



# CITY OF MILES CITY AGENDA

*Regular Council Meeting  
City Council Chambers*

*November 9, 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 | 10/25/2016 |
| B. Finance Committee Meeting    | 10/20/2016 |
| C. Human Resource Meeting       | 10/19/2016 |
| D. Human Resource Meeting       | 07/01/2015 |
| E. Finance Committee Meeting    | 04/21/2016 |

### 2. SCHEDULE MEETINGS

### 3. REQUEST OF CITIZENS & PUBLIC COMMENT APPOINTMENTS

Council Member to Historic Preservation Commission

### 4. PROCLAMATIONS

### 5. STAFF REPORTS

### 6. CITY COUNCIL COMMENTS

### 7. MAYOR COMMENTS

### 8. COMMITTEE RECOMMENDATIONS

### 9. BID OPENINGS

### 10. BID AWARDS

### 11. PUBLIC HEARINGS

- A. **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**
- B. **ORDINANCE NO. 1307- An Ordinance Enacting Chapter 25 of the Code of Ordinances of the City of Miles City, Montana, Renumbering Existing Provisions Regarding Airport**
- C. **RESOLUTION NO. 3993- A Resolution of Intent to Adopt a Long Range Transportation Plan for the City of Miles City, and Setting a Public Hearing Thereon**

- D. RESOLUTION NO. 4001- A Resolution Amending Resolution 3964 and Levying and Assessing a Tax Upon all of the Property Within Maintenance District No. 205 to Defray the Cost of Maintaining the Improvements in the Said Maintenance District No. 205 for the Fiscal Year 2016-2017
- E. RESOLUTION NO. 4002- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Decrease the Budgeted Amount in Fund # 2520-108-430233-350

12. UNFINISHED BUSINESS

- A. Approve plan and budget for renovation of Council Chambers
- B. ORDINANCE NO. 1306- *(Second 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
- C. ORDINANCE NO. 1307- *(Second Reading)* An Ordinance Enacting Chapter 25 of the Code of Ordinances of the City of Miles City, Montana, Renumbering Existing Provisions Regarding Airport
- D. RESOLUTION NO. 4001-*(Second Reading)* A Resolution Amending Resolution 3964 and Levying and Assessing a Tax Upon all of the Property Within Maintenance District No. 205 to Defray the Cost of Maintaining the Improvements in the Said Maintenance District No. 205 for the Fiscal Year 2016-2017
- E. RESOLUTION NO. 4002-*(Second Reading)* A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Decrease the Budgeted Amount in Fund # 2520-108-430233-350

13. NEW BUSINESS

- A. RESOLUTION NO. 3998- *(First Reading)* A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase Budgeted Amounts in the Building Inspection Fund 2394, Planning Fund 1000, Streets 204 Fund 2510, Streets 205 Fund 2520, Streets 207 Fund 2540, Water Fund 5210 and Sewer Fund 5310
- B. APPROVAL OF OCTOBER CLAIMS

14. 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

**REGULAR COUNCIL MEETING    October 25, 2016**  
**7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, October 25, 2016, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were John Uden, Dwayne Andrews, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox. Councilperson Susanne Galbraith was excused.

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Public Works Director Scott Gray, Planner II Dawn Colton, Grant Writer/Historic Preservation Administer Connie Muggli and City Clerk/Minute Recorder Lorrie Pearce.

**PLEDGE OF ALLEGIANCE**

Mayor Hollowell led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**Regular Council Minutes: 10/11/2016**

\*\*     *Councilperson Andrews moved to approve the minutes of the Regular Council Meeting of October 11, 2016 subject to any corrections, and seconded by Councilperson Erlenbusch. The motion **passed** by unanimous consent, 7-0.*

**Public Service Minutes: 9/26/2016**

\*\*     *Councilperson Gardner moved to approve the minutes of the Public Service Meeting of September 26, 2016, and seconded by Councilperson Andrews. The motion **passed** by unanimous consent, 7-0.*

**Public Safety Minutes: 9/26/2016**

\*\*     *Councilperson Uden moved to approve the minutes of the Public Safety Meeting of September 26, 2016, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

**Public Service Minutes: 10/19/2016**

\*\* *Councilperson Andrews moved to approve the minutes of the Public Service Meeting of October 19, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

### SCHEDULE MEETINGS

<b>Human Resource Meeting</b>	<b>November 15, 2016 at 5:00pm</b>
<b>Ad Hoc Wage/Salary Meeting</b>	<b>November 15, 2016 at 5:30pm</b>

### REQUEST OF CITIZENS & PUBLIC COMMENT

### APPOINTMENTS

Addition to Ad Hoc Wage/Salary Survey Committee: Lorrie Pearce

\*\* *Councilperson Uden moved to add Lorrie Pearce to the Ad Hoc Wage/Salary Survey Committee, seconded by Councilperson Wilcox. On roll call vote, the motion passed 7-0*

### PROCLAMATIONS

None

### STAFF REPORTS

Director Gray thanked the Miles City Realtors for the playground equipment that was installed at Bender Park and thought it was a great asset for the park. Also, he will be presenting next month to Council a report on ADA installations.

Director Kelm informed Council the 20" main pipe was pulled under the Tongue River on Saturday and the project went like clockwork. Muggli contracting needs to connect both ends of piping before it is complete. He will also present to Council a report on installation of fire hydrants.

### CITY COUNCIL COMMENTS

Councilperson Andrews expressed his dissatisfaction on the choosing process of the last council vacancy. He thought the process was demeaning and felt uncomfortable with it. He wouldn't blame any of the candidates for not ever applying for the vacancy again. He asked the Mayor if the City could get a process in place before it happens again.

Councilperson Uden complimented the street crew for the work on installing ADA curbing and access throughout the City and the water crew for the installation of fire hydrants that were really needed. He added that two citizens had contacted him



on water payment made taking three weeks to a month to clear the bank. Mayor Hollowell said he would look into the matter.

Councilperson Huber complimented the street crew for keeping up on picking up the leaves around the curbs throughout town. He added that a citizen was stopped for speeding and the police officer gave her a warning, he thought it was a nice gesture.

Councilperson Gardner commended Floodplain Administrator Malenovsky for putting together the flood plain meeting. The turnout was good.

### **MAYOR COMMENTS**

Mayor Hollowell said he received a complaint on the City's water billing policy. The complainant thought it was hard to come up with the \$150 deposit.

### **STANDING COMMITTEE RECOMMENDATIONS**

Public Services Committee- To have the 406 scheduling approved for the year 2017, before entering into a long term contract with the outlaws

*\*\* Councilperson Andrews moved to approve to allow the 406 Baseball Club to have the 2017 CABA tournament in Miles City, seconded by Councilperson Uden.*

Director Gray explained that the club needs to prove to the City that they can host the tournament for one year. MCYBA and the Outlaw Association hold a five year contract for each of their permitted fields. MCYBA has four years left and has the first right to that field. The tournament will not affect the scheduling this year, but may in the future. One 10 year contract is a lot to bite off. If the CABA tournament is approved for the future, it needs to work out for both clubs. The City needs to make sure that the scheduling of one clubs tournament does not interfere with the scheduling of the other clubs tournament. Mayor Hollowell said that a contract of this magnitude would need to be approved by Council, and thought a flexible schedule could hurt the tournament and moving a week or two could be possible. Resident Tim Regan, 519 S Strevell, explained that MCYBA's bid for the tournament that started in mid-March. He was concerned that if district and state tournament were in Miles City, there probably would be no place to practice.

*\*\*On roll call vote, the motion passed 7-0*

### **BID OPENINGS**

None

### **BID AWARDS**

None

## PUBLIC HEARINGS

### **A. RESOLUTION NO. 3992- A Resolution Establishing Fire Inspection Fees For Miles City, Montana**

Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

## UNFINISHED BUSINESS

### **A. Discussion and Approval on location for Courtroom**

*\*\* Councilperson Andrews moved to approve having the Courtroom upstairs without any major modification to the room but some modification made according to what the Judge comes up with and what budget is available, seconded by Councilperson Wilcox.*

Councilperson Uden explained that Building Inspector Hirsch would like everyone to know that if the changes in the Chamber are completed, that he would not be liability responsible. Attorney Rice said that City Court had been up in the Chambers since the 90's and there should be no change in the occupancy.

*\*\*On roll call vote, the motion passed 7-0*

### **B. RESOLUTION NO 3992- A Resolution Establishing Fire Inspection Fees For Miles City, Montana**

*\*\* Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Wilcox.*

*\*\* Councilperson Andrews moved to amend the resolution to add the word "Federal" in 2b and add to 2d "Second notice deemed property served if a copy thereof is sent by certified mail", seconded by Councilperson Wilcox. The amended motion passed 6-1, with Councilperson Erlenbusch voting no.*

*\*\* On roll call vote, the original motion passed 7-0*

## NEW BUSINESS

### **A. Final Approval on Vision Enterprises plat**

*\*\* Councilperson Wilcox moved to approve the final plat for Vision Enterprises and adopt the staff report as finding of facts, seconded by Councilperson Kassner.*

Planner Colton said that there should be a couple of changes in the staff report:

- #6- “Conditions”- delete week of 24<sup>th</sup>
- #13, Page 4- 2<sup>nd</sup> sentence should be revised by adding development or to read: In the event an area equal to or greater than one acre is disturbed during development or the installation of public improvements, a Storm Water Construction General Permit will need to be obtained and provided to the Miles City Planning Office prior to any site disturbance or construction

*\*\* Councilperson Uden move to amend the staff report supplied by Planner Colton, seconded by Councilperson Gardner. The amended motion passed 7-0*

*\*\*The original motion passed 7-0*

**B. ORDINANCE NO. 1307- (First Reading) An Ordinance Enacting Chapter 25 of the Code of Ordinances of the City of Miles City, Montana, Renumbering Existing Provisions Regarding Airport Zoning**

*\*\* Councilperson Wilcox moved to approve the Ordinance, by title only, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 7-0*

**C. RESOLUTION NO. 3993- A Resolution of Intent to Adopt A Long Range Transportation Plan for the City of Miles City, and Setting a Public Hearing Thereon**

*\*\* Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Huber.*

Mayor Hollowell explained that any questions and concerns can be submitted in writing to the Planning office by November 3<sup>rd</sup>, after that public hearing will be recorded so written will no longer be required. Planner Colton added that public hearing is scheduled for the next Council meeting and adoption will be at the November 22<sup>nd</sup> Council meeting.

*On roll call vote, the motion passed 7-0*

**D. RESOLUTION NO. 3994- A Resolution Authorizing the City of Miles City to Contract with AGWA Grant Consulting Services, INC., For Consulting Services Related to FEMA Grant Writing for the Miles City Fire and Rescue Department**

*\*\* Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Gardner.*

*\*\*Councilperson Andrews moved to amend the resolution to change in 1.5 Services, from 3 days to 5 days, seconded by Councilperson Wilcox. The amended motion passed 7-0*

*\*\* On roll call vote, the original motion passed 7-0*

**E. RESOLUTION NO. 3995- A Resolution Establishing Wages and Salaries for City Employees for Fiscal Year 2016-2017**

*\*\* Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 7-0*

**F. RESOLUTION NO. 3996- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Brenda Baugatz to Terry Brown for the Lease of Mobile Home Space in Bender Park**

*\*\* Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Uden.*

John Baugatz, 821 Knight, said he had two opportunities to sell the trailer, one would like to buy it, and one would like to buy and then sublease the trailer. He asked Council if it could make the decision tonight to approve doing both. He also said that Terry Brown had backed out, but is now back in on the lease, and he would definitely know by this Friday. Attorney Rice said the Council could not approve the resolution with an open name on the assignment. After a long discussion, it was decided to vote on the resolution with Terry Brown's name on it, and if it fell through, another resolution would be brought forward to Council to review. Mayor Hollowell performed a straw poll to see if Council would be open to sublease the trailer. The consensus of Council was that it would not have a problem with subletting the trailer.

*\*\* Councilperson Andrews moved to amend the resolution to add \$150 monthly rental payment and \$150 deposit to be held until assignee vacates the premises, seconded by Councilperson Wilcox. By roll call vote, the amended motion passed 7-0*

*\*\* On roll call vote, the original motion passed 7-0*

**G. RESOLUTION NO. 3997- A Resolution Authorizing the City of Miles City to Enter into a City Printing Contract With Boss Printing Company**

*\*\* Councilperson Erlenbusch moved to approve the Resolution, by title only, seconded by Councilperson Huber. On roll call vote, the motion passed 7-0*

**H. RESOLUTION NO. 3998- (First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase Budgeted Amounts in the Building Inspection Fund 2394, Planning Fund 1000, Streets 204 Fund 2510, Streets 205 Fund 2520, Streets 207 Fund 2540, Water Fund 5210 and Sewer Fund 5310**

*\*\* Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Kassner.*

*\*\* Finding an error in the Resolution, Councilperson Uden moved to table the Resolution until next Council meeting, seconded by Councilperson Wilcox. By roll call vote, the motion passed 7-0*

**I. RESOLUTION NO. 3999- A Resolution Revising City of Miles City Personnel Policies Regarding Recruitment and Selection, Overtime and Compensatory Time Non-Bargaining Unit, Basic Employee Classification, Sick Leave, Military Leave, Maternity and Paternal Leave, Family Medical Leave (FMLA), Discipline, Grievance Policy, Harassment Prevention and Reporting, and Travel**

*\*\* Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Wilcox.*

*\*\* Councilperson Uden moved to amend the original motion to add to the title of the Resolution "Public Office Leave and Breastfeeding in the Workplace", seconded by Councilperson Wilcox.*

*\*\* On roll call vote, the original and amended motion passed 7-0*

**J. RESOLUTION NO. 4001-(First Reading) A Resolution Amending Resolution 3964 and Levying and Assessing a Tax Upon all of the Property Within Maintenance District No. 205 to Defray the Cost of Maintaining the Improvements in the Said Maintenance District No. 205 for the Fiscal Year 2016-2017**

**\*\* Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Kassner.**

Resident Gloria Tucker, 615 Hubbel Street, asked why she is paying to defray the cost of maintenance that she does not receive.

Director Gray explained that the tax is used to pay for the last ten years of paving, phase I and phase II water line projects and snow removal. When the City calculated the improvement for this year's budget, the money set aside for last year's improvements was not deleted. The County is working on getting revised tax vouchers out for all district 205 taxpayers to lower the amount owed by them.

