open to transient guests.

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

*Infill development:* Development or redevelopment designed to occupy scattered, vacant or underutilized parcels of land that remain after the majority of development has occurred in an area.

*Interior or inside lot:* A lot other than a corner lot.

*Junkyard:* A tract of land, 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.

*Landowner:* An owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

*Lease or rent:* The transfer of possessory interest in property for any period of time where payment, services, or other values are exchanged for the tenant's use of the property without a transfer of title to the real estate. For purposes of these regulations, the terms "lease" and "rent" do not include such arrangements between relatives, specifically, those between individuals and their parents, children, spouses, siblings, and ancestors, natural or by adoption.

*Licensed user:* Any individual or entity licensed by the FCC to place an antenna upon an antenna support structure.

*Light industrial:* The production or manufacturing of consumer oriented products.

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

*Lot:* 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 coverage:* The area of a lot or parcel that is covered by rooftops, paving, and other surfaces that prevent direct infiltration of precipitation or runoff into the soil. Lot coverage is typically expressed as a percentage of the total area of the lot. Surfaces such as gravel driveways and permeable pavers may be assessed for lot coverage based on relative imperviousness factor guidance provided by MDEQ or other credible sources. Slatted decks are not considered lot coverage where the ground under the deck is pervious.

*Lot lines:* The lines bounding a lot, parcel or tract of record. These regulations establish three types of lot lines:

1. *Front lot line:* The lot line closest to and paralleling the street on which the main building is addressed.
2. *Side lot line:* A lot line extending from the front lot line to the rear lot line along a lot boundary. For purposes of determining side yards, any lot line not a rear lot line or a front lot line shall be deemed a side lot line.
3. *Rear lot line:* The lot line on the opposite end of a lot from the front lot line, which is parallel, or more or less parallel, to the front lot line.

*Lot width:* 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.

*Manufactured housing:* A building that serves as a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily used on site-built

homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or house trailer, as defined in 15-1-101, MCA. [76-2-302(4), MCA]

*Manufacturing:* To make or process materials or substances into a finished product.

*Minor utility installation:* Includes cable television, electric power and telephone cables and transmission lines, water and sewer facilities, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Wireless communication facilities are not minor utility installations.

*Mobile home:* A form of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence (15-1-101(m), MCA).

*Mobile home park:* 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.

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

*Parking space, off street:* A space located outside any public right-of-way which is at least nine feet by twenty feet (9' x 20') in size with vertical clearance of seven feet (7'), for parking of typical passenger vehicles with room to get out on either side of the vehicle, with adequate maneuvering space and accessible to public streets or alleys.

*Permitted use:* Any use listed as permitted within a zoning district.

*Permit:* Written authorization by the Administrator or Board of Adjustment to develop or use property as outlined by Article IV of these regulations.

*Plat:* Any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.

*Principal use:* The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

*Public utility:* Any business which furnishes the general public with telephone 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.

*Recreational Vehicle (RV):* A vehicle used and so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensable as such, constructed in such a manner as will permit occupancy thereof as a temporary or seasonal dwelling.

*Residential district:* A zoning district designated on an official city zoning map primarily for development of residential dwelling units. The residential districts in Miles City are RA, RB, RC, SR, MH-A, and MH-RV.

*Retail business:* A business engaged in the selling of merchandise.

*Right-of-way:* 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.

*Sexually Oriented Business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture or adult video theatre, escort agency, nude model studio, or similar facilities.

*Setback:* The line within a property defining the required minimum distance between any structure (or use if specified) and the adjacent right-of-way or property line of any lot.

*Sign Permit:* A permit issued for installation or placement of a sign (under separate ordinance).

*Street:* 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:* Those which are primarily for fast or heavy traffic.
- 2) *Collector streets:* Those which carry traffic from minor streets to the major system of arterial streets and highways.
- 3) *Minor streets:* Those which are used primarily for access to abutting property.

*Structural alterations:* 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.

*Structure:* 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:* 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.

*Tower farm:* Any tract or tracts of land upon which there exists more than one antenna support structure that is located within 100 linear feet of another antenna support structure.

*Townhouse development:* A multiple-unit (two or more) 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.

*Tract:* 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:* The specific purpose for which land or a building is used.

*Variance:* A relaxation of the terms of this Chapter granted by the Board of Adjustment where such action 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.

*Wireless communication facility:* An unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure and one or more antennas. Amateur radio, land mobile radio, and commercial radio and television facilities are excluded from this definition.

*Yard:* A space on the same lot with the principal building or structure, open, unoccupied and unobstructed by buildings or structures from the ground upward except as expressly allowed by this Chapter. These regulations refer to the following yards:

- 1) *Yard, front:* 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:* 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, side:* 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.
- 4) *Yard, required:* A front, rear, or side yard of a minimum distance within which structures may not be located except as expressly allowed by this Chapter.

*Zoning Commission:* The body appointed by the City Council pursuant to state law, recommending zoning boundaries, appropriate regulations and changes thereto.

*Zoning district map:* The map showing the zoning districts of the city officially adopted by the City Council.

**FINAL REPORT**  
**OF THE MILES CITY ZONING COMMISSION**  
**ON DRAFT UPDATES TO ZONING REGULATIONS AND MAP**

**A) Introduction:**

This final report is submitted by the Miles City Zoning Commission to City Council along with draft Zoning Regulations (dated September 30, 2016) and a draft Zoning Map (titled Public Hearing III Draft). The Zoning Commission held its first public hearing on the draft regulations and map and adopted a preliminary report on August 24, 2016. The Zoning Commission held a workshop and a second public hearing on September 20, 2016, and adopted this final report.

**B) Municipal Zoning Procedure:**

According to 76-2-307, MCA, the City Council appoints the Zoning Commission to recommend the boundaries of the zoning districts and appropriate zoning regulations. The Zoning Commission held two public hearings on the zoning districts and draft regulations before submitting its final report to City Council. City Council must then a public hearing prior to adoption.

Per 76-2-303(2), MCA, a regulation, restriction, or boundary may not become effective until after a public hearing in relation to the regulation, restriction, or boundary at which parties in interest and citizens have an opportunity to be heard has been held. At least 15 days notice of the time and place of the hearing must be published in an official paper or a paper of general circulation in the municipality.

**C) Report/Findings:**

Section D of the report gives an overview of the draft zoning regulations and map. Section E of the report outlines applicable zoning statutes and findings regarding the draft regulations' compliance with state law.

**D) Public hearing drafts of the Zoning Regulations and Map:**

**Draft Regulations**

The draft zoning regulations are intended to replace Chapter 24 of the current City Codes, which is entitled "Zoning." The regulations have been drafted with careful consideration for nonconformities, with a preference to avoid creating new nonconformities where possible by keeping many existing standards in place. However, it is unavoidable that new nonconformities will result from more modern regulations that address current issues.

The regulations have been drafted with sections that should be considered potential tools that could become part of a toolkit for future planning of the City of Miles City. For instance, included are sections on off-street parking and loading, a planned unit development overlay

district, a new conditional use process, etc. The City Council could determine certain tools are not necessary for Miles City at this time and eliminate certain provisions. If additional tools are needed, the City Council could direct Land Solutions to draft additional sections.

The following are discussions regarding the major changes to the proposed zoning regulations by article and/or major topic:

### **Article I – In General**

Article I of the existing zoning code includes several specific provisions that are proposed to be relocated, changed, or deleted. In the draft update, the definitions are relocated to Article V. The following sections of the existing Article I are either relocated and changed, or deleted:

1. Sec. 24-11. - Nonconforming uses. *Relocated to Article IV, Sec. 24-89, and modified.*
2. Sec. 24-12. - Building permits. *Replaced with other language in Article IV.*
3. Sec. 24-13. - Exceptions to maximum height requirements. *Deleted and addressed by definition of “Building height” in Article V.*
4. Sec. 24-14. - Offstreet parking for places of public assembly. *Deleted and addressed in Sec. 24-51 – Off-Street Parking and Loading.*
5. Sec. 24-15. - Building setbacks. *Deleted and addressed in Sec. 24-41 – Building Setbacks and Sec. 24-42 – Yards.*
6. Sec. 24-16. - Mobile homes—Building permit required. *Deleted and replaced with other language in Article IV.*
7. Sec. 24-17. - Same—Footings, piers and caps. *Relocated to Sec. 24-61 – Mobile Homes.*
8. Sec. 24-18. - Maximum height of fences and hedges; projecting tree branches or shrubbery. *Relocated to Sec. 24-49, and modified.*
9. Sec. 24-19. - Signs prohibited on certain premises. *Deleted and addressed under separate ordinance.*
10. Sec. 24-20. - Signage for bed and breakfast. *Deleted and addressed under separate ordinance.*
11. Sec. 24-21. - Special uses. *Modified and relocated to Sec. 24-68 – Keeping of chickens and Sec. 24-69 – Animal rescue shelters.*

In addition, other sections addressing several general provisions typical of municipal zoning codes have been added to Article I.

### **Article II – Zoning Districts**

Article II has been revised in many ways. First, because the primary intent of Article II is to establish the various zoning districts and the standards and allowed uses specific to each district, several sections are eliminated from the draft or relocated and reworded in more appropriate

sections. For instance, Sec. 24-52 of the existing code, entitled “Article not retroactive in effect,” has been deleted because it addresses non-conforming uses, which are already addressed elsewhere (now Article IV, Sec. 24-89).

Sec. 24-58 of the existing code includes general provisions affecting residential districts, some of which have been deleted because of the antiquated language; others have been relocated into more appropriate sections. Sec. 24-69 of the existing code, which addresses certain uses in the floodplain, is deleted from the draft because the city has a floodplain management ordinance. The order of the various zoning districts has also been revamped to a more logical order.

The zoning districts have also been substantially modified in the draft (please also see the draft map).

1. The MH-A district is proposed to include all of existing MH-B, thereby eliminating the current MH-B district.
2. Existing MH-C is proposed to be replaced by MH-RV, a district that would allow RV parks in addition to mobile home parks.
3. The Historic Mixed Use (HMU) district is proposed to be renamed the Central Business District (CBD), with some additional standards.
4. The General Commercial (GC) district is proposed to remain, but with some areas replaced by a new Highway Commercial District (HWC).
5. The existing Heavy commercial (HC) district is proposed to be replaced by a new Heavy Commercial/Light Industrial (HCLI) district, which would allow light industrial uses in addition to commercial.
6. The existing Industrial (I) district is proposed to be replaced by the Heavy industrial (HI) district.
7. The existing Light Industrial (LI) district is proposed to be eliminated in order to consolidate it into the new HCLI district.
8. The Open Space (OS) district remains.
9. The existing AG agriculture district is proposed to be eliminated due to the lack of area with that zoning designation within the city limits.
10. The Medical campus (MC) district remains in the draft.
11. The draft also includes two proposed new overlay districts: the Planned Unit Development Overlay District (PUDOD) and the Sexually Oriented Business Overlay District (SOBOD).

Several changes have been made to the standards and permitted and conditional uses in each district. It is important for reviewers to compare standards and land uses in the draft to those in the existing code, as well as to consider whether the proposed draft and map encompass most of the current land uses in the districts. This is important so the revisions do not create many new nonconforming uses.



### **Article III – Application of Zoning Regulations To All Districts**

Article III of the new draft changes the article from “Administration and Enforcement” to “Application of Zoning Regulations To All Districts.” This article describes and illustrates how setbacks and yards are measured, and includes other elements of the existing code that currently seem out of place. New sections have been added to regulate lot development including storm water management, outdoor lighting, landscaping, and off-street parking.

There are also new sections for standards for specific land uses that apply to the land use regardless of district. Some of these incorporate existing standards for those uses, such as the requirements for mobile homes. The regulations for keeping of chickens, animal rescue shelters, and antennae, antenna support structures, and wireless communications facilities are to a large extent preserved and recodified in the new draft. However, some modifications have been made to reflect the proposed new administrative provisions of Article IV. For instance, the special permit review and site plan review procedures for certain antennae, antenna support structures, and wireless communications facilities are modified to reflect a proposed conditional use site plan review process (further addressed below).

### **Article IV – Administration and Enforcement**

Article IV is where the administrative provisions are located in the draft. This is where reviewers will find many changes to how development applications are currently processed. The procedures for obtaining the various types of permits are spelled out in detail, as are the enforcement provisions.