**\*\* On roll call vote, the motion passed 7-0**

**K. RESOLUTION NO. 4002-(First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Decrease the Budgeted Amount in Fund # 2520-108-430233-350**

**\*\* Councilperson Wilcox moved to approve the Resolution, by title only, seconded by Councilperson Uden. On roll call vote, the motion passed 7-0**

**ADJOURNMENT**

**\*\* Councilperson Uden moved to adjourn the meeting, seconded by Councilperson Kassner, and passed unanimously.**

The meeting was adjourned at 8:30 p.m.

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**John Hollowell, Mayor**

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**Lorrie Pearce, City Clerk**

## Finance Committee Meeting

October 20, 2016

The Finance Committee met Thursday, October 20, 2016 at 6:00 p.m. in the City Conference. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox, Rick Huber and Dwayne Andrews.

Also present were Fire Chief Gary Warren, Planner Dawn Colton, Firefighter Eddy Kanduch, Firefighter Matt Spiess and Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

**1. Request of Citizens:**

None

**2. Discussion and Recommendation on Resolution #3992- A Resolution Establishing Fire Inspection Fees For City of Miles City, Montana**

*\*\* Committee Member Wilcox moved to recommend to Council to approve the Resolution, seconded by Committee Member Andrews.*

Committee Member Andrews asked if the inspections had to be completed every year by law. Chief Warren said no, but it is good practice and it helps with the ISO rating to the business and City. Committee Member Andrews thought every other year would be sufficient. He also thought Federal building should be added to 2B and the notice should be served as certified mail.

Chairperson Galbraith asked if all building will have an annual inspection.

Firefighter Spiess explained the self-inspections will be cycled in for three years to businesses that do not have fire alarms or sprinkler systems. For yearly inspections there is a lot of equipment in the building that needs yearly inspections. If the building has a large occupancy and has equipment that is hazardous to life, the fire department would like to catch it before something happens.

*\*\* Committee Member Wilcox amended the motion to include in 2B- " Federal buildings" in the exceptions and change 2D to say " 1<sup>st</sup> notice deemed properly served by email or standard mail, 2<sup>nd</sup> notice deemed properly served by certified mail", seconded by Chairperson Galbraith. The amended motion passed 4-0*

*\*\* The Original motion passed 4-0*

**3. Discussion and Recommendation on Resolution # 3996- Bender Park Trailer Contract**

*\*\* Committee Member Wilcox moved to recommend to Council to approve the Resolution, seconded by Committee Member Huber.*

Planner Colton explained that any change would need to be added to the Assignment of lease agreement, not the actual lease.

Committee Member Huber said the trailer is not looking real good. It is old and had debris around it. He felt the City needed to contact the owner and have them clean up the area.

Committee Member Wilcox thought the rent should be raised to \$150 per month and the deposit held until the assignee vacates the property.

Clerk Pearce and Planner Colton said the City changes the vapor lights so it should be deleted from the contract.

*\*\* Committee Member Wilcox amended her motion to include raising the lot rent to \$150 per month, a deposit of \$150 held until assignee vacated the property and delete D4-maintenance of the vapor lights, seconded by Committee Member Huber. The amended motion **passed 4-0***

*\*\*The original motion **passed 4-0***

**4. Discussion and Recommendation on Resolution # 3994- Grant Writer for Fire Department**

*\*\* Committee Member Galbraith moved to recommend to Council to approve the Resolution, seconded by Committee Member Wilcox.*

Committee Member Andrews thought having three grant writers for the City was hard to explain to his ward. Chairperson Galbraith explained that the grant writer for the Fire Department is very experienced in writing FEMA grants and they are for a lot of money. AFG- \$350,000, SAFER- \$230,000. The AFG would be for equipment and the SAFER is for the ambulance. If the City was granted the SAFER money, then the ambulance cost would be covered and the City could get one as soon as the City received the grant. She explained that Intercap denied the City a loan with the combination of the Flood, Police vehicle and Ambulance, so the City needs to figure out different ways of getting the money for these projects.

Chief Warren explained the AFG grant would be for turn out gear and air packs, the SAFER is for the ambulance.



The committee decided to have Officer Muggli call AGWA Grant Consulting Service to see if the contract could be changed in section (1.5) from 3 days prior to the published deadline to 5 days prior to the published deadline

*\*\* The motion passed 4-0*

**5. Discussion and Recommendation on Resolution # 3997- Boss Printing Contract**

*\*\* Committee Member Wilcox moved to recommend to Council to approve the Resolution, it was seconded by Committee Member Andrews. The motion passed 4-0*

**6. Discussion and Recommendation on Funding Ambulance Loan**

It was decided by the Committee to wait until the Coal Board and FEMA grants have been awarded.

**7. Discussion and Recommendation on Paying for Police Vehicle Out of Capital Improvement Fund**

*\*\* Committee Member Andrews moved to recommend to Council to purchase the police vehicle from the Capital Improvement Fund, seconded by Committee Member Wilcox. The motion passed 4-0*

**8. Discussion and Finance Policies**

Clerk Pearce asked the Committee to bring ideas to the next Finance Meeting as to what Policy it would like to get completed in 2017.

**9. Discussion and August Cash Report**

The Committee reviewed the August Cash Report

**10. Adjournment**

*\*\* Committee Member Wilcox moved to adjourn the meeting, seconded by Committee Member Galbraith and passed unanimously, 4-0.*

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

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**Susanne Galbraith, Chairperson**

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**Lorrie Pearce Recorder/City Clerk**

**Human Resources Committee**  
**October 19, 2016**

The **Human Resources Committee** met Wednesday, October 19, 2016, at 4:00 p.m. in the Conference Room at City Hall. Present were Committee Members Susanne Galbraith, Kathy Wilcox, Rick Huber and Jeff Erlenbusch. Also present were City Clerk Lorrie Pearce, Police Chief Doug Colombik, Fire Chief Gary Warren 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. MMIA policy Changes – status and next step

Chairperson Wilcox asked for an update, HR Officer Wilkins reported that the personnel policies had been sent to City Attorney Rice, he had made a few revisions and the revised personnel policies would be ready to go to Council on Tuesday, October 25. Discipline policy did go to the City's Labor Attorney Larry Martin for review; if he makes any changes the Discipline Policy will be revised and sent to Council again at a later date.

B. City position descriptions – memo to dept heads and status; due Dec 31, 2016

Chairperson Wilcox asked for an update, HR Officer Wilkins reported that she had not sent the position descriptions out to the department heads, but would do this right away. Wilcox asked to have at least ½ of the position descriptions ready for review by the December HR Committee Meeting.

C. Draft position descriptions template for City non-union positions – Jan 2016

Chairperson Wilcox commented that at the previous meeting a copy of the Minnesota Study was given to members for review.

*\*\*Committee Member Erlenbusch moved to table until next meeting and review as a group, seconded by Committee Member Huber. On roll call vote the motion passed unanimously, 4-0.*

D. Development of wage scales for City non-union positions -- Jan 2016

Pended until January, need a sample to work from. Need the positions description completed. HR Officer Wilkins will pull the wage matrices currently in place for the city and get copies to all committee members. There was discussion regarding the implementation of a wage scale. Pay Grade and exempt or non-exempt classifications are not currently on the City position description. Salary survey is used to determine if the City is competitive with other Class 2 Cities across the State. The committee would like to be proactive at putting structure to wages within the city. The development of wage scales would be for both union and non-union positions.

*\*\*Committee Member Erlenbusch moved to table this item until January when more information can be obtained, seconded by Committee Member Wilcox. On roll call vote the motion passed unanimously, 4-0.*

4. New Business

A. Discussion: 2017 Wage Study- process, timeline and vendor selection

The wage study should be completed before the budgeting process begins next fiscal year, this would require a study deadline at the end of March, 2017. Mayor Hollowell recommended the AdHoc Salary Survey Committee include all the members of the HR Committee, Union Representation and the HR Officer; the City Council approved these recommendations. It was suggested that City Clerk Pearce also be appointed to this committee, Chairperson Wilcox asked this item be added to the next City Council agenda. Separate meetings for the HR Committee and AdHoc Salary Survey Committee will be scheduled on the same day, but at different times and with two separate agendas. Union Presidents need to be notified that meetings will be taking place and to bring their Vice-Presidents.

While looking for information on conducting a wage survey, Chairperson Wilcox came across a survey conducted by the MT League of Cities and Towns conducted in 2016. She asked the committee to consider the usefulness of this survey to the AdHoc Salary Survey Committee.

*\*\*Committee Member Galbraith moved to have the Montana League of Cities and Towns Salary Survey sorted by Class 2 Cities and brought to the first AdHoc Salary Survey Committee meeting when Union representation is present, seconded by Committee Member Erlenbusch. On roll call vote the motion passed unanimously, 4-0.*

5. Schedule Committee's Next Meeting: consider Wed, Nov 16, 2016 5:15 pm

HR Committee Meeting was scheduled for November 17 at 5:00 p.m. and the AdHoc Salary Committee Meeting at 5:30 p.m.

6. Adjournment

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

The meeting was adjourned at 4:59 p.m.

Respectfully submitted,

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Chairperson Kathy Wilcox

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Recorder Linda Wilkins

**Human Resources Committee**  
**July 1, 2015**

The **Human Resources Committee** met Wednesday, July 1, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Sheena Martin and Ken Gardner. Also present was /Committee Recorder Lorrie Pearce. Committee Member Mark Ahner was excused.

Committee Chairperson Brush called the meeting to order

**1. REVIEW AND RECOMMENDATION OF LOCAL 600 CBA REVISIONS**

*\*\* Chairperson Brush moved to recommend to Mayor Grenz to get this salary adjustment request on the Wage and Benefit Committees next meeting agenda. The motion was seconded by Committee Member Gardner.*

**2. REQUEST OF CITIZENS:**

-None.

**3. COMMITTEE MEMBER COMMENTS:**

-None.

**4. ADJOURNMENT:**

*\*\* Committee Member Martin moved to adjourn the meeting. The motion was seconded by Committee Member Gardner and passed.*

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

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Recorder

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Chairperson

## Finance Committee Meeting

April 21, 2016

The Finance Committee met Thursday, April 21, 2016 at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan and Dwayne Andrews and Kathy Wilcox.

Also present were Grant Writer/Historic Preservation Administrator Connie Muggli, City Attorney Dan Rice and Committee Recorder/City Clerk Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. **Request of Citizens:**
2. **Review and Recommendation on Resolution No. 3903- A Resolution of Intent and Final Resolution Levying an Amended Assessment upon Benefited Property in the City of Miles City, Montana, Special Improvement District 211, to Defray the Cost of the Paving of Arrowhead Lane**

*\*\* Committee Member Andrews moved to recommend to Council approval of Resolution No. 3903, seconded by Committee Member Wilcox.*

Attorney Rice explained the resolution was to recalculate one lot that was miscalculated . The calculation would have to be completed next year, but there was one land owner that wanted to pay the taxes in whole, so it was done this year before taxes were due.

*\*\* The motion passed 4-0*

3. **Review and Recommendation on Resolution No. 3911**

Administrator Muggli explained that Midrivers offered to donate \$20,000 to Denton and Tedesco Field. The money would be divided evenly between the two fields. With that, Midrivers asked that the City pay for the signage and installation of those signs. This would leave a total of \$6,310 for Denton Field and \$8,320 for Tedesco Field, which means the City would have to come up with and additional \$7,525 for the grant match. She said the donation policy specifically states that the price to hang a sign on the press box at Denton Field is one year \$3,000, three years \$7,500 and five years \$10,000 and the sign, installation and maintenance is paid by the donor.

Attorney Rice added that with the \$20,000 donation that would average out to \$2,000 a year for the press box, and thought that was pretty cheap.

*\*\* Committee Member Wilcox moved to recommend to Council to respond to the last contact with Midrivers, indicate to them that Council wants to*

*abide by our donation policy which states that the press box sign sells for one year \$3,000 or five years \$10,000 which they would be required to have made and installed. Concerning Tedesco's donation, it would be treated in the same manner to Denton Field and Midrivers would be responsible for the making, maintenance and installation of their sign for a maximum of five years, seconded by Committee Member Sloan. The motion **passed** 4-0*

**4. Review and Recommendation on Sending write off for water to collections**

Chairperson Galbraith said that since the Utility Clerk made a new policy for the water department, charge off amounts had dropped from over \$3,000 to \$600.

*\*\* Committee Member Andrews moved to recommend to Council to send \$647.96 to collections , seconded by Committee Member Galbraith. The motion **passed** 4-0*

**5. Adjournment**

*\*\* Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Sloan and **passed** unanimously, 4-0.*

The meeting was adjourned at 6:27 p.m.

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**Susanne Galbraith, Chairperson**

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**Lorrie Pearce, Recorder/City Clerk**

# Public Hearing

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Unfinished Business

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 9th 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 9<sup>th</sup> day of November, 2016.

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

ATTEST:

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



# DRAFT Chapter 24 - Zoning

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## **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**

<b>Permitted Uses</b>	<b>Conditional Uses</b>
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**

Regulations	Specifications
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

Regulations	Specifications
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

Regulations	Specifications
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

Permitted Uses	Conditional Uses
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**

Permitted Uses	Conditional Uses
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**

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 – 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**

Permitted Uses	Conditional Uses
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
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All uses allowed in the HCLL 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**

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 – 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

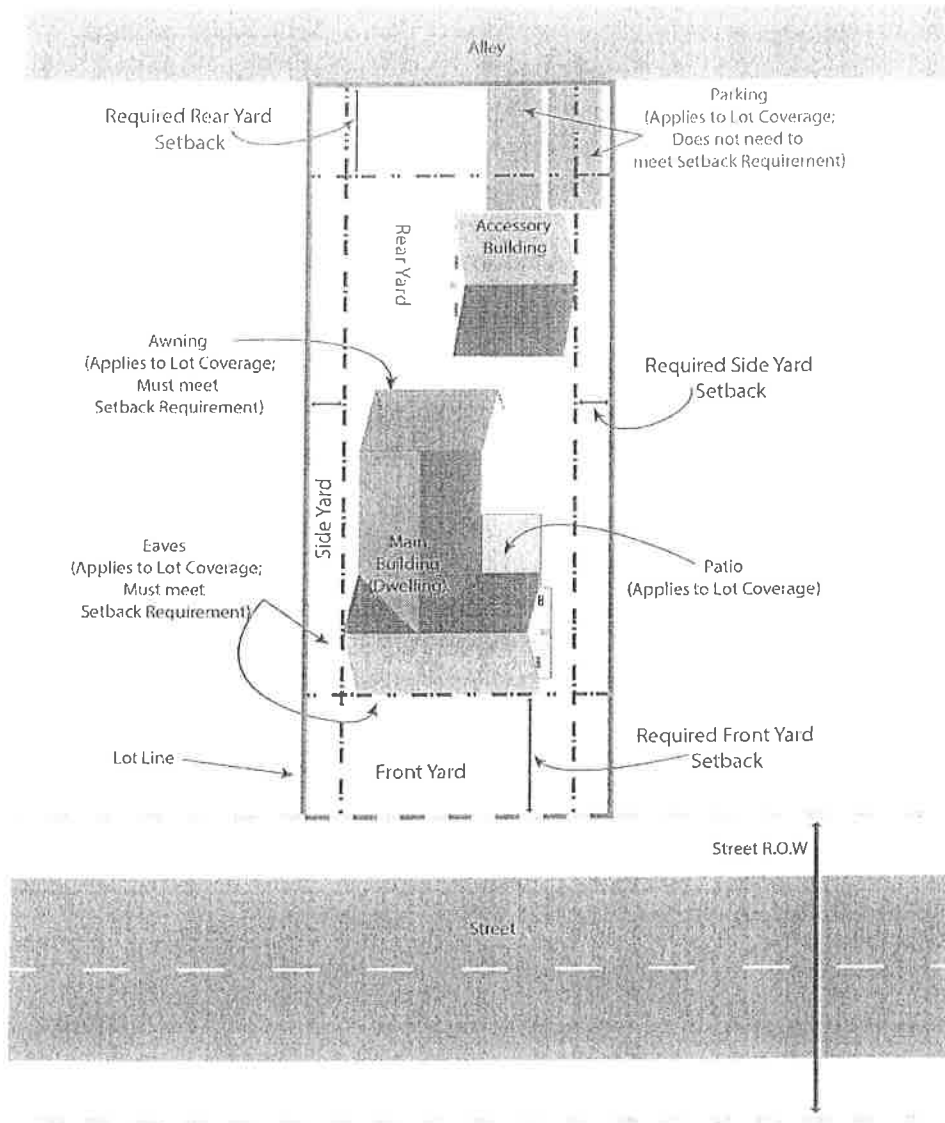
of any building, at grade, or any above-grade extension or projection of the building. See Figure III.A.

#### **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

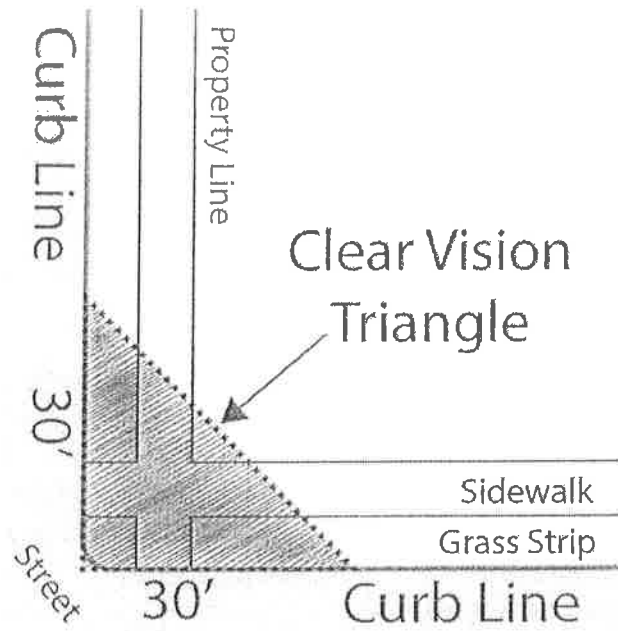
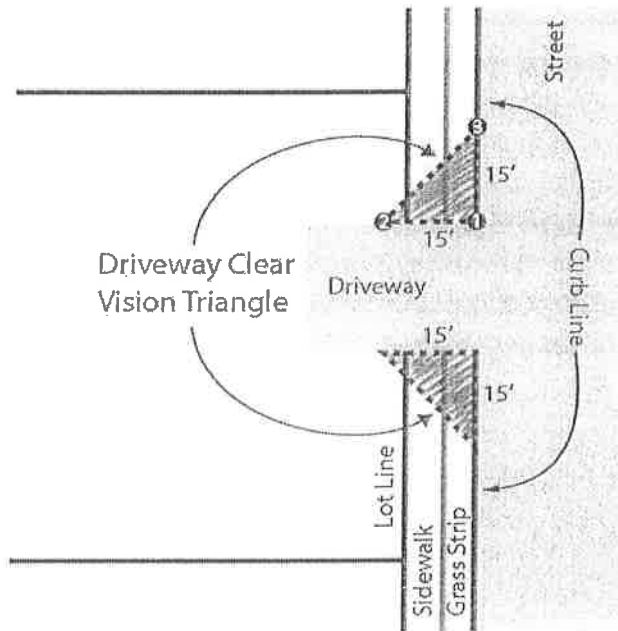


FIGURE III.C: DRIVEWAY CLEAR VISION TRIANGLE





**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:

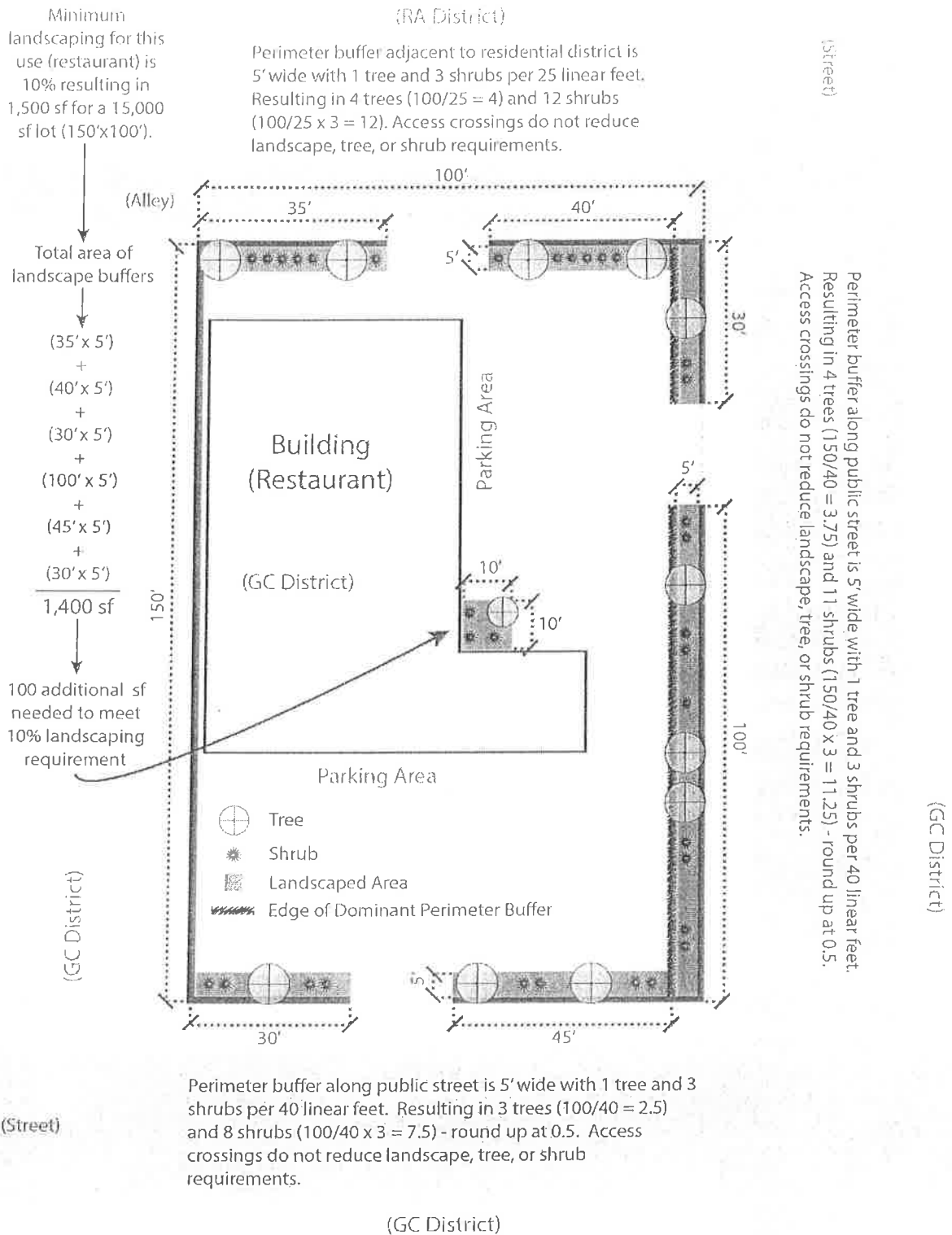
1. Measure the length of each perimeter segment (i.e., each street frontage and each property line adjacent to a residential use or district). Where described perimeter buffers overlap, choose one to dominate.
2. For each segment, calculate the number of trees and shrubs based on buffer type. Where the 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.

**l) 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**

Use	Required Parking
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 7-1-411;

(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

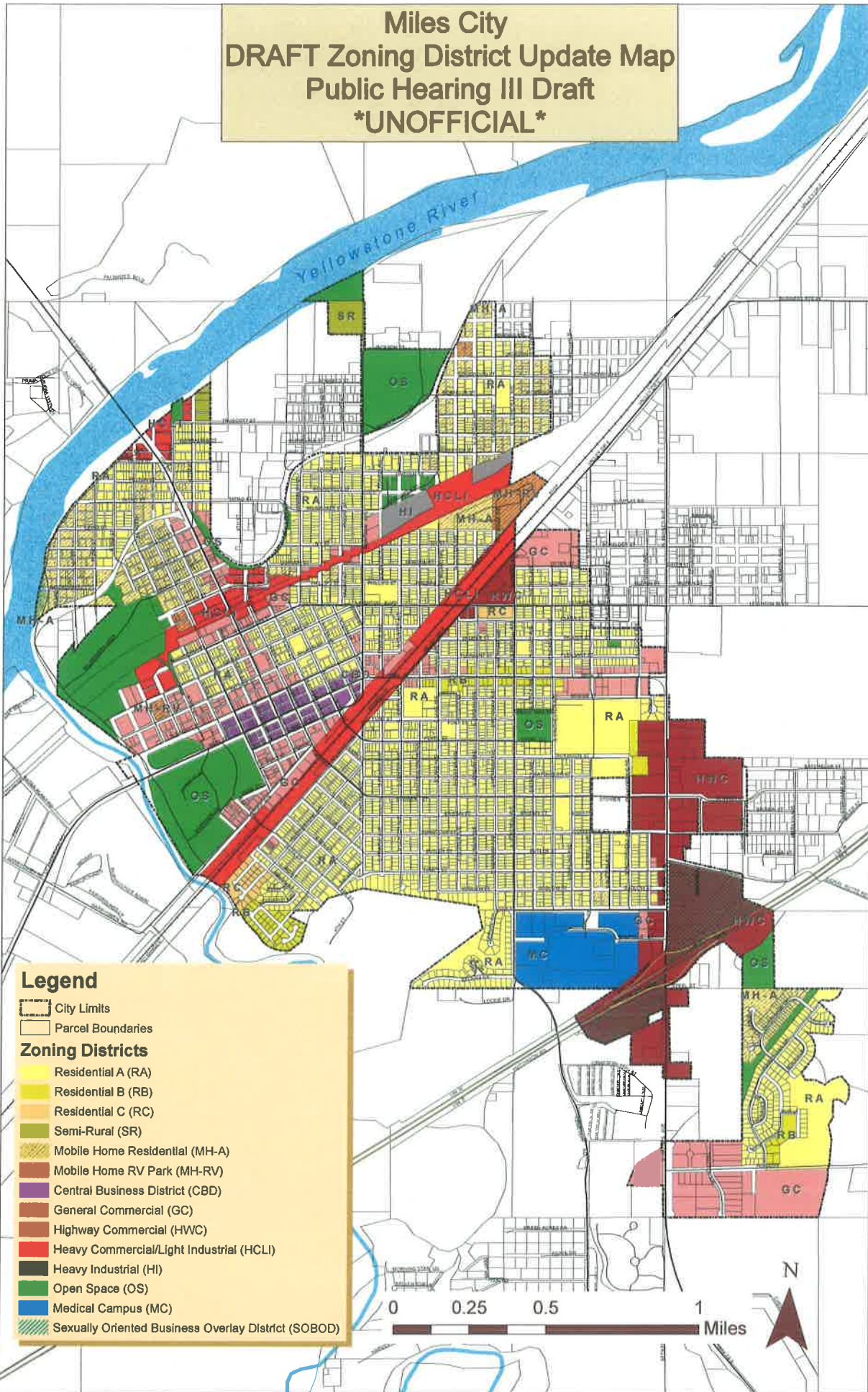
***Finding 42:** The draft regulations do not prohibit amateur radio antennae, and the definition of "Building height" (page 87) excludes antennae from building height measurements.*

(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)



ORDINANCE NO. 1307

AN ORDINANCE ENACTING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, RENUMBERING EXISTING PROVISIONS REGARDING AIRPORT ZONING.

**WHEREAS**, the City Council of the City of Miles City has enacted a revised zoning code in Chapter 24 of the Code of Ordinances of the City of Miles City, Montana, and as a result, is renumbering the portion of the City Code pertaining to Airport Zoning, which is not included in the revised Chapter 24, without changing any content to said Airport Zoning provisions other than numbering and internal references to section numbers from Chapter 24 to Chapter 25, and making no change to content.

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

**Section 1.** That there is hereby enacted a Chapter 25, entitled “Airport Zoning,” which renumbers Chapter 24, Sections 156-190, and internal references to section numbers, but which makes no changes as to content.

- **CHAPTER 25 - AIRPORT ZONING**
- **Sec. 25-1. - Short title.**

This article shall be known and may be cited as Miles City Airport Zoning Ordinance.

- **Sec. 25-2. - Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

*Airport.* Frank Wiley Field (also known as the Miles City Airport).

*Airport elevation.* Two thousand six hundred twenty-eight feet above mean sea level.

*Approach surface.* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 25-4. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach, transitional, horizontal, and conical zones.* Those zones as described and set forth in section 25-3.

*Board of adjustment.* A board consisting of three members appointed by the city council as provided for in MCA 67-6-206.

*Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

*Hazard to air navigation.* An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height.* For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

*Nonconforming use.* Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or amendment thereto.

*Obstruction.* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 25-4.

*Person.* An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 25-3. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway.* A defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Structure.* An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, or overhead transmission lines.

*Transitional surfaces.* These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

*Tree.* Any object of natural growth.

*Utility runway.* A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds of maximum gross weight and less.

*Visual runway.* A runway intended solely for the operation of aircraft using visual approach procedures.