Of particular interest to reviewers is Sec. 24-91 – Conditional Use Permit Review. This section is intended to replace the current site plan review procedure that is administered through the Planning Board and City Council. Montana state law doesn’t specifically authorize such a review by planning boards, but does place review of special exceptions in the hands of the Board of Adjustment. The proposed draft would be in line with state law, and those uses listed as conditional uses would require review and approval by the Board of Adjustment as special exceptions to the permitted use. This way, the same board that reviews variances and appeals would also review conditional uses. The process would be substantially similar to that of zoning variances, but the uses would be subject to review based the criteria for conditional uses instead. One thing to consider is this procedure puts more burden on the Board of Adjustment but lightens the workload of the Planning Board and City Council, but Land Solutions staff feel it more accurately reflects the duties assigned to the different boards under state law.

### **Article V – Definitions**

All of the zoning definitions have been moved to Article V, including those for antennae, antenna support structures, and wireless communications facilities. Several new terms have been included in the draft, while the definitions for some existing terms have been modified for clarity. Some existing definitions have been eliminated because the terms did not appear in the regulations.

## **Airport Zoning**

Articles IV and V of the existing zoning code address the Frank Wiley Field Influence Area and Airport Zoning. Statutes for regulating areas around airports have changed since these articles were adopted, and updating the airport regulations are beyond the scope of the zoning update project. In addition, Chapter 24, Zoning, will have a jurisdictional area that includes only the city. Therefore, the zoning updates are proposed to remove those to articles from Chapter 24, move them to Chapter 25, and recodify them appropriately.

## **Buildings for Lease or Rent Regulations**

The draft zoning regulations have also been authored in a manner intended to include all of the elements of 76-8-107, MCA, thus exempting all buildings for lease or rent from special review provided they are in conformance with the zoning regulations.

### **E) Zoning Statutes:**

The following are applicable municipal zoning statutes and criteria and draft findings in *italics* for consideration by the Zoning Commission:

- 1) **76-2-301. Municipal zoning authorized.** For the purpose of promoting health, safety, morals, or the general welfare of the community, the city or town council or other legislative body of cities and incorporated towns is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

*Finding 1: The draft zoning regulations promote the health, safety, morals, and the general welfare of the community by regulating the height and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of housing, and the location and uses of buildings, structures and land. The proposed zoning regulations and map are authorized by 76-2-301, MCA.*

- 2) **76-2-302. Zoning districts.**

(1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

*Finding 2: The draft zoning regulations and map would divide the municipality into districts of the number, shape, and area that would be best suited to carry out the purposes of municipal zoning statutes as referenced in the draft regulations. Within the districts, the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land would be regulated.*

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

***Finding 3:** The draft zoning regulations and map would be uniform for each class or kind of buildings throughout each zoning district, and the regulations in each district differ from those in other districts.*

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

***Finding 4:** The draft zoning regulations address 76-2-302(3), MCA by allowing manufactured housing as residential housing in the residential districts.*

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 15-1-101.

***Finding 5:** The draft zoning regulations address 76-2-302(4), MCA by defining manufactured housing as statute defines the term.*

(5) This section may not be construed to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2.

***Finding 6:** The draft zoning regulations address 76-2-302(4), MCA by making no attempt to limit conditions imposed in historic districts, local design review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2.*

**3) 76-2-303. Procedure to administer certain annexations and zoning laws -- hearing and notice.**

(1) The city or town council or other legislative body of a municipality shall provide for the manner in which regulations and restrictions and the boundaries of districts are determined, established, enforced, and changed, subject to the requirements of subsection (2).

(2) A regulation, restriction, or boundary may not become effective until after a public hearing in relation to the regulation, restriction, or boundary at which parties in interest and citizens have an opportunity to be heard has been held. At least 15 days' notice of the time and place of the hearing must be published in an official paper or a paper of general circulation in the municipality.

(3) (a) For municipal annexations, a municipality may conduct a hearing on the annexation in conjunction with a hearing on the zoning of the proposed annexation if the proposed municipal zoning regulations for the annexed property:

- (i) authorize land uses comparable to the land uses authorized by county zoning;
  - (ii) authorize land uses that are consistent with land uses approved by the board of county commissioners or the board of adjustment pursuant to Title 76, chapter 2, part 1 or 2; or
  - (iii) are consistent with zoning requirements recommended in a growth policy adopted pursuant to Title 76, chapter 1, for the annexed property.
- (b) A joint hearing authorized under this subsection (3) fulfills a municipality's obligation regarding zoning notice and public hearing for a proposed annexation.

***Finding 6:** The draft zoning regulations address 76-2-303, MCA with Section 24-96, which outlines the processes for Zone Changes and Zoning Amendments, and Section 24-14, Zoning upon annexation.*

**4) 76-2-304. Criteria and guidelines for zoning regulations.**

- (1) Zoning regulations must be:
  - (a) made in accordance with a growth policy;

***Finding 8:** The draft zoning regulations are made in accordance with the 2015 Growth Policy, including the following from the Implementation Strategy:*

- *Land Use Goal #1 - Provide a Predictable Development Environment.*
  - *Objective 1.1: Update land use regulations to provide greater clarity and flexibility.*
    - *Action "a": Update the zoning regulations to clarify procedures, meet the land use and development needs of the community, and to provide for flexibility while protecting existing residents.*
- ✓ *Growth Policy Finding 8-a: The proposed zoning has been drafted to clarify procedures, meet the land use and development needs of the community, and to provide for flexibility while protecting existing residents.*
- *Land Use Goal #2 - Promote Citizen Involvement in Land Use Issues*
  - *Objective 2.1: Engage citizens during public review of land use issues and make information available.*
    - *Action "b": Incorporate citizen comments into land use decisions by addressing them prior to making motions.*
- ✓ *Growth Policy Finding 8-b: The proposed zoning has been drafted to promote citizen involvement with public reviews of zone changes, conditional uses, variances, and appeals, which allow the appropriate boards to incorporate citizen comments into land use decisions so the boards can address the public comments prior to making motions.*

- *Action “c”:* Consider requiring developers to hold neighborhood meetings prior to zone changes and major subdivision submittals in order to bring the affected public into the process earlier.
- ✓ *Growth Policy Finding 8-c:* Upon consideration of the benefits and drawbacks, the draft does not require developers to hold neighborhood meetings prior to zone change submittals. This is an added step that the Zoning Commission and City Council could add to the zoning regulations prior to adoption.
- *Land Use Goal #3 - Balance Property Rights with the Common Interests of the Community.*
  - *Objective 3.1: Protect private property rights and respect property owners’ wishes to enjoy and gain economic return from their properties and investments while ensuring that other public and private interests are not unreasonably compromised or impacted by land uses and development projects.*
    - *Action “a”:* While considering land use decisions, balance the rights of applicants with those of potentially impacted parties.
- ✓ *Growth Policy Finding 8-d:* With several types of public reviews, including zone changes, conditional uses, variances, and appeals, the zoning will allow the appropriate boards to balance the rights of applicants with those of potentially impacted parties when considering land use decisions.
- *Land Use Goal #4 - Provide for the Logical Expansion of the City’s Boundaries that is Compatible with Existing Development and is Fiscally Responsible.*
  - *Objective 4.2: Develop and implement zoning that guides future development but also protects existing development from unwanted impacts.*
    - *Action “a”:* Update the City’s zoning.
- ✓ *Growth Policy Finding 8-e:* The zoning updates have been drafted to guide future development while protecting existing development from unwanted impacts. This is accomplished in numerous ways in the zoning update with standards such as appropriate setbacks, building heights, and mitigation requirements under certain circumstances, such as landscaping and requirements for stormwater management.
- *Economy Goal #2 - Enhance the Economic Viability of Downtown Miles City*
  - *Objective 2.3: Preserve the historic character of downtown.*
    - *Action “a”:* Establish a façade improvement program.
    - *Action “b”:* Establish historic design guidelines for downtown buildings, signage and other improvements.

- ✓ *Growth Policy Finding 8-f: The zoning updates have been drafted with design guidelines for the Central Business District to meet this goal and objective. These guidelines include ground floor glazed area requirements, design elements that give the developers options, and requirements to address rehabilitation of historic structures. See Table II.14, pages 16 – 17 of the draft.*
- *Economy Goal #3 - Support Industrial and Commercial Development*
  - *Objective 3.1: Cluster industrial uses along Baker Highway.*
    - *Action “a”: Do as part of zoning code update.*
- ✓ *Growth Policy Finding 8-g: The zoning updates do not propose to cluster industrial uses along the Baker Highway because that area is outside the city limits and the city is no longer authorized to zone outside the city limits. However, the regulations have been drafted to provide appropriate guidelines for commercial and industrial development and allow those uses in appropriate locations. Future annexations along the Baker Highway can allow for clustered industrial uses along the Baker Highway.*
- *Housing Goal #1 - Provide a Range of Housing Options for all Residents*
  - *Objective 1.1: Support the development of housing for all Miles City residents including affordable housing, senior housing, work-force housing, and low-income housing.*
    - *Action “d”: Update the zoning code and map to provide adequate locations for all housing types.*
- ✓ *Growth Policy Finding 8-h: The zoning updates are intended to allow greater flexibility in development of various housing types with reduced lot sizes and setbacks and greater allowances for multifamily housing.*
- *Housing Goal #3 - Make Zoning Code More Flexible*
  - *Objective 3.1: Reduce minimum lot area in residential districts to encourage development on small lots.*
    - *Action “a”: Do as part of zoning code update.*
- ✓ *Growth Policy Finding 8-i: The zoning regulations are proposed to reduce the minimum lot area requirements in residential districts.*
  - *Objective 3.2: Provide flexibility with minimum parking requirement for multi-family, special needs and senior housing.*
    - *Action “a”: Do as part of zoning code update.*
- ✓ *Growth Policy Finding 8-j: The zoning regulations reduce the numbers of required parking spaces for multi-family housing and other types of residential land uses.*

➤ *Public Facilities and Local Services #4 - Maintain Public Safety*

- *Objective 4.1: Coordinate with Miles City emergency responders on new commercial and residential development to ensure adequate response times and that sufficient infrastructure is in place.*

- *Action "a": When reviewing development project applications, ensure adequate public safety resources are in place concurrent with development.*

- ✓ *Growth Policy Finding 8-k: The zoning regulations are proposed to provide for public review of conditional uses and variances. For these public reviews, the Administrator may seek input from emergency service providers, and a new development's impact on public safety is a criterion used for the review. The Board of Adjustment may condition such projects if mitigation is warranted based on service provider comments and expected impacts.*

- (b) [The zoning regulations must be] designed to:
  - (i) secure safety from fire and other dangers;
  - (ii) promote public health, public safety, and the general welfare; and
  - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

***Finding 9:*** *The draft zoning regulations are designed to secure safety from fire and other dangers by limiting building heights and requiring setbacks and other building separations.*

***Finding 10:*** *The draft zoning regulations are designed to promote public health, public safety, and the general welfare by limiting housing density and having other minimum standards to limit impacts.*

***Finding 11:*** *The draft zoning regulations are designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, by requiring adequate access, providing clear vision triangles, sign standards, off-street parking requirements, and by directing land uses and density to appropriate areas of town.*

- (2) In the adoption of zoning regulations, the municipal governing body shall consider:
  - (a) reasonable provision of adequate light and air;
  - (b) the effect on motorized and nonmotorized transportation systems;
  - (c) promotion of compatible urban growth;
  - (d) the character of the district and its peculiar suitability for particular uses; and
  - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

***Finding 12:*** *The draft zoning regulations would provide adequate light and air by limiting building heights, providing appropriate setbacks in appropriate districts, and limiting density and providing appropriate minimum lot sizes.*

***Finding 13:** The draft zoning regulations give consideration to the effect on motorized and nonmotorized transportation systems by providing clear vision triangles, sign standards, off-street parking requirements, and directing land uses and density to appropriate areas of the city.*

***Finding 14:** The draft zoning regulations would promote compatible urban growth by applying standards consistent with the current development pattern of the city.*

***Finding 15:** The draft zoning regulations give consideration to the character of the municipality and its peculiar suitability for particular uses by applying standards consistent with the current development pattern of the city.*

***Finding 16:** The draft zoning regulations give consideration to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area by applying standards consistent with the current development pattern of the city and giving clear and reasonable standards.*

**5) 76-2-305. Alteration of zoning regulations -- protest.**

- (1) A regulation, restriction, and boundary may be amended, supplemented, changed, modified, or repealed. The provisions of 76-2-303 relative to public hearings and official notice apply equally to all changes or amendments.
- (2) An amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city or town council or legislative body of the municipality if a protest against a change pursuant to subsection (1) is signed by the owners of 25% or more of:
  - (a) the area of the lots included in any proposed change; or
  - (b) those lots or units, as defined in 70-23-102, 150 feet from a lot included in a proposed change.
- (3) (a) For purposes of subsection (2), each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.
  - (b) The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change pursuant to subsection (2) or by the presiding officer of the association of unit owners.