- **Sec. 25-3. - Airport zones; established and defined.**

In order to carry out the provisions of this article, there are hereby created and established certain zones which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Miles City Airport. Such zones are shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set, which is attached to this article and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive heights limitation. The various zones are hereby established and defined as follows:

(1)

*Approach surface zone.* The inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width as shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set. Its centerline is the continuation of the centerline of the runway.

(2)

*Transitional zones.* The transitional zones are the areas beneath the transitional surfaces.

(3)

*Horizontal zone.* The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

(4)

*Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

- **Sec. 25-4. - Height limitations.**

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1)

*Approach surface zone.* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(2)

*Transitional zone.* Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 2,628 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the



sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

(3)

*Horizontal zone.* Established at 150 feet above the airport elevation or at a height of 2,778 feet above mean sea level.

(4)

*Conical zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(5)

*Excepted height limitations.* Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land, except that no new construction or growth will be allowed to penetrate the transitional surface.

- **Sec. 25-5. - Use restrictions.**

(a)

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(b)

No use may be made of land or water within any zone established by this article which receives an objectionable determination in response to the notice required to be filed under Federal Aviation Regulations Parts 157 or Part 77.

- **Sec. 25-6. - Nonconforming uses.**

(a)

*Regulations not retroactive.* The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article derives, and is diligently prosecuted.

(b)

*Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be



deemed necessary by the city council, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city through its airport commission.

- **Sec. 25-7. - Permits.**

(a)

*Future uses.* Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purposes for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection 25-7(d).

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article except as set forth in subsection 25-4(5).

(b)

*Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard of air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c)

*Nonconforming uses abandoned or destroyed.* When the city council determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn

down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d)

*Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article.

(e)

*Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the city council, at its own expense, to install, operate, and maintain the necessary markings and lights.

- **Sec. 25-8. - Enforcement.**

It shall be the duty of the city council, to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city council, upon a form published for that purpose. Applications required by this article to be submitted to the city council shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the city council.

- **Sec. 25-9. - Board of adjustment.**

(a)

There is hereby created a board of adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city council, in the enforcement of this article; (2) to hear and decide special exceptions to the terms of this article upon which such board of adjustment under such article may be required to pass; and (3) to hear and decide specific variances as provided under subsection 25-7(d).

(b)

The board of adjustment shall consist of five members appointed by the city council and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. Members shall be

removable by the appointing authority for cause, upon written charges, after a public hearing. No member of the city council may be a member of the board of adjustment,

(c)

The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be public. 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 action, all of which shall immediately be filed in the office of the city clerk and shall be a public record.

(d)

The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.

(e)

The concurring vote of four of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the city council, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation to this article.

- **Sec. 25-10. - Appeals.**

(a)

Any person aggrieved, or any officer, department, board or bureau of the city affected, by any decision made in the administration of the article, may appeal to the board of airport hazard adjustment.

(b)

All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of airport hazard adjustment, by filing with the city a notice of appeal specifying the grounds thereof. The city, shall forthwith transmit to the board of airport hazard adjustment all the papers constituting the record upon which the action appealed from was taken.

(c)

An appeal shall stay all proceedings in furtherance of the action appealed from unless the city, certifies to the board of airport hazard adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the city cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of airport hazard adjustment or by a court of record on application, with notice to the city and on due cause shown.

(d)

The board of airport hazard adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e)

The board of airport hazard adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, 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.

- **Sec. 25-11. - Judicial review.**

Any person or persons, jointly or severally, aggrieved, or any taxpayer or any officer, department, board or bureau of the city affected, by any decision of the board of airport hazard adjustment, may appeal to the appropriate court of record as provided for in MCA 76-2-327.

- **Sec. 25-12. - Penalties.**

(a)

Any person who violates any provision of this article is guilty of a misdemeanor and punishable by a fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six months, or both. Each day a violation continues to exist constitutes a separate offense.

(b)

The city may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article.

- **Sec. 25-13. - Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

- **Secs. 25-14 through 25-45. - Reserved.**

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

Said Ordinance read and put on its passage this 25<sup>th</sup> day of October, 2016.

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John Hollowell, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 9<sup>TH</sup> day of November, 2016.

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John Hollowell, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

# Chapter 25 – Frank Wiley Field Influence Area and Airport Zoning

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## ARTICLE I. - FRANK WILEY FIELD INFLUENCE AREA

### Sec. 25-121. - Short title.

This article shall be known and may be cited as Frank Wiley Field (Miles City's Airport) Influence Area Ordinance.

(Ord. No. 1142, § I, 6-10-03)

### Sec. 25-122. - Definitions.

As used in this article, unless the context otherwise requires:

*Airport.* Frank Wiley Field (Miles City's Airport).

*Board of airport hazard adjustment.* A board consisting of five members appointed by the city council as provided in MCA 67-4-312 and 76-2-321 through 76-2-328.

*Incompatible use.* Any use of land which is inconsistent with the provisions of this article or an amendment thereto.

*Person.* An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

(Ord. No. 1142, § II, 6-10-03)

### Sec. 25-123. - Created; description.

There is hereby created an airport influence area (hereinafter airport influence area) around the airport described as follows:

An area longitudinally centered on a the primary instrument approach runway which extends 10,000 feet from the threshold (ends) of the runway and is one nautical mile in width on each side of the runway and its extended centerline. Land being located south and east of the Yellowstone River is excepted from the airport influence area. A map of the airport influence area shall be filed, upon passage of this article, in the office of the Clerk and Recorder of Custer County, Montana and the office of the City Clerk of the City of Miles City, Montana.

(Ord. No. 1142, § III, 6-10-03)

**Sec. 25-124. - Airport impact zone and limited development area zone established; boundaries; land uses defined.**

In order to carry out the provisions of this article, there is hereby created and established within the airport influence area, an airport impact zone and a limited development area zone which includes all of the land lying within the boundaries and zones so designated on the airport influence area map on file with the Clerk and Recorder of Custer County, Montana and the City Clerk of the City of Miles City, Montana. The various land uses are hereby established and defined as follows:

- 1) Urban area. An area consisting of typical dense residential and commercial development such as retail, banking, hotel/motel, restaurant, and similar uses.
- 2) Suburban residential area. An area consisting of suburban residential development typically sited on acreages in excess of one acre but not in excess of ten acres.
- 3) Industrial area. An area consisting of heavy to light manufacturing activities, warehousing, distributing, machinery and vehicle dealerships, and similar uses.
- 4) Agricultural area. Areas devoted to primarily agricultural uses, scattered residential development with density not greater than one residence/20 acres. Also, forested lands, wildlife and waterfowl reserves, and similar uses.
- 5) Terrain obstructions. Areas where natural terrain height penetrates the FAA FAR Part 77 Surfaces for the airport.
- 6) Airport impact zone. An area consisting of the runway protection zones and the primary surface. No development should occur in this area other than airport specific development whose needs are airport related. This area, according to federal guidelines, should be under the airport's control to prevent incompatible land use development.
- 7) Limited development area zone. An area defined and shown on the land use compatibility drawing. Land use in this limited area should be restricted to uses that are not noise sensitive; those that do not promote public assembly; those that do not have distracting lights, glare, smoke, provide electronic interference; those that are not bird attractors or otherwise deemed to be hazardous to aviation use.

(Ord. No. 1142, § IV, 6-10-03)

**Sec. 25-125. - Limitations.**

In an airport impact zone and limited development area zone, the following regulations shall apply:

- 1) Uses permitted outright. In an airport impact zone, the following uses and their accessory uses are permitted outright:
  - a. Facilities and operations at the airport.
  - b. Farm use, excluding livestock feed or sales yard and excepting those uses set forth in subsection (2) of this section.
- 2) Conditional uses. In limited development area zones, the following uses and their accessory uses may be permitted when authorized in accordance with the requirements of this article:
  - a. Farm accessory buildings and uses.



- b. Mining, quarrying, or other extraction activity, including the processing or refining of ore or other raw materials.
  - c. Utility facility necessary for public service.
  - d. Golf course.
  - e. Park, playground, other public recreation site or facility, or community service facility owned and operated by a governmental agency or non-profit community organization.
  - f. Veterinary clinic, animal pound or kennel.
  - g. Private or public grounds and buildings for games, sports, riding arenas, race tracks and similar activities.
  - h. Water supply and treatment facility.
  - i. Manufacturing and warehousing.
  - j. Travelers' accommodation facilities.
  - k. Retail and wholesale trade facilities.
  - l. Residential use and development therefore.
- 3) Use limitations. In a limited development area zone, the following limitations and standards shall apply to all uses permitted, unless a variance has been approved in accordance with subsection 25-128(d):
- a. In approach surface zones from the runway end up to 4,500 feet from the end of the runway, no meeting place for public or private purposes which is designed to accommodate more than 25 persons at any one time shall be permitted. Residential use is limited to one living unit per ten acres in this portion of the approach zone.
  - b. Mining or quarry operation will not be permitted if such use will allow or cause ponding which is likely to attract birds.
  - c. No use permitted by subsection (2)(c) of this section shall permit any power lines to be located in runway protection zones and any power line located within an approach zone shall be in conformance with designated approach slope ratios as defined in MCA, Title 67, Chapters 4, 5, and 6, FAA FAR Part 77 and other local ordinances that regulate the height of objects.
  - d. No use permitted by this section shall be allowed if such use is likely to attract an unusual quantity of birds, particularly birds which are normally considered high flight.
- 4) Design and use criteria. In the consideration of an application for a proposed use in an airport impact zone or a limited development area zone, the city council shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. The proposed use shall be permitted only if the council shall find all of the following criteria met:
- a. Proposal is in compliance with the airport master plan;

- b. Proposal is in compliance with the intent and provisions of this article and more particularly with this section;
  - c. That economic and environmental considerations are in balance; and
  - d. That any social, economical, physical, or environmental impacts are reasonably minimized.
- 5) Any application for a proposed use in the airport impact zone or a limited development area zone may be denied if, in the opinion of the commission, the proposed use is not related to the present land use patterns in the area.
- 6) In approving a proposed use in the airport impact zone or a limited development area zone, the council shall be satisfied that the applicant is fully appraised of the city's policy relative to development in the area in relation to the existing airport and accessory uses thereof.
- 7) The council may require establishment and maintenance of aesthetic or noise screens, the use of a flare resistant material in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce hazards to airport operations, including lighting and marking of airport hazards in accordance with MCA 67-4-314.

(Ord. No. 1142, § V, 6-10-03)

#### **Sec. 25-126. - Use restrictions.**

Notwithstanding any other provisions of this article, no use may be made of land or water within the airport influence area or any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, creating bird strike hazards, facilities intended for the takeoff and/or landing of aircraft, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(Ord. No. 1142, § VI, 6-10-03)

#### **Sec. 25-127. - Nonconforming uses; regulations not retroactive.**

The regulations prescribed by this article shall not be construed to require the removal or other change or alteration of any structure lawfully in existence when this article becomes effective, not conforming to the regulations as of the effective date of the ordinance from which this article derives, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any lawful structure, the construction or alteration of which was begun prior to the effective date of this article, and is diligently prosecuted.

(Ord. No. 1142, § VII, 6-10-03)

### Sec. 25-128. - Permits.

- a) Future uses. No material change shall be made in the use of land, no structure shall be erected or otherwise established, in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection 25-128(d).
- b) Existing uses. No permit shall be granted that would allow a nonconforming use to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- c) Nonconforming uses abandoned or destroyed. Whenever the council determines that a nonconforming use has been abandoned, no permit shall be granted that would allow such use to deviate from the zoning regulations without submitting an application to the board of airport hazard adjustment for a variance.
- d) Variances. Any person desiring to erect or increase the height of a structure, permit the growth of a tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of airport hazard adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in substantial practical difficulty or unnecessary hardship and where the variance would not be contrary to the public interest. . A variance shall be granted for a nonconforming use where there is not immediate hazard to safe flying operations or persons and property in the vicinity of the airport and where the noise or vibrations from normal and anticipated normal operations of the airport would not be likely to cause structural damage. An application for variance to the requirements of this article will be considered by the board of airport hazard adjustment, which will act to grant or deny said application.

(Ord. No. 1142, § VIII, 6-10-03)

### Sec. 25-129. - Enforcement.

It shall be the duty of the city to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city upon a form published for that purpose. Applications required by this article to be submitted to the city shall be promptly considered and granted or denied. Application for action by the board of airport hazard adjustment shall be forthwith transmitted by the city.

(Ord. No. 1142, § IX, 6-10-03)

### **Sec. 25-130. - Board of airport hazard adjustment.**

- a) There is hereby created a board of airport hazard adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official, in the enforcement of this article; (2) to hear and decide special exceptions to the terms of this article upon which such board of airport hazard adjustment under such regulations may be required to pass; and (3) to authorize upon appeal in specific cases such variance from the terms of this article was permitted under subsection 25-128(d).
- b) The board of airport hazard adjustment shall consist of five members to be appointed for terms and in the manner provided for in MCA 67-4-312 and 76-2-321 through 76-2-328. The city may designate the board of adjustments appointed pursuant to MCA 76-2-321 through 76-2-328 as the board of airport hazard adjustment hereunder, in which case the terms of such members for purposes of this article are concurrent with their terms as members of the board of adjustment.

(Ord. No. 1142, § X, 6-10-03)

### **Sec. 25-131. - Appeals.**

- a) Any person aggrieved, or any officer, department, board or bureau of the city affected, by any decision made in the administration of the article, may appeal to the board of airport hazard adjustment.
- b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of airport hazard adjustment, by filing with the city a notice of appeal specifying the grounds thereof. The city, shall forthwith transmit to the board of airport hazard adjustment all the papers constituting the record upon which the action appealed from was taken.
- c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city, certifies to the board of airport hazard adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the city cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of airport hazard adjustment or by a court of record on application, with notice to the city and on due cause shown.
- d) The board of airport hazard adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- e) The board of airport hazard adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, 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.
- f) The concurring vote of four members of the board of airport hazard adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative

official; to decide in favor of the applicant on any matter upon which it is required to pass under this article; or to effect any variance hereunder.

(Ord. No. 1142, § X, 6-10-03)

#### **Sec. 25-132. - Judicial review.**

Any person or persons, jointly or severally, aggrieved, or any taxpayer or any officer, department, board or bureau of the city, affected, by any decision of the board of airport hazard adjustment, may appeal to the appropriate court of record as provided for in MCA 76-2-327.

(Ord. No. 1142, § XI, 6-10-03)

#### **Sec. 25-133. - Penalties.**

- a) Any person who violates any provision of this article is guilty of a misdemeanor and punishable by a fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six months, or both. Each day a violation continues to exist constitutes a separate offense.
- b) The city may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article.

(Ord. No. 1142, § XII, 6-10-03)

#### **Sec. 25-134. - Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 1142, § XIII, 6-10-03)

#### **Secs. 25-135—25-155. - Reserved.**

### **ARTICLE II. - AIRPORT ZONING**

#### **Sec. 25-156. - Short title.**

This article shall be known and may be cited as Miles City Airport Zoning Ordinance.

(Ord. No. 1143, § I, 6-10-03)

#### **Sec. 25-157. - Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

*Airport.* Frank Wiley Field (also known as the Miles City Airport).

*Airport elevation.* Two thousand six hundred twenty-eight feet above mean sea level.

*Approach surface.* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 25-159. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach, transitional, horizontal, and conical zones.* Those zones as described and set forth in section 25-158.

*Board of adjustment.* A board consisting of three members appointed by the city council as provided for in MCA 67-6-206.

*Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

*Hazard to air navigation.* An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height.* For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

*Nonconforming use.* Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or amendment thereto.

*Obstruction.* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 25-159.

*Person.* An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 25-158. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway.* A defined area on an airport prepared for landing and takeoff of aircraft along its length.

*Structure.* An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, or overhead transmission lines.

*Transitional surfaces.* These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot

vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

*Tree.* Any object of natural growth.

*Utility runway.* A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds of maximum gross weight and less.

*Visual runway.* A runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. No. 1143, § II, 6-10-03)

### **Sec. 25-158. - Airport zones; established and defined.**

In order to carry out the provisions of this article, there are hereby created and established certain zones which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Miles City Airport. Such zones are shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set, which is attached to this article and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive heights limitation. The various zones are hereby established and defined as follows:

- 1) Approach surface zone. The inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width as shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set. Its centerline is the continuation of the centerline of the runway.
- 2) Transitional zones. The transitional zones are the areas beneath the transitional surfaces.
- 3) Horizontal zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
- 4) Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

(Ord. No. 1143, § III, 6-10-03)

### **Sec. 25-159. - Height limitations.**

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- 1) Approach surface zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 2) Transitional zone. Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending

to a height of 150 feet above the airport elevation which is 2,628 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

- 3) Horizontal zone. Established at 150 feet above the airport elevation or at a height of 2,778 feet above mean sea level.
- 4) Conical zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- 5) Excepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land, except that no new construction or growth will be allowed to penetrate the transitional surface.

(Ord. No. 1143, § IV, 6-10-03)

#### **Sec. 25-160. - Use restrictions.**

- a) Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- b) No use may be made of land or water within any zone established by this article which receives an objectionable determination in response to the notice required to be filed under Federal Aviation Regulations Parts 157 or Part 77.

(Ord. No. 1143, § V, 6-10-03)

#### **Sec. 25-161. - Nonconforming uses.**

- a) Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article derives, and is diligently prosecuted.
- b) Marking and lighting. Notwithstanding the proceeding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city council, to indicate to the operators of aircraft in the vicinity of the airport the



presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city through its airport commission.

(Ord. No. 1143, § VI, 6-10-03)

### **Sec. 25-162. - Permits.**

- a) Future uses. Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purposes for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection 25-162(d).

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article except as set forth in subsection 25-159(5).

- b) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard of air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- c) Nonconforming uses abandoned or destroyed. When the city council determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article.
- e) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the city council, at its own expense, to install, operate, and maintain the necessary markings and lights.

(Ord. No. 1143, § VII, 6-10-03)

#### **Sec. 25-163. - Enforcement.**

It shall be the duty of the city council, to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city council, upon a form published for that purpose. Applications required by this article to be submitted to the city council shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the city council.

(Ord. No. 1143, § VIII, 6-10-03)

#### **Sec. 25-164. - Board of adjustment.**

- a) There is hereby created a board of adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city council, in the enforcement of this article; (2) to hear and decide special exceptions to the terms of this article upon which such board of adjustment under such article may be required to pass; and (3) to hear and decide specific variances as provided under subsection 25-162(d).
- b) The board of adjustment shall consist of five members appointed by the city council and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing. No member of the city council may be a member of the board of adjustment.

- c) The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be public. 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 action, all of which shall immediately be filed in the office of the city clerk and shall be a public record.
- d) The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.
- e) The concurring vote of four of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the city council, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation to this article.

(Ord. No. 1143, § IX, 6-10-03)

#### **Sec. 25-165. - Appeals.**

- a) Any person aggrieved, or any officer, department, board or bureau of the city affected, by any decision made in the administration of the article, may appeal to the board of airport hazard adjustment.
- b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of airport hazard adjustment, by filing with the city a notice of appeal specifying the grounds thereof. The city, shall forthwith transmit to the board of airport hazard adjustment all the papers constituting the record upon which the action appealed from was taken.
- c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city, certifies to the board of airport hazard adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the city cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of airport hazard adjustment or by a court of record on application, with notice to the city and on due cause shown.
- d) The board of airport hazard adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- e) The board of airport hazard adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, 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.

(Ord. No. 1143, § X, 6-10-03)

**Sec. 25-166. - Judicial review.**

Any person or persons, jointly or severally, aggrieved, or any taxpayer or any officer, department, board or bureau of the city affected, by any decision of the board of airport hazard adjustment, may appeal to the appropriate court of record as provided for in MCA 76-2-327.

(Ord. No. 1143, § XI, 6-10-03)

**Sec. 25-167. - Penalties.**

- a) Any person who violates any provision of this article is guilty of a misdemeanor and punishable by a fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six months, or both. Each day a violation continues to exist constitutes a separate offense.
- b) The city may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article.

(Ord. No. 1143, § XII, 6-10-03)

**Sec. 25-168. - Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 1143, § XIII, 6-10-03)

**Secs. 25-169—25-190. - Reserved.**

**RESOLUTION NO. 3993**

**A RESOLUTION OF INTENT TO ADOPT A LONG RANGE  
TRANSPORTATION PLAN FOR THE CITY OF MILES CITY, AND  
SETTING A PUBLIC HEARING THEREON.**

*WHEREAS*, the City of Miles City intends to adopt a long range transportation plan;

*AND WHEREAS*, notice of the availability of a draft long range transportation plan and for public comment has been published, establishing a public comment period of October 4, 2016, through November 3, 2016;

*AND WHEREAS* the City of Miles City by this resolution is giving notice of its intent to adopt said Miles City Long Range Transportation Plan, and to set a public hearing thereon;

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

The City of Miles City hereby declares its intent to adopt a Long Range Transportation Plan, a draft copy of which is available for review at the Engineering and Utilities office located on the second floor of City Hall, Miles City, Montana.

BE IT FURTHER RESOLVED that a public hearing shall be held on the adoption of said Miles City Long Range Transportation Plan on November 9, 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 §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25th DAY OF OCTOBER, 2016.

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

ATTEST:

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

# RESOLUTION NO. 4001

**A RESOLUTION AMENDING RESOLUTION 3964 AND LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR THE FISCAL YEAR 2016-2017**

**WHEREAS**, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2285 creating Maintenance District No. 205 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

**WHEREAS**, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

**WHEREAS**, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 205 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2016-2017 is \$350,000; and

**WHEREAS**, this Resolution is necessary to correct the amount assessed for fiscal year 2016-2017 in Resolution 3964.

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

Section 1: That to defray the costs of maintaining Maintenance District No. 205 for the fiscal year 2016-2017 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: 0.028793 per  
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$201.55.

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 205, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 9<sup>th</sup> day of November, 2016, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 25th day of October, 2016.

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John Hollowell, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED THIS 9<sup>th</sup> day of November, 2016.

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John Hollowell, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

RESOLUTION NO. 4002

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2016-2017 TO DECREASE THE BUDGETED AMOUNT IN FUND # 2520-108-430233-350.

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2016-2017 to decrease the amount budgeted in SID 205 Professional Services;

*AND WHEREAS*, such amendment of the final budget will result in an overall decrease in appropriation authority within such fund,

*AND WHEREAS* the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall change in appropriation authority,

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

The appropriations for the Final Budget for Fiscal Year 2016-2017 for SID 205 Fund 2520-108-430233-350 shall be decreased in the amount of \$259,294 (professional services).

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2016-2017 on the 9th 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 §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 25th 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 9th DAY OF NOVEMBER, 2016.

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JOHN HOLLOWELL, Mayor

ATTEST:

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Lorrie Pearce, City Clerk



# New Business

**RESOLUTION NO. 3998**

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2016-2017 TO INCREASE BUDGETED AMOUNTS IN THE BUILDING FUND 2394, PLANNING FUND 1000, STREETS 204 FUND 2510, STREETS 205 FUND 2520, STREETS 207 FUND 2420, WATER FUND 5210 AND SEWER FUND 5310.

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2016-2017 to account for budgeting in the Building, Planning, Streets 204, Streets 205, Streets 207, Water and Sewer funds, for certain projects being undertaken by the City;

*AND WHEREAS*, such amendment of the final budget will result in an overall increase in appropriation authority within funds 2394, 1000, 2510, 2520, 2540, 5210 and 5310,

*AND WHEREAS* the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority, NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2016-2017 shall be increased in the following amounts:

Building Fund

2394-018-420531-111	\$1,085- Salaries and Wages
2394-018-420531-142	\$12- Workers' Compensation
2394-018-420531-144	\$82- FICA
2394-018-420531-145	\$91- PERS

Community Service/Planning

1000-036-411020-111	\$488- Salaries and Wages
1000-036-411020-142	\$7- Workers' Compensation
1000-036-411020-144	\$37- FICA
1000-036-411020-145	\$41- PERS

Streets 204 Fund

2510-107-430220-111	\$950- Salaries and Wages
2510-107-430220-141	\$11- Unemployment Insurance
2510-107-430220-142	\$450- Workers' Compensation
2510-107-430220-144	\$600- FICA
2510-107-430220-145	\$657- PERS

Streets 205 Fund

2520-108-430220-111	\$922- Salaries and Wages
2520-108-430220-141	\$3- Unemployment Insurance

2520-108-430220-142	\$144- Workers' Compensation
2520-108-430220-144	\$230- FICA
2520-108-430220-145	\$252- PERS

Streets 207 Fund	
2540-109-430220-111	\$54- Salaries and Wages
2540-109-430220-145	\$5- PERS

Water Fund	
5210-023-430550-111	\$976- Salaries and Wages
5210-023-430550-142	\$12- Workers' Comp
5210-023-430550-144	\$74- FICA
5210-023-430550-145	\$81- PERS

Sewer Fund	
5310-031-430630-111	\$ 923- Salaries and Wages
5310-031-430630-142	\$10- Workers' Comp
5310-031-430630-144	\$70- FICA
5310-031-430630-145	\$77- PERS

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2016-2017 on the 22<sup>nd</sup> 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 §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 9<sup>TH</sup> DAY OF NOVEMBER, 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 22<sup>ND</sup> DAY OF NOVEMBER, 2016.

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

ATTEST:

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



# Claims

11/03/16  
09:04:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 10/10

Page: 4 of 47  
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
127840	78021S	660 CUSTER COUNTY CLERK & RECORDER	20.00					
1	819754	09/28/16 Easement D-15570 ROW	20.00		22502	5210 23 430550	357	101000
127861	78022S	999999 PROCESS WASTEWATER TECHNOLOGIES	46,650.00					
1	1408	09/14/16 Solid Handling Unit 10%	46,650.00		22177	5310 33 430640	940	102279
127904	78031S	1970 MONTANA DAKOTA UTILITIES	7,330.48					
1	10/05/16	GAS/ELECTRIC	344.23			1000 7 420460	341	101000
2	10/05/16	GAS/ELECTRIC	17.76			1000 7 420460	344	101000
5	10/05/16	GAS/ELECTRIC	195.08			1000 13 460433	341	101000
6	10/05/16	GAS/ELECTRIC	19.74			1000 13 460433	344	101000
8	10/05/16	GAS/ELECTRIC	31.59			1000 21 440600	341	101000
9	10/05/16	GAS/ELECTRIC	19.92			1000 21 440600	344	101000
16	10/05/16		2.21			2440 50 430263	341	101000
17	10/05/16	GAS/ELECTRIC	15.62			2430 49 430263	341	101000
21	10/05/16	GAS/ELECTRIC	96.53			2480 47 430263	341	101000
22	10/05/16	GAS/ELECTRIC	44.83			2510 107 430220	341	101000
26	10/05/16	GAS/ELECTRIC	378.45			5210 22 430530	341	101000
32	10/05/16	GAS/ELECTRIC	730.21			5310 32 430690	341	101000
33	10/05/16	GAS/ELECTRIC	47.48			5310 32 430690	344	101000
34	10/05/16	GAS/ELECTRIC	4,213.91			5310 33 430640	341	101000
35	10/05/16	GAS/ELECTRIC	133.87			5510 10 420730	341	101000
36	10/05/16	GAS/ELECTRIC	6.89			5510 10 420730	344	101000
37	10/05/16	GAS/ELECTRIC	640.88		554	5610 87 430300	341	101000
38	10/05/16	GAS/ELECTRIC	86.04		554	5610 87 430300	344	101000
39	10/05/16	GAS/ELECTRIC	273.26			6040 910 430220	341	101000
40	10/05/16	GAS/ELECTRIC	31.98			6040 910 430220	344	101000
127905	78036S	4019 WEX Bank	8,624.20					
1	47064988	10/30/16 FUEL	596.37		22362	1000 13 460433	231	101000
3	10/30/16	FUEL	2,209.44		22362	2510 107 430220	231	101000
4	10/30/16	FUEL	544.24		22362	2520 108 430220	231	101000
7	10/30/16	FUEL	51.03		22045	5210 80 430540	231	101000
8	10/30/16	FUEL	76.54		22045	5210 22 430530	231	101000
9	10/30/16	FUEL	127.57		22045	5310 33 430640	231	101000
10	10/30/16	FUEL	102.05		22045	5310 32 430690	231	101000
11	10/30/16	FUEL	1,093.52		22310	1000 7 420460	231	101000
12	10/30/16	FUEL	399.69		22310	5510 10 420730	231	101000
13	10/30/16	FUEL	1,646.88		21466	1000 5 420140	231	101000
14	10/30/16	FUEL	61.78		21466	1000 21 440600	231	101000
16	10/30/16	FUEL	857.55		22180	5210 23 430550	231	101000
17	10/30/16	FUEL	857.54		22180	5310 31 430630	231	101000