***Finding 17:** The draft zoning regulations address the requirements of 76-2-305, MCA, and its requirements shall be met through this adoption process. The proposed regulations will not become effective without a successful vote of the City Council or if successful protest is achieved.*



6) **76-2-306. Interim zoning ordinances.** *(not applicable at this time)*

*Finding 18: 76-2-306, MCA is not applicable because the proposed zoning regulations are not proposed as an interim zoning ordinance.*

7) **76-2-307. Zoning commission.** In order to avail itself of the powers conferred by this part, except 76-2-306, the city or town council or other legislative body shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such city or town council or other legislative body shall not hold its public hearings or take action until it has received the final report of such commission.

*Finding 19: Miles City has a Zoning Commission appointed in compliance with 76-2-307, MCA, which is affirmed by Section 24-94 of the draft zoning regulations. The procedural requirements of 76-2-307, MCA are being followed through the process of revising the zoning regulations and map. The Zoning Commission held its first public hearing on the draft zoning regulations, map and preliminary report on August 24, 2016, where the preliminary report was unanimously approved and changes to the draft zoning map and regulations were requested. The Zoning Commission made a final report and held a public hearing on the draft zoning regulations, map and the final report on September 20, 2016, after which its final report is being submitted to the City Council. The City Council will hold its public hearings and take action after it has received the final report of the Zoning Commission.*

8) **76-2-308. Enforcement of zoning regulations and ordinances.**

(1) The city or town council or other legislative body may provide by ordinance for the enforcement of this part and of any regulation or ordinance made thereunder.

*Finding 20: Upon completion of the zoning update process, the City Council will have passed an ordinance for enforcement of the zoning ordinance.*

(2) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

*Finding 21: The proposed zoning regulations provide for enforcement with language consistent with 76-2-308(2), MCA.*

**9) 76-2-309. Conflict with other laws.**

(1) Wherever the regulations made under authority of this part require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this part shall govern.

(2) Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces; require a lower height of building or a less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required by the regulations made under authority of this part, the provisions of such statute or local ordinance or regulation shall govern.

*Finding 22: The proposed zoning regulations address 76-2-309, MCA with Section 24-7, which states, "Wherever conflicts exist between the standards imposed by these regulations and any such standard imposed by other local ordinances or regulations or state statutes, the higher or more restrictive standards shall govern. See 76-2-309, MCA."*

**10) 76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries.**

(1) Except as provided in 76-2-312 and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

(a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;

(b) up to 2 miles beyond the limits of a city of the second class; and

(c) up to 1 mile beyond the limits of a city or town of the third class.

(2) When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities.

*Finding 23: The zoning regulations are proposed to be revised to not extend the municipal zoning regulations beyond the municipal boundaries because Custer County has adopted zoning and subdivision regulations in the locations around the City of Miles City. No applicable cities exist with respect to 76-2-310(2), MCA.*

**11) 76-2-311. Administration of regulations in extended area.**

- (1) A city or town council or other legislative body may enforce regulations adopted pursuant to 76-2-310, as if the property were situated within its corporate limits, until the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area.
- (2) As a prerequisite to the exercise of this power, a city-county planning board whose jurisdictional area includes the area to be regulated must be formed or an existing city planning board must be increased to include two representatives from the unincorporated area that is to be affected. These representatives must be appointed by the board of county commissioners. Representation must cease when the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area.

*Finding 24: Custer County has adopted a growth policy and accompanying zoning and subdivision regulations in the area around the City of Miles City; therefore, the City Council may not enforce municipal zoning regulations in an extended area outside the municipal boundaries. The updated zoning regulations and map are intended to reflect the recent actions by Custer County.*

**12) 76-2-312. Exclusion for commission-manager plan municipalities.** A city or town which has as its plan of government the commission-manager plan shall be excluded from the provisions of 76-2-310 and 76-2-311 which define extraterritorial authority to review proposed subdivisions.

*Finding 25: The City of Miles City does not operate with the commission-manager plan under Title 7, Chapter 3, Part 43, MCA; therefore, 76-2-312, MCA is not applicable.*

**13) 76-2-313. Renumbered. (76-2-411)**

**14) 76-2-314. Renumbered. (76-2-412)**

*Finding 26: 76-2-312 and 314, MCA have been renumbered outside of the municipal zoning statutes. However, these have become incorporated into Title 76, Chapter 2, Part 4, MCA, which applies to any zoning authorized under Title 76, Chapter 2. These statutes are regarding "Application to Governmental Agencies Group and Foster Homes". The proposed zoning regulations address these requirements with Section 24-88, which addresses situations when government agencies propose to use land contrary to these regulations, and with Section 24-87, which addresses uses preempted by state statute; if a use preempted by state statute is indicated as prohibited by the zoning regulations, the use is treated as a conditional use subject to review by the Board of Adjustment.*

**15) 76-2-315. Violations and penalties.**

- (1) A violation of this part or of such ordinance or regulation made pursuant to 76-2-308(1) is a misdemeanor, and such city or town council or other legislative body may provide for the punishment thereof by fine or imprisonment or both.
- (2) It is also empowered to provide civil penalties for such violation.

***Finding 27:** As allowed by 76-2-315, MCA, Section 24-98 of the proposed zoning regulations addresses violations, with subsection (d) providing for penalties, to include fines for misdemeanor zoning violations and civil penalties for the same.*

**16) 76-2-316 through 76-2-320 reserved.** *(not applicable at this time)*

**17) 76-2-321. Board of adjustment.**

(1) A city or town council or other legislative body may provide for the appointment of a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this part may provide that the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purposes and intent and in accordance with the general or specific rules contained in the ordinance.

***Finding 28:** The draft regulations include use of the existing Board of Adjustment for the purposes outlined by 76-2-321(1), MCA.*

(2) An ordinance adopted pursuant to this section providing for a board of adjustment may restrict the authority of the board and provide that the city or town council or other legislative body reserves to itself the power to make certain exceptions to regulations, ordinances, or land use plans adopted pursuant to this part.

***Finding 29:** The draft regulations include use of the existing Board of Adjustment to exercise the above-authorized powers and to not reserve those powers to the City Council.*

(3) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this part. Meetings of the board must be held at the call of the presiding officer and at other times that the board may determine. The presiding officer or in the presiding officer's absence the acting presiding officer may administer oaths and compel the attendance of witnesses.

***Finding 30:** The Board of Adjustment uses the BOA handbook for its rules, and should consider adopting updated rules in accordance with the final zoning regulations. The draft addresses the other requirements of 76-2-321(3), MCA with the provisions in Section 24-90.*

**18) 76-2-322. Membership and term of board members -- vacancies.**

(1) The board of adjustment shall consist of not less than five or more than seven members to be appointed for a term to be specified by the city or town council or other legislative body or, if no term is specified, then for a term of 3 years. A member is removable for cause by the appointing authority upon written charges and after public hearing.

(2) Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

***Finding 31:** The draft regulations address compliance with 76-2-322, MCA with the provisions in Section 24-90.*

**19) 76-2-323. Powers of board of adjustment.**

- (1) The board of adjustment shall have the following powers:
  - (a) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this part or of any ordinance adopted pursuant thereto;
  - (b) to hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance;
  - (c) to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
- (2) In exercising the above-mentioned powers, such board may, in conformity with the provisions of this part, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

*Finding 32: Section 24-90 of the draft regulations gives the Board of Adjustment the above powers, being to hear and decide on appeals of the Zoning Administrator's decisions, orders, etc., to hear and decide on special exceptions, which are reviewed as "Conditional Use Permits", and to authorize variances. All requirements of 76-2-323, MCA have been incorporated into the draft zoning regulations.*

**20) 76-2-324. Vote needed for board action.** The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official; to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance; or to effect any variation in such ordinance.

*Finding 33: Section 24-90 of the draft regulations require the concurring vote of four members of the Board of Adjustment to exercise its powers, as required by 76-2-324, MCA.*

**21) 76-2-325. Public access to board activities.**

- (1) All meetings of the board shall be open to the public.
- (2) The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

*Finding 34: Section 24-90 of the draft regulations includes the requirements of 76-2-325, MCA.*

**22) 76-2-326. Appeals to board of adjustment.**

(1) Appeals to the board of adjustment may be taken by a person aggrieved or by an officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. An appeal must be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds of the appeal.

***Finding 35:** Section 24-93 of the draft regulations includes the requirements of 76-2-326(1), MCA.*

(2) The officer from whom the appeal is taken shall, in a timely manner, transmit to the board all papers constituting the record upon which the action appealed was taken.

***Finding 36:** Section 24-93 of the draft regulations includes the requirements of 76-2-326(2), MCA.*

(3) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

***Finding 37:** Subsection 24-93 of the draft regulations includes the requirements of 76-2-326(3), MCA.*

(4) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the hearing as well as due notice to the parties in interest, and decide the appeal within a reasonable time.

***Finding 38:** Section 24-93 of the draft regulations requires that after submitting the notice of appeal, the appeal shall be placed on the agenda of the next Board of Adjustment meeting for which the notice requirements of the regulations can be met, and that an appeal be tabled for no more than 35 days. This would allow for decisions on appeals within a reasonable time. The draft regulations also require public notice of the hearing and due notice to the parties in interest.*

(5) At the hearing, any party may appear in person or by the party's attorney.

***Finding 39:** Subsection 24-93(b)(8) of the draft regulations reflects 76-2-326(5), MCA.*

**23) 76-2-327. Appeals from board to court of record.**

(1) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department, board, or bureau

of the municipality may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the board.

(2) Upon the presentation of the petition, the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall prescribe in the writ the time within which a return must be made and served upon the relator's attorney, which may not be less than 10 days and may be extended by the court. The allowance of the writ does not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order. The board of adjustment may not be required to return the original papers acted upon by it, but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and material to show the grounds of the decision appealed from and must be verified.

(3) If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence that it may direct and report the evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the proceedings upon which the determination of the court must be made.

(4) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

***Finding 40:** Subsection 24-93(b)(11) of the draft regulations refers to 76-2-327, MCA, which controls processes after decisions of the Board of Adjustment. Although appeals of decisions of the Board of Adjustment would likely require legal defenses or responses, this section of state law and the applicable regulations do not outline specific actions required by the city or its representatives.*

**24) 76-2-328. Awarding of costs upon appeal from board decision.** Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from.