11/6/16  
09:04:47

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 10/16

Page: 2 of 17  
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	
127906	78050S 1721 MID RIVERS TELEPHONE CORP	3,467.73							
1	10/30/16 TELEPHONE/INTERNET/CABLE/Judge	103.01		20083	1000 6 410300	345		101000	
2	10/30/16 TELEPHONE/INTERNET/CABLE/Judge	118.10		20083	1000 6 410300	347		101000	
3	10/30/16 TELEPHONE/INTERNET/CABLE/Libry	0.00			2220 16 460100	345		101000	
4	10/30/16 TELEPHONE/INTERNET/CABLE/Libry	0.00			2220 16 460100	347		101000	
5	10/30/16 TELEPHONE/INTERNET/CABLE/SmPol	0.00			1000 14 460445	345		101000	
6	10/30/16 TELEPHONE/INTERNET/CABLE/ 911	320.01			2850 105 420140	345		101000	
8	10/30/16 TELEPHONE/INTERNET/CABLE/child	80.60		22209	1000 5 420140	220		101000	
9	10/30/16 TELEPHONE/INTERNET/CABLE/rsvp	92.52*		21232	2985 15 450330	345		101000	
10	10/30/16 TELEPHONE/INTERNET/CABLE/Airprt	116.74		559	5610 87 430300	345		101000	
11	10/30/16 TELEPHONE/INTERNET/CABLE/Airprt	61.60		559	5610 87 430300	319		101000	
12	10/30/16 TELEPHONE/INTERNET/CABLE/Airprt	27.80		559	5610 87 430300	347		101000	
14	10/30/16 TELEPHONE/INTERNET/CABLE/mayor	32.92			1000 1 410200	345		101000	
15	10/30/16 TELEPHONE/INTERNET/CABLE/fin	54.56			1000 3 410500	345		101000	
16	10/30/16 TELEPHONE/INTERNET/CABLE/fin	19.54			1000 3 410500	347		101000	
17	10/30/16 TELEPHONE/INTERNET/CABLE/atny	6.67			1000 4 411100	345		101000	
18	10/30/16 TELEPHONE/INTERNET/CABLE/pd	315.14			1000 5 420140	345		101000	
19	10/30/16 TELEPHONE/INTERNET/CABLE/pd	65.66			1000 5 420140	347		101000	
20	10/30/16 TELEPHONE/INTERNET/CABLE/disp	313.24			1000 5 420160	345		101000	
21	10/30/16 TELEPHONE/INTERNET/CABLE/fire	164.05			1000 7 420460	345		101000	
22	10/30/16 TELEPHONE/INTERNET/CABLE/fire	135.60			1000 7 420460	347		101000	
23	10/30/16 TELEPHONE/INTERNET/CABLE/tres	6.75*			1000 9 410540	345		101000	
24	10/30/16 TELEPHONE/INTERNET/CABLE/park	42.83			1000 13 460433	345		101000	
25	10/30/16 TELEPHONE/INTERNET/CABLE/park	37.60			1000 13 460433	347		101000	
26	10/30/16 TELEPHONE/INTERNET/CABLE/ACtr	40.03			1000 21 440600	345		101000	
27	10/30/16 TELEPHONE/INTERNET/CABLE/plng	79.60			1000 36 411020	345		101000	
28	10/30/16 TELEPHONE/INTERNET/CABLE/bldg	26.36			2394 18 420531	345		101000	
29	10/30/16 TELEPHONE/INTERNET/CABLE/md204	69.51			2510 107 430220	345		101000	
30	10/30/16 TELEPHONE/INTERNET/CABLE/md205	34.83			2520 108 430220	345		101000	
31	10/30/16 TELEPHONE/INTERNET/CABLE/wp1nt	78.28			5210 22 430530	345		101000	
32	10/30/16 TELEPHONE/INTERNET/CABLE/wp1nt	80.25			5210 22 430530	347		101000	
33	10/30/16 TELEPHONE/INTERNET/CABLE/wtlns	38.99			5210 23 430550	345		101000	
34	10/30/16 TELEPHONE/INTERNET/CABLE/wtlns	11.40			5210 23 430550	347		101000	
35	10/30/16 TELEPHONE/INTERNET/CABLE/wtadm	49.17			5210 25 430510	345		101000	
36	10/30/16 TELEPHONE/INTERNET/CABLE/wtadm	15.09			5210 25 430510	347		101000	
37	10/30/16 TELEPHONE/INTERNET/CABLE/wwadm	49.15			5310 29 430610	345		101000	
38	10/30/16 TELEPHONE/INTERNET/CABLE/wwadm	19.51			5310 29 430610	347		101000	
39	10/30/16 TELEPHONE/INTERNET/CABLE/swlns	38.98			5310 31 430630	345		101000	
40	10/30/16 TELEPHONE/INTERNET/CABLE/swlns	11.40			5310 31 430630	347		101000	
41	10/30/16 TELEPHONE/INTERNET/CABLE/wwpln	37.02			5310 33 430640	345		101000	
42	10/30/16 TELEPHONE/INTERNET/CABLE/wwpln	45.60			5310 33 430640	347		101000	
43	10/30/16 TELEPHONE/INTERNET/CABLE/amb	111.46			5510 10 420730	345		101000	
44	10/30/16 TELEPHONE/INTERNET/CABLE/amb	28.24			5510 10 420730	347		101000	
45	10/30/16 TELEPHONE/INTERNET/CABLE/shop	40.09			6040 910 430220	345		101000	
46	10/30/16 TELEPHONE/INTERNET/CABLE/shop	57.98			6040 910 430220	347		101000	
47	282117 10/12/16 Phone for Engineering	389.85		22376	2394 18 420531	214		101000	

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127907	78051S	4076 EXPRESS LAUNDRY, LLC COMMERCIAL	152.20					
1	6392	10/11/16 CITY HALL: RUGS	28.50		22384	1000 8 411230	220	101000
2	6626	10/25/16 CITY HALL: RUGS	28.50		22384	1000 8 411230	220	101000
3	6491	10/20/16 SHOP: RUGS/MOPS	20.50		22384	6040 910 430220	220	101000
6	2846	10/03/16 AMBULANCE: MATS	5.00		22313	5510 10 420730	220	101000
9	6657	10/25/16 PD: MATS	13.50		22500	1000 5 420140	360	101000
10	6417	10/11/16 PD: MATS	13.50		22498	1000 5 420140	350	101000
11	6356	10/10/16 WWTP: Laundry Service	19.20		22407	5310 33 430640	360	101000
12	6357	10/10/16 WTP: Laundry Service	23.50		22407	5210 80 430540	360	101000
127908	78052S	316 DATA IMAGING SYSTEMS, INC	1,457.00					
1		10/31/16 MANAGED SERVICES;DATA BKP	291.40			1000 3 410500	360	101000
2		10/31/16 MANAGED SERVICES;DATA BKP	136.78			5210 25 430510	360	101000
3		10/31/16 MANAGED SERVICES;DATA BKP	136.78			5310 29 430610	360	101000
4		10/31/16 MANAGED SERVICES;DATA BKP	72.85			1000 1 410200	360	101000
5		10/31/16 MANAGED SERVICES;DATA BKP	72.85			1000 36 411020	360	101000
6		10/31/16 MANAGED SERVICES;DATA BKP	144.24			5210 23 430550	360	101000
7		10/31/16 MANAGED SERVICES;DATA BKP	144.24			5310 31 430630	360	101000
8		10/31/16 MANAGED SERVICES;DATA BKP	103.45			2510 107 430220	360	101000
9		10/31/16 MANAGED SERVICES;DATA BKP	55.37			2520 108 430220	360	101000
10		10/31/16 MANAGED SERVICES;DATA BKP	73.94*			1000 9 410540	360	101000
11		10/31/16 MANAGED SERVICES;DATA BKP	72.85*			2935 11 460461	360	101000
12		10/31/16 MANAGED SERVICES;DATA BKP	152.25			2394 18 420531	360	101000
127909	78023S	373 MASTERCARD	23,544.84					
1		10/20/16 =	0.00			1000 1 410200	370	101000
2		10/20/16 SUPPLIES	0.00			1000 3 410500	220	101000
3		10/20/16	0.00			1000 3 410500	311	101000
4		10/20/16	0.00			1000 3 410500	370	101000
5		10/20/16	389.85			1000 5 420140	210	101000
6		10/20/16	116.50			1000 5 420140	214	101000
7		10/20/16	662.46			1000 5 420140	220	101000
8		10/20/16	145.35			1000 5 420140	230	101000
10		10/20/16	736.65			1000 5 420140	231	101000
11		10/20/16	233.06			1000 5 420140	311	101000
12		10/20/16	695.00			1000 5 420140	350	101000
15		10/20/16	3.48			1000 5 420160	210	101000
16		10/20/16	23.88			1000 5 420160	220	101000
17		10/20/16	660.00			1000 5 420160	380	101000
18		10/20/16	201.02			1000 5 420160	370	101000
19		10/20/16	92.29			1000 7 420460	210	101000
20		10/20/16	36.47			1000 7 420460	214	101000
21		10/20/16	386.81			1000 7 420460	220	101000
22		10/20/16	217.06			1000 7 420460	230	101000
25		10/20/16	47.93			1000 7 420460	345	101000
26		10/20/16	-2,232.75			1000 7 420460	364	101000

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27	10/20/16		14.85			1000 7 420460	400	101000
28	10/20/16		90.16			1000 7 420460	382	101000
29	10/20/16		98.00			1000 8 411230	220	101000
30	10/20/16		0.00			1000 13 460433	214	101000
31	10/20/16		24.50			1000 13 460433	220	101000
32	10/21/16		308.06			1000 13 460433	230	101000
33	10/20/16		0.00			1000 13 460433	231	101000
34	10/20/16		0.00			1000 13 460433	363	101000
35	10/20/16		0.00			1000 21 440600	210	101000
36	10/20/16		29.49			1000 21 440600	220	101000
37	10/20/16		12.64			1000 36 411020	220	101000
38	10/20/16		499.13			1000 36 411020	370	101000
39	10/20/16		6.47			1000 201 431200	311	101000
40	10/20/16		142.96			2220 16 460100	311	101000
41	10/20/16		388.78			2220 16 460100	382	101000
42	10/20/16		31.50			2350 302 410130	311	101000
43	10/20/16		12.64			2394 18 420531	220	101000
47	10/20/16		81.54			2510 107 430220	210	101000
48	10/20/16		47.98			2510 107 430220	214	101000
49	10/20/16		10.11			2510 107 430220	220	101000
50	10/20/16		647.22			2510 107 430220	230	101000
51	10/20/16		578.30			2510 107 430220	242	101000
52	10/20/16		1,900.07			2510 107 430220	363	101000
53	10/20/16		130.00			2510 107 430220	334	101000
54	10/20/16		20.38			2520 108 430220	210	101000
55	10/20/16		12.00			2520 108 430220	214	101000
56	10/20/16		2.52			2520 108 430220	220	101000
57	10/20/16		161.80			2520 108 430220	230	101000
58	10/20/16		144.58			2520 108 430220	242	101000
59	10/20/16		475.02			2520 108 430220	363	101000
60	10/20/16		0.00			2850 105 420140	210	101000
61	10/20/16		0.00			2850 105 420140	220	101000
62	10/20/16		42.32			2985 15 450330	220	101004
63	10/20/16		70.67			5210 22 430530	220	101000
64	10/20/16		144.58			5210 22 430530	230	101000
65	10/20/16		3.04			5210 22 430530	363	101000
66	10/20/16		179.70			5210 22 430530	380	101000
67	10/20/16		0.00			5210 23 430550	214	101000
68	10/20/16		202.18			5210 23 430550	220	101000
69	10/20/16		189.44			5210 23 430550	226	101000
70	10/20/16		1,315.70			5210 23 430550	230	101000
71	10/20/16		1,720.74			5210 23 430550	235	102270
72	10/20/16		2.62			5210 23 430550	311	101000
73	10/20/16		7.25			5210 23 430550	350	101000
74	10/20/16		762.28			5210 23 430550	363	101000
75	10/20/16		0.00			5210 25 430510	220	101000
76	10/20/16		0.00			5210 25 430510	370	101000

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77	10/20/16		0.00			5210 80 430540	210	101000
78	10/20/16		76.14			5210 80 430540	220	101000
79	10/20/16		561.29			5210 80 430540	222	101000
80	10/20/16		220.23			5210 80 430540	230	101000
81	10/20/16		209.00			5210 80 430540	352	101000
82	10/20/16		13.62			5210 80 430540	311	101000
83	10/20/16		149.70			5210 80 430540	380	101000
84	10/20/16		0.00			5310 29 430610	220	101000
85	10/20/16		0.00			5310 29 430610	370	101000
86	10/20/16		0.00			5310 31 430630	210	101000
87	10/20/16		0.00			5310 31 430630	214	101000
88	10/20/16		429.78			5310 31 430630	220	101000
89	10/20/16		57.99			5310 31 430630	226	101000
90	10/20/16		50.98			5310 31 430630	230	101000
91	10/20/16		7.25			5310 31 430630	350	101000
92	10/20/16		0.00			5310 31 430630	241	101000
93	10/20/16		762.28			5310 31 430630	363	101000
94	10/20/16		0.00			5310 31 430630	370	101000
95	10/20/16		0.00			5310 32 430690	220	101000
96	10/20/16		11.98			5310 32 430690	230	101000
97	10/20/16		74.80			5310 32 430690	380	101000
98	10/20/16		21.19*			5310 33 430640	210	101000
99	10/20/16		138.09			5310 33 430640	220	101000
100	10/20/16		370.30			5310 33 430640	222	101000
101	10/20/16		25.40*			5310 33 430640	311	101000
102	10/20/16		105.37			5310 33 430640	230	101000
103	10/20/16		177.00			5310 33 430640	352	101000
104	10/20/16		107.80			5310 33 430640	380	101000
105	10/20/16		48.07			5510 10 420730	210	101000
106	10/20/16		1,551.00*			5510 10 420730	211	101000
107	10/20/16		58.27			5510 10 420730	220	101000
108	10/20/16		2,924.32			5510 10 420730	222	101000
109	10/20/16		10.15			5510 10 420730	230	101000
110	10/20/16		18.65			5510 10 420730	345	101000
111	10/20/16		580.90			5510 10 420730	360	101000
112	10/20/16		5.78			5510 10 420730	400	101000
113	10/20/16		993.24*			5510 10 420730	382	101000
114	10/20/16		17.41			5610 87 430300	210	101000
115	10/20/16		168.47			5610 87 430300	220	101000
116	10/20/16		246.58			5610 87 430300	230	101000
117	10/20/16		188.37			5610 87 430300	363	101000
118	10/20/16		109.33			5610 87 430300	345	101000
119	10/20/16		6.95			5610 87 430300	311	101000
120	10/20/16		19.98			6040 910 430220	214	101000
121	10/20/16		100.90			6040 910 430220	220	101000
122	10/20/16		0.00			6040 910 430220	230	101000