***Finding 41:** 76-2-328, MCA, does not need to be addressed by the zoning regulations, but is a statute for the city and its representatives to be aware of in future administration of the regulations.*

**25) 76-2-329 through 76-2-339 reserved.** (not applicable at this time)

**26) 76-2-340. Effect on amateur radio antenna.** A resolution or rule adopted pursuant to this part may not:

(1) prevent the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States; or

***Finding 42:** The draft regulations do not prohibit amateur radio antennae, and the definition of "Building height" (page 87) excludes antennae from building height measurements.*

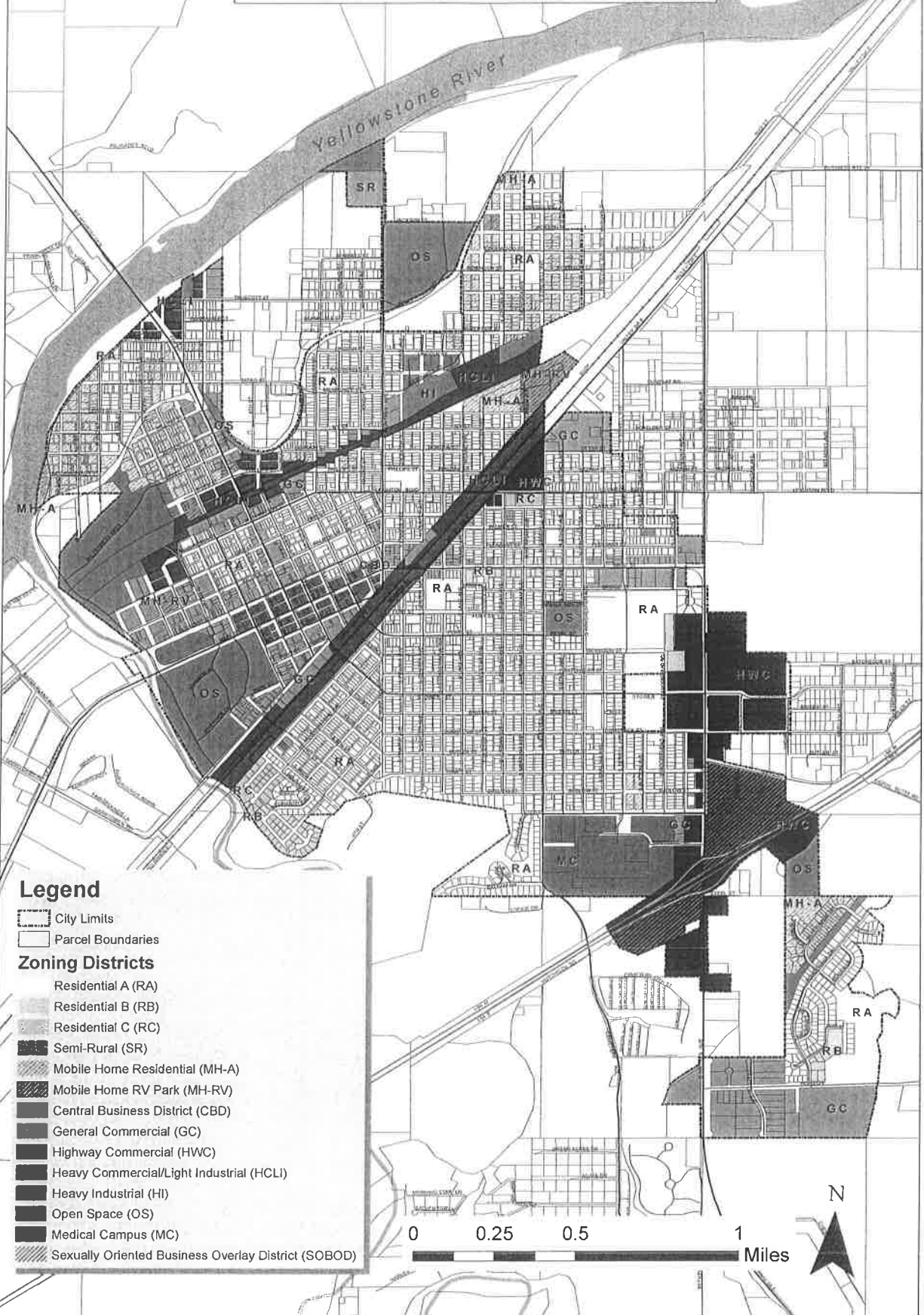
(2) [A resolution or rule adopted pursuant to this part may not] establish a maximum height limit for an amateur radio antenna of less than 100 feet above the ground.

***Finding 43:** The draft regulations exclude antennae from building height measurements, and amateur radio antennae with total heights of up to 100 feet are permitted in all districts.*

***Finding 44:** The draft regulations allow for amateur radio antenna as required by these sections and comply with 76-2-340, MCA.*



Miles City  
 DRAFT Zoning District Update Map  
 Public Hearing III Draft  
 \*UNOFFICIAL\*



**Legend**

- City Limits
- Parcel Boundaries

**Zoning Districts**

- Residential A (RA)
- Residential B (RB)
- Residential C (RC)
- Semi-Rural (SR)
- Mobile Home Residential (MH-A)
- Mobile Home RV Park (MH-RV)
- Central Business District (CBD)
- General Commercial (GC)
- Highway Commercial (HWC)
- Heavy Commercial/Light Industrial (HCLI)
- Heavy Industrial (HI)
- Open Space (OS)
- Medical Campus (MC)
- Sexually Oriented Business Overlay District (SOBOD)





# Claims



10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 1 of 18  
Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127574	77889S 999999	GAIL KREZELAK	389.00					
1	ATR20073	09/13/16 Clerks Conference ~ Bozeman	389.00		20073	1000 6 410300	370	101000
127625	77890S 999999	AL HOMME	389.00					
1	ATR20073	09/13/16 Judges Conference ~ Bozeman	389.00		20073	1000 6 410300	370	101000
127633	77891S	4008 PITNEY BOWES	267.12					
1	3301333518	08/31/16 Pitney Bowes Lease	89.04		17155	1000 3 410500	220	101000
2	3301333518	08/31/16	89.04		17155	5210 25 430510	220	101000
3	3301333518	08/31/16	89.04		17155	5310 29 430610	220	101000
127704	77892S 999999	CASEY BIGELOW	151.20					
1	CR20160007	09/08/16 Mileage for Hearing	151.20		18169	1000 4 411100	350	101000
127712	77893S	4047 SAFEGUARD BUSINESS SYSTEMS	205.61					
1	031667079	08/30/16 Payroll Checks	68.54		SS7079	1000 3 410500	320	101000
2	031667079	08/30/16	68.54		SS7079	5210 25 430510	320	101000
3	031667079	08/30/16	68.53		SS7079	5310 29 430610	320	101000
127720	77916S	4001 CRITELLI COURIERS, INC.	232.50					
1	8030B	08/05/16 Book Crate Delivery	232.50		22102	2880 39 460100	311	101020
127721	77917S	1721 MID RIVERS TELEPHONE CORP	3,344.19					
1	09/30/16	TELEPHONE/INTERNET/CABLE/Judge	99.24		20079	1000 6 410300	345	101000
2	09/30/16	TELEPHONE/INTERNET/CABLE/Judge	118.10		20079	1000 6 410300	347	101000
3	09/30/16	TELEPHONE/INTERNET/CABLE/Libry	136.41		22106	2220 16 460100	345	101000
4	09/30/16	TELEPHONE/INTERNET/CABLE/Libry	216.10		22106	2220 16 460100	347	101000
5	09/30/16	TELEPHONE/INTERNET/CABLE/SmPol	0.00		1000	14 460445	345	101000
6	09/30/16	TELEPHONE/INTERNET/CABLE/ 911	320.01		21338	2850 105 420140	345	101000
8	09/30/16	TELEPHONE/INTERNET/CABLE/child	80.60		1000	5 420140	220	101000
9	09/30/16	TELEPHONE/INTERNET/CABLE/rsvp	0.00		2985	15 450330	345	101004
10	09/30/16	TELEPHONE/INTERNET/CABLE/Airpt	105.32		542	5610 87 430300	345	101000
11	09/30/16	TELEPHONE/INTERNET/CABLE/Airpt	61.60		542	5610 87 430300	319	101000
12	09/30/16	TELEPHONE/INTERNET/CABLE/Airpt	31.00		542	5610 87 430300	347	101000
14	09/30/16	TELEPHONE/INTERNET/CABLE/mayor	33.83		1000	1 410200	345	101000
15	09/30/16	TELEPHONE/INTERNET/CABLE/fin	55.43		1000	3 410500	345	101000
16	09/30/16	TELEPHONE/INTERNET/CABLE/fin	19.54		1000	3 410500	347	101000
17	09/30/16	TELEPHONE/INTERNET/CABLE/atny	7.54		1000	4 411100	345	101000
18	09/30/16	TELEPHONE/INTERNET/CABLE/pd	316.01		1000	5 420140	345	101000
19	09/30/16	TELEPHONE/INTERNET/CABLE/pd	65.66		1000	5 420140	347	101000
20	09/30/16	TELEPHONE/INTERNET/CABLE/disp	314.11		1000	5 420160	345	101000
21	09/30/16	TELEPHONE/INTERNET/CABLE/fire	164.92		1000	7 420460	345	101000
22	09/30/16	TELEPHONE/INTERNET/CABLE/fire	135.60		1000	7 420460	347	101000
23	09/30/16	TELEPHONE/INTERNET/CABLE/tres	7.62*		1000	9 410540	345	101000
24	09/30/16	TELEPHONE/INTERNET/CABLE/park	43.70		1000	13 460433	345	101000
25	09/30/16	TELEPHONE/INTERNET/CABLE/park	37.60		1000	13 460433	347	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 2 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
26	09/30/16	TELEPHONE/INTERNET/CABLE/ACtr	40.03			1000 21 440600	345	101000
27	09/30/16	TELEPHONE/INTERNET/CABLE/plng	80.47			1000 36 411020	345	101000
28	09/30/16	TELEPHONE/INTERNET/CABLE/bldg	26.36			2394 18 420531	345	101000
29	09/30/16	TELEPHONE/INTERNET/CABLE/md204	70.38			2510 107 430220	345	101000
30	09/30/16	TELEPHONE/INTERNET/CABLE/md205	35.70			2520 108 430220	345	101000
31	09/30/16	TELEPHONE/INTERNET/CABLE/wplnt	79.15			5210 22 430530	345	101000
32	09/30/16	TELEPHONE/INTERNET/CABLE/wplnt	80.25			5210 22 430530	347	101000
33	09/30/16	TELEPHONE/INTERNET/CABLE/wtlns	39.86			5210 23 430550	345	101000
34	09/30/16	TELEPHONE/INTERNET/CABLE/wtlns	11.40			5210 23 430550	347	101000
35	09/30/16	TELEPHONE/INTERNET/CABLE/wtadm	50.04			5210 25 430510	345	101000
36	09/30/16	TELEPHONE/INTERNET/CABLE/wtadm	15.96			5210 25 430510	347	101000
37	09/30/16	TELEPHONE/INTERNET/CABLE/wwadm	50.02			5310 29 430610	345	101000
38	09/30/16	TELEPHONE/INTERNET/CABLE/wwadm	19.51			5310 29 430610	347	101000
39	09/30/16	TELEPHONE/INTERNET/CABLE/swlns	39.85			5310 31 430630	345	101000
40	09/30/16	TELEPHONE/INTERNET/CABLE/swlns	11.40			5310 31 430630	347	101000
41	09/30/16	TELEPHONE/INTERNET/CABLE/wwpln	37.89			5310 33 430640	345	101000
42	09/30/16	TELEPHONE/INTERNET/CABLE/wwpln	45.60			5310 33 430640	347	101000
43	09/30/16	TELEPHONE/INTERNET/CABLE/amb	112.33			5510 10 420730	345	101000
44	09/30/16	TELEPHONE/INTERNET/CABLE/amb	28.24			5510 10 420730	347	101000
45	09/30/16	TELEPHONE/INTERNET/CABLE/shop	40.96			6040 910 430220	345	101000
46	09/30/16	TELEPHONE/INTERNET/CABLE/shop	58.85			6040 910 430220	347	101000
127723	77901S	4022 MARILYNN FORMAN	600.00					
1	MF082016	08/23/16 August Cleaning Service	250.00		21181	6040 910 430220	360	101000
2	MF080516PD	08/20/16 PD - Clean Police Dept	350.00		22456	1000 5 420140	350	101000
127726	77918S	267 HAYNES ENTERPRISES	1,484.82					
1	2321	10/03/16 819 S. Center	1,484.82		22364	2510 107 430235	230	101000
127727	77758S	1970 MONTANA DAKOTA UTILITIES	1,956.28					
1		GAS/ELECTRIC	378.66			1000 7 420460	341	101000
2		GAS/ELECTRIC	14.90			1000 7 420460	344	101000
3		GAS/ELECTRIC	0.00			1000 8 411230	341	101000
4		GAS/ELECTRIC	0.00			1000 8 411230	344	101000
5		GAS/ELECTRIC	357.04			1000 13 460433	341	101000
6		GAS/ELECTRIC	0.00			1000 13 460433	344	101000
7		GAS/ELECTRIC	0.00			1000 14 460445	341	101000
8		GAS/ELECTRIC	0.00			1000 21 440600	341	101000
9		GAS/ELECTRIC	0.00			1000 21 440600	344	101000
10			983.19			2220 16 460100	341	101000
11			30.48			2220 16 460100	344	101000
12		GAS/ELECTRIC	0.00			2400 46 430263	341	101000
13		GAS/ELECTRIC	0.00			2400 46 430263	533	101000
14		GAS/ELECTRIC	0.00			2420 48 430263	341	101000
15		GAS/ELECTRIC	0.00*			2420 48 430263	533	101000
16		GAS/ELECTRIC	0.00			2430 49 430263	341	101000
17		GAS/ELECTRIC	11.92			2440 50 430263	341	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 3 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Line #	Check Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account		
18	GAS/ELECTRIC	0.00			2470 72 430263	341	101000		
19	GAS/ELECTRIC	0.00			2470 72 430263	533	101000		
20	GAS/ELECTRIC	0.00			2480 47 430263	341	101000		
21	GAS/ELECTRIC	0.00			2510 107 430220	341	101000		
22	GAS/ELECTRIC	0.00			2510 107 430220	344	101000		
23	GAS/ELECTRIC	0.00			2520 108 430220	341	101000		
24	GAS/ELECTRIC	0.00			2520 108 430220	344	101000		
25	GAS/ELECTRIC	10.39			5210 22 430530	341	101000		
26	GAS/ELECTRIC	16.23			5210 22 430530	344	101000		
27	GAS/ELECTRIC	0.00			5210 23 430550	341	101000		
28	GAS/ELECTRIC	0.00			5210 23 430550	344	101000		
29	GAS/ELECTRIC	0.00*			5310 31 430630	341	101000		
30	GAS/ELECTRIC	0.00			5310 31 430630	344	101000		
31	GAS/ELECTRIC	0.43			5310 32 430690	341	101000		
32	GAS/ELECTRIC	0.00			5310 32 430690	344	101000		
33	GAS/ELECTRIC	0.00			5310 33 430640	341	101000		
34	GAS/ELECTRIC	147.25			5510 10 420730	341	101000		
35	GAS/ELECTRIC	5.79			5510 10 420730	344	101000		
36	09/30/16 GAS/ELECTRIC	0.00		17674	5610 87 430300	341	101000		
37	09/30/16 GAS/ELECTRIC	0.00		17674	5610 87 430300	344	101000		
38	GAS/ELECTRIC	0.00			6040 910 430220	341	101000		
39	GAS/ELECTRIC	0.00			6040 910 430220	344	101000		
127728	77894S 4019 WEX Bank	6,992.89							
1	46706772 08/31/16 FUEL	668.31		19482	1000 13 460433	231	101000		
3	08/31/16 FUEL	1,494.72		19482	2510 107 430220	231	101000		
4	08/31/16 FUEL	373.68		19482	2520 108 430220	231	101000		
5	08/31/16 FUEL	38.66		19482	6040 910 430220	231	101000		
6	08/31/16 FUEL	81.77		18863	5210 22 430530	231	101000		
7	08/31/16 FUEL	54.52		18863	5210 80 430540	231	101000		
8	08/31/16 FUEL	109.03		18863	5310 33 430640	231	101000		
9	08/31/16 FUEL	136.29		18863	5310 32 430690	231	101000		
10	08/31/16 FUEL	327.13		18748	1000 7 420460	231	101000		
11	08/31/16 FUEL	741.61		18749	5510 10 420730	231	101000		
12	08/31/16 FUEL	1,910.61		19348	1000 5 420140	231	101000		
13	08/31/16 FUEL	61.82		19348	1000 21 440600	231	101000		
15	08/31/16 FUEL	497.37		19033	5210 23 430550	231	101000		
16	08/31/16 FUEL	497.37		19033	5310 31 430630	231	101000		
127729	77919S 4076 EXPRESS LAUNDRY, LLC COMMERCIAL	147.20							
1	5839 09/13/16 CITY HALL: RUGS	28.50		21193	1000 8 411230	220	101000		
2	6088 09/27/16 CITY HALL: RUGS	28.50		21193	1000 8 411230	220	101000		
3	5963 09/20/16 SHOP: RUGS/MOPS	20.50		21193	6040 910 430220	220	101000		
7	5609 09/10/16 WWTP: MOPS/TOWELS	19.20		22040	5310 33 430640	360	101000		
8	5610 09/10/16 WTP: MOPS/TOWELS	23.50		22040	5210 22 430530	360	101000		
9	5900 09/13/16 PD: MATS	13.50		22465	1000 5 420140	360	101000		
10	6126 09/27/16 PD: MATS	13.50		22478	1000 5 420140	360	101000		

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 4 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
127730	77920S	316 DATA IMAGING SYSTEMS, INC	1,457.00								
1	09/30/16	MANAGED SERVICES;DATA BKP	291.40			1000	3	410500	360		101000
2	09/30/16	MANAGED SERVICES;DATA BKP	136.78			5210	25	430510	360		101000
3	09/30/16	MANAGED SERVICES;DATA BKP	136.78			5310	29	430610	360		101000
4	09/30/16	MANAGED SERVICES;DATA BKP	72.85			1000	1	410200	360		101000
5	09/30/16	MANAGED SERVICES;DATA BKP	72.85			1000	36	411020	360		101000
6	09/30/16	MANAGED SERVICES;DATA BKP	144.24			5210	23	430550	360		101000
7	09/30/16	MANAGED SERVICES;DATA BKP	144.24			5310	31	430630	360		101000
8	09/30/16	MANAGED SERVICES;DATA BKP	103.45			2510	107	430220	360		101000
9	09/30/16	MANAGED SERVICES;DATA BKP	55.37			2520	108	430220	360		101000
10	09/30/16	MANAGED SERVICES;DATA BKP	73.94*			1000	9	410540	360		101000
11	09/30/16	MANAGED SERVICES;DATA BKP	72.85			1000	11	411840	360		101000
12	09/30/16	MANAGED SERVICES;DATA BKP	152.25			2394	18	420531	360		101000
127731	77921S	2847 STEADMANS ACE HARDWARE	381.97								
1	224525	07/22/16 AC Unit for Animal Shelter	381.97		22491	1000	21	440600	220		101140
127732	77888S	373 MASTERCARD	25,549.06								
3	09/20/16	SUPPLIES	39.69			1000	3	410500	214		101000
4	09/20/16		27.61			1000	3	410500	220		101000
6	09/20/16		352.87			1000	5	420140	210		101000
7	09/20/16		141.80			1000	5	420140	220		101000
8	09/20/16		333.08*			1000	5	420140	226		101000
9	09/20/16		960.04			1000	5	420140	230		101000
10	09/20/16		90.72			1000	5	420140	311		101000
11	09/20/16		698.42			1000	5	420140	366		101000
13	09/20/16		233.43			1000	5	420160	210		101000
16	09/20/16		54.21			1000	7	420460	210		101000
17	09/20/16		42.32			1000	7	420460	220		101000
18	09/20/16		81.69			1000	7	420460	230		101000
21	09/20/16		186.66			1000	7	420460	345		101000
22	09/20/16	FRAUD CHARGES - MIKE MILLER	2,232.75			1000	7	420460	350		101000
26	09/20/16		132.00			1000	13	460433	220		101000
28	09/20/16		534.05			1000	13	460433	230		101000
29	09/20/16		471.25			1000	14	460445	226		101000
30	09/20/16		1,057.47			1000	13	460433	363		101000
32	09/20/16		24.00*			1000	21	440600	311		101000
33	09/20/16		35.41			1000	36	411020	220		101000
34	09/01/16		58.23			1000	36	411020	311		101000
35	09/01/16		39.95			1000	36	411020	382		101000
37	09/20/16		83.75			2220	16	460100	224		101000
38	09/20/16		89.44			2220	16	460100	311		101000
39	09/20/16		385.70			2220	16	460100	382		101000
40	09/20/16		5.17			2350	302	410130	320		101000
41	09/20/16		35.41			2394	18	420531	220		101000
45	09/20/16		136.10			2510	107	430220	220		101000