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
127910	78053S	268 MILES CITY SANITATION INC.	60.00					
1	6A100776	10/01/16 Airport Trash Bins	60.00		534	5610 87 430300	220	101000
127911	78054S	4022 MARILYNN FORMAN	600.00					
1	MF102216S	10/31/16 Shop Cleaning	250.00		22391	6040 910 430220	350	101000
2	MF102516PD	10/31/16 pd ~ Cleaning	350.00			1000 5 420140	350	101000
127912	78020S	2830 STAR PRINTING & SUPPLY	455.45					
1	245109	09/23/16 Supplies	4.12		22501	1000 3 410500	214	101000
2	245109	09/23/16	4.12		22501	5210 25 430510	214	101000
3	245109	09/26/16	4.12		22501	5310 29 430610	214	101000
4	224325	08/31/16 Payroll Authorization Forms	28.92		22501	1000 3 410500	220	101000
5	224325	08/31/16	28.92		22501	5210 25 430510	214	101000
6	224325	08/31/16	28.93		22501	5310 29 430610	214	101000
7	244977	09/20/16 FD ~ Service Contract	37.46		22309	1000 7 420460	220	101000
8	244977	09/20/16	14.58		22309	5510 10 420730	220	101000
9	243751	08/15/16 RSVP ~	3.30		21219	2985 15 450340	210	101000
10	224620	09/09/16	219.78		21228	2985 15 450340	210	101000
11	245172	09/25/16 Library ~ Service Contract	81.20		22107	2220 16 460100	320	101000
127913	78024S	999999 WATTS INSURANCE	100.00					
1	62943656	10/13/16 Surety Bond / 70' Dodge 500	100.00*		555	5610 87 430300	512	101000
127914	78025S	810 DORSEY & WHITNEY, LLP	30,000.00					
1	3305878	09/21/16 Invoice for Bonding Upgrade I	30,000.00		22181	5310 33 430640	940	102279
127915	78026S	999999 MIKE WADE	18.00					
1	TRV22401	10/14/16 Training in Billings	18.00		22401	5310 33 430640	380	101000
127916	78027S	999999 TODD BROWN	18.00					
1	TRV2250	10/14/16 Training in Billings	18.00		22050	5310 33 430640	380	101000
127917	78028S	999999 SAM WINKLEY	18.00					
1	TRV22049	10/14/16 Training in Billings	18.00		22049	5310 33 430640	380	101000
127918	78029S	999999 DAVE HARRIS	18.00					
1	TRV22048	10/14/16 Training in Billings	18.00		22048	5310 33 430640	380	101000
127919	78030S	1921 Montana Municipal Interlocal	4,787.80					
1	379156	10/17/16 October Premiums	4,787.80		MMIA10	1000 362022		101000

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127920	78043S	523 CITY SERVICE, INC.	7,453.71					
1	0153878	10/12/16 Jet Fuel 2102 Gallons 100LL	7,437.71		557	5610 87 430300	237	101000
2	W046871	10/12/16 Terminal Maint Fee	16.00		557	5610 87 430300	220	101000
127921	78042S	498 CENTURY LINK	1,965.87					
1	F351427118	09/21/16 911 Phone System 911	1,965.87		21340	2850 105 420140	345	101000
127922	78032S	485 CENTURY COMPANIES, INC.	97,429.60					
1	13023	09/30/16 Contractors Application Paymen	97,429.60*		551	5610 87 430300	939	101000
127923	78055S	2151 MORRISON & MAIERLE INC	2,197.50					
1	24997	10/07/16 Professional Services	580.00		22492	1000 5 420140	350	101000
2	25050	10/09/16 911 Managed Service	865.00		25050	2850 105 420140	350	101000
3	25215	10/21/16 Computer Set up for Detective	752.50		22201	1000 5 420140	350	101000
127924	78033S	771 DEPT OF REVENUE	984.14					
1	CRG21016	01/01/11 CRG-2 1% Gross Receipt	984.14*		553	5610 87 430300	939	101000
127925	78056S	1330 SCL Health	601.19					
1	IN 1433	09/30/16 Medical Supplies	601.19		22322	5510 10 420730	222	101000
127926	78057S	1407 KADRMAS LEE & JACKSON INC	7,410.10					
1	10074591	09/30/16 GIS Data Maintenance	47.97		21341	2850 105 420140	350	101000
2	10075782	10/14/16 Flood Control Project Manag.	2,627.66		22373	1000 201 431200	350	101000
3	10075158	10/06/16 Tongue River 20" Project	3,725.99		22183	5210 23 430550	940	101000
4	10076202	10/25/16 Data Maintance	1,008.48		21342	2850 105 420140	350	101000
127927	78058S	869 EAST MONT COMMUNICATIONS	1,259.50					
1	27678	09/08/16 Mobile Radio	184.00		22497	1000 5 420140	350	101000
2	27685	09/15/16 Repair Lights & Control Box	67.50		22497	1000 5 420140	350	101000
3	27669	08/29/16 Install New Duplexer	360.00		22497	1000 5 420140	350	101000
4	22704	10/06/16 Batteries & Antennas	466.56		22314	1000 7 420460	214	101000
5	22704	10/06/16	181.44		22314	5510 10 420730	214	101000
127928	78059S	55 A-1 CONCRETE	17,505.00					
1	A1101816A	10/18/16 Pleasant ST Curb	600.00		22375	2510 107 430234	350	101000
2	A1101816B	10/18/16 8th ST Curb	14,000.00		22375	2510 107 430233	350	101000
3	A1101816B	10/18/16	2,905.00		22375	5210 23 430550	234	101000
127929	78060S	2740 SHERWIN WILLIAMS	484.00					
1	7703-7	10/06/16 Repairs Sign Kit	387.20		22374	2510 107 430220	242	101000
2	7704-5	10/06/16	96.80		22374	2520 108 430220	242	101000

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127930	78061S	1571 MACS FRONTIERLAND	3,088.03					
1		MF092615 08/27/16 Replace Cluster Assembly	626.65		22499	1000 5 420140	230	101000
2		RO 159483 09/27/16 Repairs for Ambulance A-24	2,461.38		22332	5510 10 420730	364	101000
127931	78062S	237 CPI COLLECTION PROFESSIONALS INC	155.27					
1		CPI1016 09/30/16 Water / Sewer Eric Gilmore	77.64			5210 25 430510	350	101000
2		CPI1016 09/30/16	77.63			5310 29 430610	350	101000
127932	78063S	999999 PAT LIFTO	383.76					
1		093951 10/06/16 Reimbursement for ACE & Border	17.99		556	5610 87 430300	230	101000
2		8019361452 10/05/16 Transformer for 31 PAPI	365.77		556	5610 87 430300	230	101000
127933	78064S	1361 INTERSTATE ENGINEERING	5,434.90					
1		28868 10/07/16 Transportation Plan	5,434.90		22256	1000 36 411020	350	101000
127934	78065S	872 EASTERN MONTANA IND	325.00					
1		006522 09/30/16 Cleaning Contract	325.00		22111	2220 16 460100	360	101000
127935	78066S	4069 AGRI INDUSTRIES	348.00					
1		172739 10/13/16 Pipe	278.40		22371	2510 107 430220	230	101000
2		172739 10/13/16	69.60		22371	2520 108 430220	230	101000
127936	78067S	1859 MLEA	1,900.00					
1		9822 09/02/16 Academy ~ Dustin Sloan	1,500.00		22493	1000 5 420140	380	101000
2		9893 10/11/16 Basic Academy ~ Farrington	200.00		22204	1000 5 420140	380	101000
3		9894 10/11/16 Basic Academy ~ Connelly	200.00		22204	1000 5 420140	380	101000
127937	78068S	390 JERRYS REFRIGERATION SERV INC	703.29					
1		102485 10/11/16 Shop Furnace	281.32		22372	2510 107 430220	363	101000
2		102485 10/11/16	70.33		22372	2520 108 430220	363	101000
3		102485 10/11/16	175.82		22372	5210 23 430550	363	101000
4		102485 10/11/16	175.82		22372	5310 31 430630	363	101000
127938	78069S	1331 HOLY ROSARY HEALTH CENTER-CLINIC	1,466.65					
1		20429-01 09/29/16 Physicals ~ Richards / Harts	293.20		22311	1000 7 420460	350	101000
2		500172395 09/30/16 Physicals ~ Richards	514.53		22333	1000 7 420460	350	101000
3		500173331 09/30/16	658.92		22333	1000 7 420460	350	101000
127939	78070S	278 TITAN MACHINERY	1,549.11					
1		8457658 GP 10/11/16 Unit #43 Switch Pull/Push	545.42		21634	2510 107 430220	363	101000
2		8457658 GP 10/11/16	136.35		21634	2520 108 430220	363	101000
3		8459233 GP 10/26/16 Unit #43 & #44 Hydraulic Mo	693.87		21635	2510 107 430220	363	101000
4		8459233 GP 10/26/16	173.47		21635	2520 108 430220	363	101000

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127940	78034S	1010 STOCKMAN BANK	209.00					
1	NSF 7163	10/19/16 NSF ~ BLDG Permit #7163	209.00			2394 323010		101000
127941	78071S	4010 FELT, MARTIN, FRAZIER & WELDON,	831.25					
1	0001	09/30/16 Labor Issues	831.25		21473	1000 3 411101	350	101000
127942	78072S	1890 DEPT HEALTH & HUMAN SERV	4,336.44					
1	DPHHS10131	10/03/16 Medical Claim Fund	4,336.44		21472	5510 10 420730	350	101000
127943	78073S	4147 Bestway Taxi, LLC	37.50					
1	BWT1016	09/30/16 Vol. Cab Fare	37.50		21229	2985 15 450330	379	101000
127944	78074S	999999 PHOTO CARD SPECIALIST, INC.	65.00					
1	070692	09/28/16 FD ~ Name Tags	46.80		22315	1000 7 420460	214	101000
2	070692	09/28/16	18.20		22315	5510 10 420730	214	101000
127945	78075S	291 ECOLAB PEST ELIMINATION DIVISION	100.00					
1	8534454	10/05/16 Pest Control	72.00		22312	1000 7 420460	220	101000
2	8534454	10/05/16	28.00		22312	5510 10 420730	220	101000
127946	78076S	4123 Fire Protection Publications	1,820.30					
1	66065	09/08/16 Fire Training Books #81405	1,820.30		22316	1000 7 420460	382	101000
127947	78077S	999999 PAUL CONWAY SHIELDS	284.44					
1	0390286-IN	09/03/16 Fire Helmet Shields	284.44		22318	1000 7 420460	226	101000
127948	78078S	4013 SOLESTONE REIMB SERVICES	2,288.78					
1	8167	10/06/16 Ambulance Billing	2,288.78		22319	5510 10 420730	350	101000
127949	78079S	999999 XEROX BUSINESS SERVICES LLC	1,340.00					
1	1308601	10/06/16 FD ~ Software Support	964.80		22320	1000 7 420460	220	101000
2	1308601	10/06/16 Fire House Program	375.20		22320	5510 10 420730	220	101000
127950	78035S	999999 UNIVERSAL BLOWER PAC	156,797.10					
1	14094	09/30/16 Blowers for WW Phase II	156,797.10		22184	5310 33 430640	940	102279
127951	78080S	4140 Stoltz Construction	2,632.00					
1	547825	10/11/16 ADA ~ 602 N. Cottage	2,632.00		22370	2510 107 430235	350	101000
127952	78081S	1120 GLADER ELECTRIC CO	633.89					
1	80993	09/14/16 Huffman Lane	15.13		22369	2480 47 430263	230	101000
2	80993	09/14/16	129.00*		22369	2480 47 430263	360	101000
3	80643	09/15/16 Balsam ~ Milestown Estates	69.24		22369	2430 49 430263	230	101000
4	80643	09/15/16	69.24		22369	2480 47 430263	230	101000
5	80672	09/20/16 City Hall Bulb	18.00		22369	1000 8 411230	220	101000
6	80879	09/06/16 Service South Gate Pump	203.50		22406	5210 22 430530	360	101000



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7	80961	09/06/16	Allen Brady Overload	129.78		22406	5210 22 430530	230	101000
127953	78082S	2240	NOLLEYS WELDING & MACHINE INC	250.00					
1	29385	09/27/16	Repair Hanger 3 Door	250.00		552	5610 87 430300	230	101000
127954	78083S	4001	CRITELLI COURIERS, INC.	262.50					
1	8330B	09/01/16	Book Crate Program	262.50		22110	2880 39 460100	311	101020
127955	78084S	378	BLACK MOUNTAIN SOFTWARE	38.00					
1	21583	10/05/16	E-mail Bills Maint.	19.00		21471	5210 25 430510	350	101000
2	21593	10/05/16		19.00		21471	5310 29 430610	350	101000
127956	78085S	999999	MICHELLE CUNNINGHAM	36.00					
1	TEV22109	10/07/16	Travel & Meals for Training	36.00		22109	2220 16 460100	370	101000
127957	78086S	999999	SONJA WOODS	534.14					
1	TEV22109	10/07/16	Travel & Meals for Training	534.14		22109	2220 16 460100	370	101000
127958	78087S	790	DPC INDUSTRIES	3,325.74					
1	727000276-	08/22/16	2000# Chlorine	1,553.80		22044	5210 80 430540	222	101000
2	DE72000297	08/31/16	Chlorine 150#	40.00		22044	5310 33 430640	222	101000
3	DE72000335	09/30/16	2000# Chlorine	100.00		22402	5210 80 430540	222	101000
4	DE72000335	09/30/16	Chlorine 150#	30.00		22402	5310 33 430640	222	101000
5	DE72700032	09/27/16	2000# Chlorine	148.14		22405	5310 33 430640	222	101000
6	DE72700032	09/28/16	Chlorine 150#	1,453.80		22405	5210 80 430540	222	101000
127959	78088S	870	EAST MAIN ANIMAL CLINIC	262.00					
1	EMAC102016	09/30/16	Shelter Fees for October	262.00		22489	1000 21 440600	350	101000
127960	78089S	4046	BILL RONNING	60.60					
1	1531269135	10/16/16	Cell Phone Reimbursement	48.50		22363	2510 107 430220	345	101000
2	1531269135	10/16/16		12.10		22363	2520 108 430220	345	101000
127961	78090S	3039	UTILITIES UNDERGROUND LOCATION	138.32					
1	6095087	09/30/16	September Locates	69.16		22182	5210 23 430550	350	101000
2	6095087	09/30/16		69.16		22182	5310 31 430630	350	101000
127962	78091S	999999	KORTNEE HYATT	150.00					
1	41072	10/14/16	Canceled Water Contract Refund	150.00		127962	5210 214010		101000
127963	78092S	999999	JEFF NOBLE	25.00					
1	DORKansas	10/17/16	Reimbursement to For Legal	10.00		18172	1000 4 411100	220	101000
2	NJSA	09/29/16	Legal Records	15.00		18172	1000 4 411100	220	101000