10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 5 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
46	09/20/16		700.37			2510 107 430220	230	101000
47	09/20/16		686.41			2510 107 430220	242	101000
48	09/20/16		200.00			2510 107 430220	380	101000
49	09/20/16		1,273.14			2510 107 430220	363	101000
52	09/20/16		34.04			2520 108 430220	220	101000
53	09/20/16		175.09			2520 108 430220	230	101000
54	09/20/16		171.60			2520 108 430220	242	101000
55	09/20/16		50.00			2520 108 430220	380	101000
56	09/20/16		318.28			2520 108 430220	363	101000
59	09/20/16		94.00*			2985 15 450340	311	101000
60	09/20/16		174.07*			2985 15 450340	311	101004
61	09/20/16		35.78			5210 22 430530	210	101000
62	09/20/16		32.39			5210 22 430530	220	101000
63	09/20/16		117.27			5210 22 430530	230	101000
64	09/20/16		22.98			5210 22 430530	363	101000
66	09/20/16		202.56			5210 23 430550	220	101000
67	09/20/16		47.96			5210 23 430550	226	101000
68	09/20/16		755.90			5210 23 430550	230	101000
69	09/20/16		3,521.14			5210 23 430550	235	102270
71	09/20/16		746.92			5210 23 430550	363	101000
73	09/01/16		39.70			5210 25 430510	214	101000
75	09/01/16		27.60			5210 25 430510	220	101000
76	09/20/16		63.00			5210 80 430540	220	101000
77	09/20/16		1.80			5210 80 430540	222	101000
78	09/20/16		107.55			5210 80 430540	230	101000
79	09/01/16		3.75			5210 80 430540	311	101000
83	09/20/16		760.00			5210 80 430540	352	101000
84	09/20/16		39.70			5310 29 430610	214	101000
85	09/20/16		27.60			5310 29 430610	220	101000
88	09/20/16		84.19			5310 31 430630	220	101000
89	09/20/16		47.95			5310 31 430630	226	101000
90	09/20/16		96.69			5310 31 430630	230	101000
92	09/20/16		4.90			5310 31 430630	311	101000
93	09/20/16		746.92			5310 31 430630	363	101000
96	09/20/16		221.42			5310 32 430690	230	101000
97	09/20/16		11.99			5310 32 430690	241	101000
98	09/20/16		153.07*			5310 33 430640	210	101000
99	09/20/16		444.98			5310 33 430640	214	101000
100	09/20/16		23.29			5310 33 430640	220	101000
102	09/20/16		259.70			5310 33 430640	222	101000
103	09/01/16		1,084.25			5310 33 430640	230	101000
104	09/01/16		3.40*			5310 33 430640	311	101000
105	09/01/16		1,226.00			5310 33 430640	352	101000
106	09/01/16		14.90			5310 33 430640	400	101000
107	09/01/16		21.09			5510 10 420730	210	101000
108	09/01/16		9.73*			5510 10 420730	217	101000
109	09/01/16		102.43			5510 10 420730	220	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
110	09/01/16		396.87			5510 10 420730	222	101000
111	09/01/16		72.59			5510 10 420730	345	101000
112	09/20/16		50.00			5510 10 420730	350	101000
113	09/01/16		11.75			5510 10 420730	364	101000
114	09/01/16		39.98			5510 10 420730	382	101000
115	09/01/16		119.16			5610 87 430300	210	101000
116	09/01/16		144.70			5610 87 430300	220	101000
117	09/01/16		236.99			5610 87 430300	230	101000
118	09/01/16		110.53			5610 87 430300	345	101000
119	09/01/16		510.43			5610 87 430300	363	101000
120	09/01/16		216.87			6040 910 430220	214	101000
122	09/20/16		88.47			6040 910 430220	220	101000
127733	77922S	2270 NORTHWEST PIPE INC	9,837.55					
1	1707091	10/03/16 Supplies	125.23		22179	5210 23 430550	230	101000
2	1707091	10/03/16	9,061.63		22179	5210 23 430550	234	101000
3	1707091	10/03/16	650.69		22179	5210 23 430550	235	102270
127751	77760S	2830 STAR PRINTING & SUPPLY	856.91					
2	243273	07/29/16 Library -	124.36		22101	2220 16 460100	210	101000
3	244173	08/25/16	59.71		22101	2220 16 460100	320	101000
4	243323	08/01/16 Finance - Supplies	156.57		21457	1000 3 410500	220	101000
5	243637	08/10/16	156.57		21457	5210 25 430510	220	101000
6	243741	08/15/16	156.57		21457	5310 29 430610	220	101000
7	243977	08/22/16 FD - Copier Service	36.47		22088	1000 7 420460	210	101000
8	243977	08/22/16	14.19		22088	5510 10 420730	210	101000
9	243234	07/28/16 Historical Pres	14.92		17-005	2935 11 460461	210	101000
10	243811	08/17/16 City Court - Supplies	137.55		20071	1000 6 410300	210	101000
127779	77923S	872 EASTERN MONTANA IND	325.00					
1	6516	08/31/16 Cleaning Contract	325.00		22103	2220 16 460100	360	101000
127784	77924S	4147 Bestway Taxi, LLC	37.50					
1	BWT21221	08/02/16 Volunteer Cab Fare	37.50		21221	2985 15 450330	379	101004
127785	77902S	523 CITY SERVICE, INC.	35,088.60					
1	W044722	09/06/16 Truck Purchase (Principle)	1,715.67		529	5610 87 490500	650	101000
2	W044722	09/06/16 Truck Purchase (Interest)	134.33		529	5610 87 490500	651	101000
3	0146106	09/01/16 7005 Gallons AvJet Fuel	15,613.78		531	5610 87 430300	237	101000
4	0148832	09/16/16 7003 Gallons Jet A	14,800.79		535	5610 87 430300	237	101000
5	W044990	09/14/16 Terminal Maint Fees	16.00		535	5610 87 430300	220	101000
6	W045980	09/21/16 Fuel Tank Filters	1,468.53		538	5610 87 430300	363	101000
7	W045980	09/21/16 Tank Farm Filters	1,339.50*		538	5310 87 430300	230	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 7 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127786	77925S	268 MILES CITY SANITATION INC.	246.00					
1	691143	09/01/16 Airport 2 Bins	60.00		534	5610 87 430300	220	101000
2	69114319	08/01/16 Airport 2 Bins	60.00		530	5610 87 430300	220	101000
3		09/01/16 WTP Lift Station	63.00		22041	5310 32 430690	346	101000
4	10/01/16	2100 Daly Ave WWTP	63.00		22041	5310 33 430640	346	101000
127787	77886S	498 CENTURY LINK	1,965.87					
1	406236217-	08/21/16 911 Phone System	1,965.87		21330	2850 105 420140	350	101000
127788	77926S	1407 KADRMAS LEE & JACKSON INC	19,384.57					
1	10073720	08/31/16 20" Water Line	6,258.34		222171	5210 23 430550	940	101000
2	10073430	08/23/16 FAA Project Closeout	7,000.00		533	5610 87 430300	939	101000
3	10073431	08/23/16 As Built AGIS Survey	2,689.37		533	5610 87 430300	939	101000
4	10074640	09/20/16 Flood Control Project	542.61		22353	1000 201 431200	350	101000
5	10074294	08/02/16 Gov. Relations Contract Floo	585.52		21195	1000 201 431200	350	101000
6	10074295	08/31/16 Flood Control Project	1,033.64		21195	1000 201 431200	350	101000
7	10075036	09/30/16 Flood Control Project	1,275.09		22360	1000 201 431200	350	101000
127789	77927S	800 DOEDEN CONSTRUCTION	5,044.77					
1	75577	09/02/16 Crushed Rock	154.02		21190	2510 107 430234	350	101000
2	75582	09/02/16	149.05		21190	2510 107 430234	350	101000
3	75559	09/02/16 Top Surf	160.66		21190	2520 108 430233	350	101000
4	75561	09/02/16	176.18		21190	2520 108 430233	350	101000
5	75563	09/02/16	1,429.24		21190	2520 108 430233	350	101000
6	75572	09/02/16	708.64		21190	2520 108 430233	350	101000
7	75578	09/02/16	724.40		21190	2520 108 430233	350	101000
8	75583	09/02/16	368.00		21190	2520 108 430233	350	101000
9	75586	09/02/16	178.02		21190	2520 108 430233	350	101000
10	75586	09/02/16	931.06		21190	2520 108 430233	350	101000
11	52349	08/31/16 Concrete	65.50		22170	5210 23 430550	235	102270
127790	77928S	716 DANA KEPNER CO	858.00					
1	4038318-00	08/26/16 2" Meter & Flanges	858.00			5210 23 430550	220	101000
127791	77929S	278 TITAN MACHINERY	3,230.50					
1	672338-CL	08/29/16 Unit #41 Skid-Steer	1,292.20		21629	2510 107 430220	363	101000
2	672338-CL	08/26/16	323.06		21629	2520 108 430220	363	101000
3	672338-CL	08/26/16	807.62		21629	5210 23 430550	363	101000
4	627338-CL	08/26/16	807.62		21629	5310 31 430630	363	101000
127792	77930S	4118 Montana Tree Service	4,250.00					
1	0356	09/02/16 Tree (Stower)	650.00		21189	2510 107 430220	360	101000
2	0357	09/02/16 Tree (507 Pleasant)	700.00		21189	2510 107 430220	360	101000
3	0358	09/02/16 Tree Tree Grinding CMT	600.00		21189	2510 107 430220	360	101000
4	0309	09/21/16 819 S. Custer	2,300.00		22351	2510 107 430220	360	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 8 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127793	77931S	2305 NOTBOHM MOTORS	1,276.36					
1	20579	08/29/16 Unit 71 - WTP	970.77		21630	5210 22 430530	363	101000
2	20579	08/29/16 WTP Pickup Repair	305.59		22043	5210 22 430530	363	101000
127794	77932S	870 EAST MAIN ANIMAL CLINIC	431.00					
1	EMAC082016	08/02/16 Vet Services for Shelter P	431.00		22463	1000 21 440600	350	101000
127795	77887S	4009 PITNEY BOWES RESERVE ACCOUNT	1,000.00					
1	PB091216	09/12/16 Postage Machine	1,000.00		127795	1000 3 410500	311	101000
127796	77895S	4084 MILES CITY AREA ECONOMIC	5,000.00					
1	3-0720168C	03/07/16 Council Contributions 16/1	5,000.00		21461	1000 2 470300	350	101000
127797	77933S	999999 JEAN MANSHEIM	75.00					
1	TEV21334	09/11/16 TAC Conference - Hot Springs	75.00		21334	1000 5 420160	370	101000
127798	77896S	999999 MIKE WADE	87.00					
1	ATR091316	09/13/16 Travel Request ~ Bozeman	33.37		22038	5210 22 430530	380	101000
2	09/13/16		23.84		22038	5210 80 430540	380	101000
3	09/13/16		17.87		22038	5310 33 430640	380	101000
4	09/13/16		11.92		22038	5310 32 430690	380	101000
127799	77897S	999999 JOSH SBEKINS	87.00					
1	ATR091316	09/13/16 Travel Request ~ Bozeman	33.37		22038	5210 22 430530	380	101000
2	09/13/16		23.84		22038	5210 80 430540	380	101000
3	09/13/16		17.87		22038	5310 33 430640	380	101000
4	09/13/16		11.92		22038	5310 32 430690	380	101000
127800	77934S	999999 LORRIE PEARCE	98.24					
1	ETV21460	08/24/16 Regional Training ~ Glendive	84.24		21460	1000 3 410500	370	101000
2	550372	10/05/16 Office Supplies	4.67		21470	1000 3 410500	220	101000
3	550372	10/05/16	4.67		21470	5210 25 430510	220	101000
4	550372	10/05/16	4.66		21470	5310 29 430610	220	101000
127801	77898S	498 CENTURY LINK	845.78					
1	Q090100124	08/21/16 911 Phone System	845.78		21335	2850 105 420140	345	101000
127802	77935S	1361 INTERSTATE ENGINEERING	600.00					
1	S1500125	09/07/16 Transportation Plan	600.00		22254	1000 36 411020	350	101000
127803	77899S	999999 BRANDON STEVENS	115.00					
1	TEV22302	09/13/16 Training ~ Helena	115.00		22302	1000 7 420460	370	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 9 of 18  
Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127804	77936S	1331 HOLY ROSARY HEALTH CENTER-CLINIC	1,906.08					
1	20429	09/05/16 Physicals Richards/Hartse	122.00		22301	1000 7 420460	350	101000
2	IN 1227	08/31/16 Medical Supplies	633.18		22304	5510 10 420730	222	101000
3	500170573	08/05/16 DUI J Brown	230.18		22472	1000 5 420140	220	101000
4	500170573	08/04/16 DUI K Hooley	230.18		22472	1000 5 420140	220	101000
5	500170573	08/28/16 DUI A Pray	230.18		22472	1000 5 420140	220	101000
6	500170573	08/30/16 DUI D Rickett	230.18		22472	1000 5 420140	220	101000
7	500170573	08/25/16 DUI C Rummel	230.18		22472	1000 5 420140	220	101000
127805	77937S	4078 MSASCD	25.00					
1	MSASCD2122	07/31/16 Dues Difference raised \$25	25.00		21223	2985 15 450340	334	101000
127806	77938S	1050 FRANKS BODY SHOP	253.00					
1	45922	09/14/16 PD ~Tow 05' Freestyle Ford	126.50		22466	1000 5 420140	220	101000
2	45924	10/31/16 PD ~ Tow 96' Dodge Van 190664	126.50		22485	1000 5 420140	220	101000
127807	77900S	1921 Montana Municipal Interlocal	4,787.60					
1	378422	09/01/16 Retirees Health Insurance Prem	4,787.60			1000 362022		101000
127808	77903S	267 HAYNES ENTERPRISES	24,171.49					
1	2294	08/29/16 Wasghington Mid. School	158.47		21192	2510 107 430220	230	101000
2	2303	09/14/16 500 BLK S. Strevell	8,410.80		21192	2510 107 430234	350	101000
3	2304	09/14/16 Pleasant ST. Health Network	370.50		21192	2510 107 430235	230	101000
4	2305	09/14/16 Pleasant St. Curb	1,518.30		21192	2510 107 430235	350	101000
5	2308	09/18/16 Flat Work	2,824.70		21192	5210 23 430550	230	101000
6	2309	09/18/16 Strevell Project	311.60		22352	2510 107 430220	230	101000
7	2309	09/18/16	157.50		22352	2510 107 430220	360	101000
8	2307	09/18/16 Patch Work	1,354.56		22172	5210 23 430550	230	101000
9	2306	09/18/16 Strevell Patch	7,710.49		22172	5210 23 430550	230	101000
10	2306	09/18/16 Curb	1,203.63		22172	2510 107 430234	350	101000
11	2307	09/18/16	150.94		22172	2510 107 430235	350	101000
127809	77905S	999999 SULLIVAN'S FURNITURE	2,000.00					
1	RES 3919	09/21/16 Facade Improvement	2,000.00		17-007	2310 11 460466	730	101000
127810	77904S	1970 MONTANA DAKOTA UTILITIES	29,548.59					
3	09/29/16	GAS/ELECTRIC	576.43			1000 8 411230	341	101000
4	09/29/16	GAS/ELECTRIC	30.72			1000 8 411230	344	101000
5	09/29/16	GAS/ELECTRIC	469.36			1000 13 460433	341	101000
7	09/29/16	GAS/ELECTRIC	37.31			1000 13 460433	344	101000
9		GAS/ELECTRIC	182.81			1000 14 460445	341	101000
10		GAS/ELECTRIC	40.45			1000 21 440600	341	101000
11		GAS/ELECTRIC	22.61			1000 21 440600	344	101000
12			757.81			2220 16 460100	341	101000
13			30.17			2220 16 460100	344	101000
14		GAS/ELECTRIC	9,730.68			2400 46 430263	341	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 10 of 18  
Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
15		GAS/ELECTRIC	5,090.20			2400 46 430263	533	101000
16		GAS/ELECTRIC	1,797.16			2420 48 430263	341	101000
17		GAS/ELECTRIC	663.35*			2420 48 430263	533	101000
18		GAS/ELECTRIC	126.73			2430 49 430263	341	101000
19		GAS/ELECTRIC	1,146.29			2440 50 430263	341	101000
20		GAS/ELECTRIC	273.50			2470 72 430263	341	101000
21		GAS/ELECTRIC	304.12			2470 72 430263	533	101000
22		GAS/ELECTRIC	111.50			2480 47 430263	341	101000
23		GAS/ELECTRIC	78.58			2510 107 430220	341	101000
27		GAS/ELECTRIC	5,753.02			5210 22 430530	341	101000
28		GAS/ELECTRIC	39.51			5210 22 430530	344	101000
29		GAS/ELECTRIC	54.59			5210 23 430550	341	101000
32		GAS/ELECTRIC	19.84			5310 31 430630	344	101000
33		GAS/ELECTRIC	805.50			5310 32 430690	341	101000
34		GAS/ELECTRIC	47.48			5310 32 430690	344	101000
36		GAS/ELECTRIC	0.00			5510 10 420730	341	101000
37		GAS/ELECTRIC	0.00			5510 10 420730	344	101000
38		GAS/ELECTRIC	794.18			5610 87 430300	341	101000
39		GAS/ELECTRIC	75.91			5610 87 430300	344	101000
40		GAS/ELECTRIC	461.84			6040 910 430220	341	101000
41		GAS/ELECTRIC	26.94			6040 910 430220	344	101000
127811		77939S 999999 LUBRICATION ENGINEERS, INC	136.80					
1		IN316053 09/15/16 Compressor and Turbine Oil	29.31		22042	5210 22 430530	231	101000
2		IN316053 09/15/16	19.54		22042	5210 80 430540	231	101000
3		IN316053 09/15/16	39.09		22042	5310 33 430640	231	101000
4		IN316053 09/15/16	48.86		22042	5310 32 430690	231	101000
127812		77908S 572 VERIZON WIRELESS	263.59					
1		9771561908 09/07/16 MDT Fees ICAC Fee	263.59		22479	1000 5 420140	220	101000
127813		77909S 999999 MIKE WILLEMS	138.00					
1		ATR22480 09/12/16 MT Board of Crime Control Co	57.00		22480	1000 5 420140	370	101000
2		ATR22470 09/12/16 Meals for APCO Conference	81.00		22470	1000 5 420140	370	101000
127814		77910S 999999 CHARLES FARRINGTON	127.00					
1		ATR22483 09/23/16 Intox Trining in Helena	127.00		22483	1000 5 420140	370	101000
127815		77911S 999999 MYLES CONNELLY	127.00					
1		ATR22484 09/23/16 Intox Trining in Helena	127.00		22484	1000 5 420140	370	101000
127816		77940S 4151 Eleanor P Lavin	200.00					
1		EPL22481 09/13/16 Mental Health Consult T. A.	200.00		22481	1000 5 420140	350	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 11 of 18  
Report ID: AP100

Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127817	77941S	331 MONTANA LAW ENFORCEMENT TESTING	50.00					
1	MLETC22482	09/21/16 Hiring Fee for M. Connelly	50.00		22482	1000 5 420140	350	101000
127818	77906S	660 CUSTER COUNTY CLERK & RECORDER	77.00					
1	D15570	09/27/16 Easment D-15570 ROW	28.00		21464	5210 23 430550	357	101000
2	MCC	09/27/16 Waterline Easement	49.00		21464	5210 23 430550	357	101000
127819	77907S	2450 POSTMASTER (UTILITIES)	1,032.90					
1	USPS127819	09/29/16 Water / Sewer Billing Post	516.45		127819	5210 25 430510	311	101000
2	USPS127819	09/29/16	516.45		127819	5310 29 430610	311	101000
127820	77912S	4073 JOHN DEERE FINANCIAL	476.23					
1	1746019	09/19/16 Sweeper Lease Payment	422.14		539	5610 87 490500	645	101000
2	1746019	09/19/16 Sweeper Payment (interest)	54.09		539	5610 87 490500	646	101000
127821	77942S	4046 BILL RONNING	60.50					
1	1522927589	09/16/16 Sept Cell Phone	48.40		22355	2510 107 430220	345	101000
2	1522927859	09/16/16	12.10		22355	2520 108 430220	345	101000
127822	77913S	2471 POSTMASTER	923.67					
1	USPS22354	09/26/16 Mailing Flood Flyers	923.67		22354	1000 201 431200	311	101000
127823	77943S	999999 BUCKY JOHNSON	24.66					
1	1526278793	09/29/16 Cell Phone Reimb.	12.33		22173	5210 23 430550	345	101000
2	1526278793	09/29/16	12.33		22173	5310 31 430630	345	101000
127824	77944S	999999 HEATHER ROOS	81.00					
1	ATR22469	09/12/16 Meals for APCO Conference	81.00		22469	1000 5 420160	370	101000
127825	77945S	1825 MILES COMMUNITY COLLEGE	70.00					
1	MCCC22467	09/12/16 Centra - Baker and Connelly	70.00		22467	1000 5 420140	334	101000
127826	77946S	721 DALES CLEANING SERVICE	600.00					
1	DCS22358	09/28/16 Sept Cleaning	600.00		22358	1000 8 411230	360	101000
127827	77947S	4142 HD Supply Waterworks, LTD	928.44					
1	G077173	09/08/16 Repair Clamps	748.44		22174	5210 23 430550	230	101000
2	F588209	06/10/16 6" Alpha End Cap	180.00		22175	5210 23 430550	234	101000
127828	77948S	52 ABC GLASS & SIGNS, INC.	723.66					
1	W0013917	09/27/16 A-26 Windsheild	365.51		22308	5510 10 420730	364	101000
2	W013917	09/29/16 A-20 Windsheild	358.15		22308	5510 10 420730	364	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 12 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127829	77914S	4128 Helena Regional Airport		200.00					
1	29375	09/19/16 ARFF Training		200.00		22307	1000 7 420460	380	101000
127830	77915S	999999 DEPARTMENT OF ADMINISTRATION		1,000.00					
1	6849885	09/13/16 Grant Overpayment		1,000.00		21462	1000 331113		101000
127831	77949S	4022 MARILYNN FORMAN		600.00					
1	MF0922PD	09/22/16 PD - Cleaning September		350.00		22475	1000 5 420140	350	101000
2	MF092216	09/22/16 Shop - September		250.00		21199	6040 910 430220	220	101000
127832	77950S	4158 Protech Diesel		1,165.30					
1	13226	09/12/16 Unit #16 Rebuild and Calbrate		466.12		21631	2510 107 430220	363	101000
2	13226	09/12/16		116.54		21631	2520 108 430220	363	101000
3	13226	09/12/16		291.32		21631	5210 23 430550	363	101000
4	13226	09/21/16		291.32		21631	5310 31 430630	363	101000
127833	77951S	4136 Western Emulsions, Inc.		1,065.54					
1	10-308951	09/12/16 Oil		426.22		21191	2510 107 430220	231	101000
2	10-308951	09/12/16		106.56		21191	2520 108 430220	231	101000
3	10-308951	09/12/16		266.38		21191	5210 23 430550	231	101000
4	10-308951	09/12/16		266.38		21191	5310 31 430630	231	101000
127834	77952S	390 JERRYS REFRIGERATION SERV INC		359.93					
1	101966	09/15/16 City Hall Jase's Office		359.93		21198	1000 8 411230	220	101000
127835	77953S	286 STANLEY CHIROPRACTIC OFFICE		80.00					
1	SC21197	09/16/16 CDL Physical Jim Garza		80.00		21197	2510 107 430220	350	101000
127836	77954S	999999 VA HEALTHCARE - FORT HARRISON		1,252.50					
1	436-K60DFP	09/01/16 Lease Office for 4th Quart		1,252.50		21222	2985 15 450340	530	101000
127837	77955S	397 AUTOBODY SOLUTIONS		150.00					
1	3510	09/16/16 Abanded Vehicle Olds Intrigue		150.00		22471	1000 5 420140	220	101000
127838	77956S	2560 REGAN PLUMBING & HEATING		110.20					
1	216-50307	09/06/16 Supplies		20.70		21194	1000 13 460433	230	101000
2	216-50391	09/19/16 Fix Sink City Hall		89.50		21194	1000 8 411230	220	101000
127839	77957S	394 BOSS INC		2,023.94					
1	112854-0	08/26/16 Finance Notery Book - Ink		149.71		21467	1000 3 410500	220	101000
2	113204-0	08/31/16 Paper		149.71		21467	5210 25 430510	220	101000
3	116247-0	09/16/16 Misc Office Supplies		149.70		21467	5310 29 430610	220	101000
4	112899-0	09/07/16 RSVP - Computer Software		890.98		21224	2985 15 450340	210	101000
5	117063-0	09/23/16 PD - Shredder		316.19		22474	1000 5 420140	210	101000
6	116351-0	09/19/16 Jeff's Office		6.49		18170	1000 4 411100	210	101000
7	116351-0	09/19/16		141.92		18170	1000 4 411100	220	101000



10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 13 of 18  
Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
8	116351-0	09/19/16		139.95		18170	1000 4 411100	214	101000
9	116008-0	09/19/16	City Court - Supplies	79.29		20075	1000 6 410300	214	101000
127841	77958S	2831	MILES CITY STAR ADVERTISING	2,021.80					
1	173939	08/22/16	Legal Notice 513 Felton	90.00		21187	1000 201 431200	331	101000
2	173443	08/04/16	South Lake Legal	90.00		21187	1000 201 431200	331	101000
3	173647	08/11/16	1703 Kadie Legal	90.00		21187	1000 201 431200	331	101000
4	173612	08/10/16	620 South 5th	96.00		21187	1000 201 431200	331	101000
5	173228	08/01/16	400 Block Felton Legal	90.00		21187	1000 201 431200	331	101000
6	173725	08/15/16	Bender Park Legal	84.00		21187	1000 201 431200	331	101000
7	173694	08/12/16	Bobcat Lane Legal	42.00		21187	1000 36 411020	331	101000
9	174319	09/06/16	FD - Back to School	29.00		22096	1000 7 420460	330	101000
10	173489	08/05/16	Finance - Budget Legal	383.27		21468	1000 3 410500	330	101000
11	173707	08/12/16	Council Vancancy,	383.27		21468	5210 25 430510	330	101000
12	174010	08/26/16	Budget Increase, Resolutions	383.26		21468	5310 29 430610	330	101000
13	173550	08/08/16	Zoning Commission	24.00		22361	2510 107 430220	330	101000
14	173550	08/08/16		6.00		22361	2520 108 430220	330	101000
15	173419	08/03/16	Airport ~ Fuel Truck Bid	231.00		549	5610 87 430300	330	101000
127842	77959S	2910	TONGUE RIVER ELECTRIC	445.96					
1	TRECO09261	08/26/16	Southgate Lighting	401.84			2450 51 430263	341	101000
2	PTRECO0905	08/26/16	PD - Microwave Tower	44.12		21337	2850 105 420140	341	101000
127843	77960S	4159	Airside Solutions, Inc.	1,034.98					
1	25798	09/23/16	Wind Socks 36" and 18"	192.24		541	5610 87 430300	230	101000
2	25580D	09/19/16	Sign Panel - Coss Hinges for	790.98		540	5610 87 430300	939	101000
3	25695D	09/30/16	Frangible Coupling / Sign	51.76		546	5610 87 430300	230	101000
127844	77961S	2151	MORRISON & MAIERLE INC	917.50					
1	24932	09/23/16	IT Services Printing Issues	52.50		22487	1000 5 420140	350	101000
2	24766	09/14/16	Custer/ Garfield 911 Mnqd Serv	865.00		21336	2850 105 420140	350	101000
127845	77962S	999999	JACOB WIMMER	35.75					
1	23	09/26/16	Bulk Water Overpayment	35.75		68880	1000 362020		101000
127846	77963S	237	CPI COLLECTION PROFESSIONALS INC	78.21					
1	CPI127846	09/16/16	CPI - Collections Nancy Bre	39.11		127846	5210 25 430510	350	101000
2	CPI127846	09/16/16		39.10		127846	5310 29 430610	350	101000
127847	77964S	2914	TOURISM BUSINESS IMPROVEMENT	1,297.00					
1	916127849	08/30/16	Monthly Collections	1,297.00		127849	7370 212500		101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 14 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127848	77965S	671 CUSTER COUNTY TREASURER		1,370.00					
1	127848	Law Enforcement Surcharge		1,370.00		127848	7467 212200		101000
127849	77966S	999999 CINTAS		135.91					
1	5006094451	09/23/16 Refill Medical Cabinet		135.91		22476	1000 5 420140	220	101000
127850	77967S	673 CUSTER NETWORK AGAINST DOMESTIC		3,034.00					
1	127850	10/04/16 CNADA Legal Assistance		3,034.00		127850	7471 212500		101000
127851	77968S	4033 MARK HILDERBRAND		75.00					
1	127851	09/30/16 Police Commisisoners		75.00		127851	1000 5 420140	350	101000
127852	77969S	4034 STEVE RICE		75.00					
1	127852	09/30/16 Police Commisisoners		75.00		127852	1000 5 420140	350	101000
127853	77970S	4031 ED CURNAN		75.00					
1	127853	09/30/16 Police Commisisoners		75.00		127853	1000 5 420140	350	101000
127854	77971S	485 CENTURY COMPANIES, INC.		158,854.56					
1	12981	08/10/16 Contractor's Application Pmt		158,854.56		536	5610 87 430300	939	101000
127855	77972S	771 DEPT OF REVENUE		1,604.59					
1	CGR-2 1278	09/15/16 1% Contractors Gross Recie		1,604.59		127855	5610 87 430300	939	101000
127856	77973S	999999 BRANDON BEACH		91.87					
1	64496	09/28/16 Water/Sewer Over Payment		91.87		127856	5210 214010		101000
127857	77974S	999999 HAYLE TRUCANO		91.04					
1	64514	09/30/16 Water/Sewer Deposits		91.04		127857	5210 214010		101000
127858	77975S	999999 ASHLEY RONESS		96.09					
1	64515	09/30/16 Water/Sewer Deposits		96.09		127858	5210 214010		101000
127859	77976S	999999 LACY PLUHAR		7.12					
1	65416	09/30/16 Water/Sewer Deposits		7.12		127859	5210 214010		101000
127860	77977S	999999 BONIFACIO MEDINA		8.41					
1	64517	09/30/16 Water/Sewer Deposits		8.41		127860	5210 214010		101000
127862	77978S	999999 KEN KOLZAK		6.38					
1	64518	09/30/16 Water Refund Deposit		6.38		127861	5210 214010		101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

\* \*\* Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127863	77979S	999999	NICHOLAS ISAACS	26.21					
1	64519	09/30/16	Water Refund Deposit	26.21		127863	5210 214010		101000
127864	77980S	4119	Department of Environmental	7,878.00					
1	5I702193	09/30/16	Annual Connection Fee	7,878.00*		21469	5210 25 430510	513	101000
127865	77981S	999999	EVA GRYWUSIEWICZ	53.64					
1	64520	09/30/16	Water Refund Deposit	53.64		127865	5210 214010		101000
127866	77982S	999999	MARY OR DAVID FERRE	1.82					
1	64521	09/30/16	Water Refund Deposit	1.82		127866	5210 214010		101000
127867	77983S	999999	BRITTNEY DINARDI	53.64					
1	64522	09/30/16	Water Refund Deposit	53.64		127867	5210 214010		101000
127868	77984S	999999	SHANDA COOK	64.46					
1	64523	09/30/16	Water Refund Deposit	64.46		127868	5210 214010		101000
127869	77985S	999999	ROBERT OR CATHERINE BENJAMIN	68.21					
1	64524	09/30/16	Water Refund Deposit	68.21		127869	5210 214010		101000
127870	77986S	999999	PAYTON BAXTER	58.96					
1	64525	09/30/16	Water Refund Deposit	58.96		127870	5210 214010		101000
127871	77987S	999999	BRENDA BAUGATE	55.64					
1	64526	09/30/16	Water Refund Deposit	55.64		127871	5210 214010		101000
127872	77988S	999999	SUZANNE GUTZ	150.00					
1	64527	09/30/16	Water/Sewer Refund	150.00		127872	5210 214010		101000
127873	77989S	999999	LASHONDA JESSEN	150.00					
1	64528	09/30/16	Water/Sewer Refund	150.00		127873	5210 214010		101000
127874	77990S	999999	JEREMY FIX	116.44					
1	64529	09/30/16	Water/Sewer Refund	116.44		127874	5210 214010		101000
127875	77991S	4070	CALIFORNIA CONTRACTORS SUPPLIES	126.00					
1	40787	09/23/16	Safety Glass	19.00		22046	5210 22 430530	220	101000
2	40787	09/23/16		29.00		22046	5210 80 430540	220	101000
3	40787	09/23/16		9.00		22046	5310 32 430690	220	101000
4	40787	09/23/16		69.00		22046	5310 33 430640	220	101000

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 16 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127876	77992S	4045 LAND SOLUTIONS, INC.	455.00					
1		PLANNING 09/29/16 Consulting Service Zoning	455.00		22255	1000 36 411020	350	101000
127877	77993S	378 BLACK MOUNTAIN SOFTWARE	500.00					
1	21504	09/26/16 E-mail Billing Software	250.00		21465	5210 25 430510	350	101000
2	21504	09/26/16	250.00		21465	5310 29 430610	350	101000
127878	77994S	1286 DENNIS HIRSCH	4,367.70					
1	DHC093016	09/30/16 Sept Building Permits	4,367.70		22359	2394 18 420531	350	101000
127879	77995S	1896 HAWKINS, INC	653.50					
1	3956013	09/22/16 Floride	653.50		22047	5210 80 430540	222	101000
127880	77996S	700 CUSTER COUNTY WATER & SEWER	13,862.50					
1	CCWSD0916	09/30/16 Water and Sewer Collections	13,862.50		127880	7980 211020		101000
127881	77997S	523 CITY SERVICE, INC.	1,899.78					
1	W046497	09/29/16 Hydrometer	49.78		544	5610 87 430300	230	101000
2	W046656	10/05/16 Truck Payment ~ Principle	1,722.82		550	5610 87 490500	650	101000
3	W046656	10/05/16 Truck Payment ~ Interest	127.18		550	5610 87 490500	651	101000
127882	77998S	4140 Stoltz Construction	2,283.00					
1	547821	09/26/16 ADA - 605 N. Cottage	2,283.00		22356	2510 107 430235	350	101000
127883	77999S	2166 MUNICIPAL CODE CORP	1,453.12					
1	00275684	09/21/16 Supplement Pages and Graphes	1,453.12		21463	1000 3 410500	350	101000
127884	78000S	1535 LUCAS & TONN PC	100.00					
1	LTPC092016	09/26/16 WestLaw Professional Servi	100.00		127884	1000 4 411100	350	101000
127885	78001S	2903 TIRE-RAMA	1,672.53					
1	1060180739	10/04/16 Unit 9	391.66		21633	2510 107 430220	363	101000
2	1060180739	10/04/16	97.92		21633	2520 108 430220	363	101000
3	1060180739	10/04/16	244.78		21633	5210 23 430550	363	101000
4	1060180739	10/04/16	244.78		21633	5310 31 430630	363	101000
5	1060177172	07/22/16 Struts & Labor	693.39		22473	1000 5 420140	220	101000
127886	78002S	999999 SHOP SPECIALTIES, LLC	6,890.00					
1	dm2076647	09/17/16 Clean Burn Oil Heater	6,890.00			6040 910 430220	214	101000
127887	78003S	288 MILES CITY AREA CHAMBER OF	71.77					
1	23174	09/30/16 Bulk Mailing Newsletter	71.77		21226	2985 15 450330	311	101004

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 17 of 18  
Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127888		78004S 999999 WAYNE NILE	60.00					
1	07385	10/03/16 Reimbursement Fees for Ticket	60.00		22367	6040 910 430220	220	101000
127889		78005S 869 EAST MONT COMMUNICATIONS	709.00					
1	27697	09/18/16 Radio (Dump Truck)	259.00		22366	2510 107 430220	363	101000
2	27687	09/12/16 Aircraft VHF Radio	450.00		548	5610 87 430300	230	101000
127890		78006S 4139 Billings Precast	750.00					
1	51061	09/09/16 Storm Grates	750.00		22365	2510 107 430235	230	101000
127891		78007S 999999 AL HOMME	316.94					
1	TEV20076	10/05/16 Judges Conference	316.94		20076	1000 6 410300	370	101000
127892		78008S 999999 GAIL KREZELAK	448.98					
1	TEV20077	10/05/16 Clerks Conference	448.98		20077	1000 6 410300	370	101000
127893		78009S 652 CUSTER COUNTY SHERIFF	600.00					
1	CCSO22074	09/07/16 Golda F Richardson 6 Days J	600.00		20074	1000 6 410300	220	101000
127894		78010S 999999 BYTE SPEED, LLC	54.00					
1	0108880	09/22/16 Laptop Mouse & AC Adapter	54.00		20078	1000 6 410300	220	101000
127895		78011S 2170 NALCO CHEMICAL CO	353.35					
1	64750040	09/15/16 Trtant High Pails	58.44		22039	5210 80 430540	222	101000
2	64768412	09/21/16	294.91		22039	5210 80 430540	222	101000
127896		78012S 1571 MACS FRONTIERLAND	1,067.42					
1	159209	09/13/16 A-20	1,067.42		22305	5510 10 420730	364	101000
127897		78013S 999999 MSC INDUSTRIAL SUPPLY CO	3,809.08					
1	18073546	09/06/16 Cabinets	1,523.63		21628	2510 107 430220	363	101000
2	18073546	09/06/16	380.91		21628	2520 108 430220	363	101000
3	20628357	09/14/16	952.27		21628	5210 23 430550	363	101000
4	20628357	09/14/16	952.27		21628	5310 31 430630	363	101000
127898		78014S 4086 FALLON COUNTY TIMES	41.00					
1	FCT127898	09/13/16 Newspaper Subscription	41.00		127898	2220 16 460100	382	101000
127899		78015S 4157 TROJAN UV	192,400.00					
1	SLS/102544	09/22/16 Payment #2	192,400.00		22176	5310 33 430640	940	102279

10/06/16  
17:25:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 9/16

Page: 18 of 18  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127900	78016S	2579	ROBERT PECCIA & ASSO	39,013.24					
1	0007	09/22/16	Phase II Bid Package	2,144.35		22178	5310 33 430640	940	102279
2	0003	09/22/16	Phase II Bidding & Constructio	36,492.34		22178	5310 33 430640	940	102279
3	0009	09/22/16	Phase II Funding	376.55		22178	5310 33 430640	940	102279
127901	78017S	636	CRIDCO, LLC	144.00					
1	058135	10/01/16	Water / 3 Months	144.00		547	5610 87 430300	220	101000
127902	78018S	1780	MILES CITY MOTOR SUPPLY	162.46					
1	586129	08/31/16	Fuel Filters	6.93		545	5610 87 430300	363	101000
2	567409	09/08/16	Parts	6.79		545	5610 87 430300	230	101000
3	288387	09/15/16	Roll Pins / Tractor	2.48		545	5610 87 430300	363	101000
4	588615	09/15/16	Oil	137.97		545	5610 87 430300	363	101000
5	589543	09/22/16	Floor Dri	8.29		545	5610 87 430300	230	101000
127903	78019S	1737	MC AREA SOLID WASTE DISTRICT	603.95					
1	5588A	06/30/16	QUARTERLY CHARGES	71.12			6040 910 430220	346	101000
2	5588A	06/30/16	QUARTERLY CHARGES	71.12*			5210 22 430530	346	101000
3	5588A	06/30/16	QUARTERLY CHARGES	47.41*			1000 7 420460	346	101000
4	5588A	06/30/16	QUARTERLY CHARGES	47.41			5510 10 420730	346	101000
5	5588A	06/30/16	QUARTERLY CHARGES	47.41			1000 8 411230	346	101000
6	5588A	06/30/16	QUARTERLY CHARGES	237.06			1000 13 460433	346	101000
7	5588A	06/30/16	QUARTERLY CHARGES	47.42			5310 33 430640	346	101000
8	5530A	07/16/16	Animal Disposal	35.00		22468	1000 21 440600	220	101000
			# of Claims	136	Total:	665,929.62			