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127965	78038S	1970 MONTANA DAKOTA UTILITIES	23,719.72					
3		GAS/ELECTRIC	329.64			1000 8 411230	341	101000
4		GAS/ELECTRIC	65.70			1000 8 411230	344	101000
5		GAS/ELECTRIC	481.01			1000 13 460433	341	101000
6		GAS/ELECTRIC	76.09			1000 13 460433	344	101000
8		GAS/ELECTRIC	82.31			1000 14 460445	341	101000
13		GAS/ELECTRIC	355.62		22112	2220 16 460100	341	101000
14		GAS/ELECTRIC	31.24		22112	2220 16 460100	344	101000
15		GAS/ELECTRIC	8,939.68			2400 46 430263	341	101000
16		GAS/ELECTRIC	5,105.15			2400 46 430263	533	101000
17		GAS/ELECTRIC	1,651.50			2420 48 430263	341	101000
18		GAS/ELECTRIC	663.35*			2420 48 430263	533	101000
19		GAS/ELECTRIC	116.77			2430 49 430263	341	101000
20		GAS/ELECTRIC	1,067.52			2440 50 430263	341	101000
21		GAS/ELECTRIC	251.34			2470 72 430263	341	101000
22		GAS/ELECTRIC	304.12			2470 72 430263	533	101000
24		GAS/ELECTRIC	68.21			2510 107 430220	341	101000
25		GAS/ELECTRIC	23.49			2510 107 430220	344	101000
26		GAS/ELECTRIC	9.39			2520 108 430220	341	101000
28		GAS/ELECTRIC	3,602.37			5210 22 430530	341	101000
29		GAS/ELECTRIC	116.59			5210 22 430530	344	101000
32		GAS/ELECTRIC	23.49*			5310 31 430630	341	101000
34		GAS/ELECTRIC	327.76			5310 32 430690	341	101000
35		GAS/ELECTRIC	27.38			5310 32 430690	344	101000
36		GAS/ELECTRIC	0.00			5310 33 430640	341	101000
37		GAS/ELECTRIC	0.00			5510 10 420730	341	101000
38		GAS/ELECTRIC	0.00			5510 10 420730	344	101000
39		GAS/ELECTRIC	0.00			5610 87 430300	341	101000
40		GAS/ELECTRIC	0.00			5610 87 430300	344	101000
41		GAS/ELECTRIC	0.00			6040 910 430220	341	101000
42		GAS/ELECTRIC	0.00			6040 910 430220	344	101000
127966	78093S	1737 MC AREA SOLID WASTE DISTRICT	93.50					
1	5598A	10/09/16 Animal Disposal	20.00		22490	1000 21 440600	220	101000
2	8853	10/07/16 Demo Split	6.00		22389	2510 107 430220	220	101000
3	8853	10/07/16	24.00		22389	2520 108 430220	220	101000
4	8072	10/07/16 Parks Demo	26.80		22382	2510 107 430220	220	101000
5	8072	10/18/16	6.70		22382	2520 108 430220	220	101000
6	6954	10/09/16 Parks Demo	10.00		22382	1000 13 460433	220	101000
127967	78037S	2579 ROBERT PECCIA & ASSO	33,394.87					
1	000004	10/18/16 Project 25905.003 Phase II	33,394.87		22185	5310 33 430640	940	102279

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127968	78094S	999999	LAKESIDE EQUIPMENT	1,182.00					
1	16-1784	10/25/16	Telemecanique VFD Program	1,182.00		22404	5310 33 430640	230	101000
127969	78095S	999999	BETTY VAIL	664.46					
1	TEV102016	10/21/16	Conference Helena ~ Corps	664.46		21230	2985 15 450340	370	101000
127970	78096S	1535	LUCAS & TONN PC	100.00					
1	LTPC102016	10/24/16	Westlaw ~ Professional Ser	100.00		127970	1000 4 411100	350	101000
127971	78097S	394	BOSS INC	1,322.45					
1	117511-0	09/26/16	RSVP ~ Data Transfer	85.00		21225	2985 15 450340	220	101000
2	118171-0	09/29/16	PD ~ Ink for Printer	59.00		22486	1000 5 420160	210	101000
3	117559-0	09/28/16	Jeff Nobles Office	28.34		18171	1000 4 411100	210	101000
4	117503-0	09/26/16		21.99		18171	1000 4 411100	220	101000
5	116354-0	09/20/16		5.61		18171	1000 4 411100	210	101000
6	117909-0	09/28/16		5.00		18171	1000 4 411100	350	101000
7	117507-0	10/03/16		55.40		18171	1000 4 411100	220	101000
8	118273-0	09/29/16	FD ~ Dry Erase Board	32.31		22317	1000 7 420460	210	101000
9	118273-0	09/29/16		12.57		22317	5510 10 420730	210	101000
10	151505-0	10/21/16	Office Supplies	74.88		22507	1000 3 410500	210	101000
11	120031-0	10/21/16		74.88		22507	5210 25 430510	210	101000
12	121464-0	10/21/16		74.88		22507	5310 29 430610	210	101000
13	118129-0	10/07/16	Operating Expences	54.80		22507	1000 3 410500	220	101000
14	118129-0	10/07/16		54.80		22507	5210 25 430510	220	101000
15	118129-0	10/07/16		54.80		22507	5310 29 430610	220	101000
16	119568-0	10/10/16	Small Items & Equipment	63.59		22507	1000 3 410500	214	101000
17	119576-0	10/10/16		63.60		22507	5210 25 430510	214	101000
18	120031-0	10/10/16		63.59		22507	5310 29 430610	214	101000
19	117620-0	09/27/16	City Court ~ Supplies	178.99		20081	1000 6 410300	210	101000
20	120979-0	10/19/16		178.99		20081	1000 6 410300	210	101000
21	114207-0	09/06/16	PD ~	57.45		22208	1000 5 420160	210	101000
22	118033-0	09/30/16		21.98		22208	1000 5 420160	210	101000
127972	78044S	2831	MILES CITY STAR ADVERTISING	1,398.80					
1	175792	09/30/16	Council ~ Printing Contract	366.67		22505	1000 3 410500	330	101000
2	175791	09/16/16	Finance ~ Ordinances Legal	366.67		22505	5210 25 430510	330	101000
3	175134	09/09/16	Finance Split ~ Vacancy	366.66		22505	5310 29 430610	330	101000
4	174711	09/02/16	Zoning ~ Public Works	28.80*		22379	2510 107 430220	331	101000
5	174712	09/02/16	Flood ~ 802 S. Prairie	84.00		22379	1000 201 431200	331	101000
6	174923	09/09/16	Council Vacancy	178.80		22505	1000 2 410100	350	101000
7	174711	09/02/16	Zoning ~ Public Works	7.20		22379	2520 108 430220	330	101000

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127973	78098S	4135 Donnelly Overhead Doors &	200.00					
1	1452	10/19/16 Overhead Door Repair WW Shop	200.00		22403	5310 33 430640	360	101000
127974	78039S	1010 STOCKMAN BANK	173.93					
1	2548000-00	10/26/16 NSF ~ Water / Sewer ~ HARM	86.97		NFS127	5210 25 430510	810	101000
2	2548000-00	10/26/16	86.96		NFS127	5310 29 430610	810	101000
127975	78040S	4160 LAX FLEET SERVICE	1,000.00					
1	2055	10/26/16 New Allison 29507949	800.00		21636	2510 107 430220	363	101000
2	2055	10/26/16	200.00		21636	2520 108 430220	363	101000
127976	78041S	4009 PITNEY BOWES RESERVE ACCOUNT	1,000.00					
1	PB091216	09/12/16 Postage Machine	1,000.00		127795	1000 3 410500	311	101000
127977	78099S	267 HAYNES ENTERPRISES	13,571.16					
1	2380	10/24/16 Pleasant ST.	5,599.43		22385	2510 107 430234	350	101000
2	2381	10/24/16 4TH and Missouri	3,160.37		22385	2510 107 430234	350	101000
3	2381	10/24/16 S. Custer and Dickinson	3,648.56		22385	2510 107 430235	230	101000
4		10/31/16 Main Street	1,162.80		22388	2510 107 430234	350	101000
127978	78100S	2305 NOTBOHM MOTORS	1,382.80					
1	22317	10/20/16 A-26 Service	1,382.80		22325	5510 10 420730	364	101000
127979	78101S	314 MES - DEPOSITORY ACCOUNT	1,754.96					
1	1073383	10/18/16 SCBA Testing	1,754.96		22326	1000 7 420460	360	101000
127980	78102S	999999 DIVERSIFIED INSPECTIONS	1,762.70					
1	269663	10/16/16 Inspection Tower-19	1,762.70		22327	1000 7 420460	360	101000
127981	78103S	4151 Eleanor P Lavin	200.00					
1	CH4151	10/14/16 Health Consult ~ Coy Sheets	200.00		22205	1000 5 420140	350	101000
127982	78104S	361 BILLS TRUCK SERVICE	350.59					
1	008184	10/30/16 E-7 Service Annual DOT Inspcti	350.59		22337	1000 7 420460	364	101000
127983	78045S	4073 JOHN DEERE FINANCIAL	679.17					
1	1758231	10/24/16 Sweeper Payment (Principle)	422.14		558	5610 87 490500	645	101000
2	175821	10/24/16 Sweeper Payment (Interest)	54.09		558	5610 87 490500	646	101000
3	A28554	09/24/16 Hose Gasket	162.35		22380	2510 107 430220	230	101000
4	A28554	09/24/16	40.59		22380	2520 108 430220	230	101000

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127984	78046S	572 VERIZON WIRELESS	263.70					
1	9773228286	10/15/16 MDT ICAC Cell Phone	263.70		22203	1000 5 420140	220	101000
127985	78105S	2560 REGAN PLUMBING & HEATING	7.06					
1	216-50475	09/30/16 Supplies	7.06		22381	1000 13 460433	230	101000
127986	78106S	1649 MCC CENTRA ATHLETIC CENTER	12.00					
1	MCCC1016	10/24/16 Gym Membership ~ Coy Sheets	12.00		22202	1000 5 420140	334	101000
127987	78107S	4045 LAND SOLUTIONS, INC.	2,195.52					
1	LS102016	10/26/16 Consulting Service	2,195.52		22257	1000 36 411020	350	101000
127988	78108S	1637 RONNING ENTERPRISES dba MARTIN	4,532.10					
1	404	10/17/16 Security Fence	902.10		22383	1000 13 460433	230	101000
2	404	10/17/16	3,630.00		22383	1000 13 460433	350	101000
127989	78109S	721 DALES CLEANING SERVICE	600.00					
1	DCS102016	10/26/16 City Hall Cleaning Contract	600.00		22386	1000 8 411230	360	101000
127990	78110S	910 EVERGREEN LANDSCAPING	71.37					
1	13048	10/12/16 Supplies	63.16		22379	1000 13 460433	230	101000
2	13107	10/14/16	8.21		22379	1000 13 460433	230	101000
127991	78111S	1533 LOCAL TECHNICAL ASSISTANCE	450.00					
1	535-3	10/05/16 Safety Classes	240.00		22377	2510 107 430220	380	101000
2	535-3	10/05/16	60.00		22377	2520 108 430220	380	101000
3		10/05/16 Training in Glendive	75.00		22187	5210 23 430550	380	101000
4		10/05/16	75.00		22187	5310 31 430630	380	101000
127992	78047S	999999 AGWA GRANT CONSULTING SERVICE	2,000.00					
1	AGREEMENT	10/25/16 AFG Grant	2,000.00		22328	1000 7 420460	350	101000
127993	78112S	1193 SANDRA K. PEARCY	17.94					
1	324519	10/25/16 City Court ~ Water	17.94		20082	1000 6 410300	220	101000
127994	78113S	2914 TOURISM BUSINESS IMPROVEMENT	2,751.00					
1	TBID1016	TBID ~ October Collections	2,751.00		TBID10	7370 212500		101000
127995	78114S	283 MONTANA STATE LIBRARY	60.00					
1	MSL102016	10/27/16 MSC-Shared Catalog 2 Months	60.00		22113	2220 16 460100	350	101000

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127996	78048S	2450 POSTMASTER (UTILITIES)	1,016.07					
1	USPS127996	10/29/16 Water / Sewer Billing Post	508.03		127996	5210 25 430510	311	101000
2	USPS127996	10/29/16	508.04		127996	5310 29 430610	311	101000
127997	78115S	4118 Montana Tree Service	1,487.50					
1	0365	10/28/16 Tree Removal - Albert Court	1,487.50		22387	2510 107 430235	350	101000
127998	78116S	999999 LOLA MITCHELL	101.82					
1		10/31/16 Water/Sewer Refund	101.82			5210 214010		101000
127999	78117S	999999 ODETTE ASHWORTH	101.82					
1	64865	10/31/16 Water/Sewer Refund	101.82			5210 214010		101000
128000	78118S	999999 LOGAN EARLY	38.35					
1	64866	10/31/16 Water/Sewer Refund	38.35			5210 214010		101000
128001	78119S	999999 KELLY WLODARCZYK	32.08					
1	64867	10/31/16 Water/Sewer Refund	32.08			5210 214010		101000
128002	78120S	999999 COLTON WHITE	22.78					
1	64868	10/31/16 Water/Sewer Refund	22.78			5210 214010		101000
128003	78121S	999999 GREGORY RUSSELL	86.09					
1	64869	10/31/16 Water/Sewer Refund	86.09			5210 214010		101000
128004	78122S	999999 LEVI ROTH	8.07					
1	64870	10/31/16 Water/Sewer Refund	8.07			5210 214010		101000
128005	78123S	999999 LEE PARKS	1.82					
1	64871	10/31/16 Water/Sewer Refund	1.82			5210 214010		101000
128006	78124S	999999 JOE MCNURLIN	18.11					
1	64872	10/31/16 Water/Sewer Refund	18.11			5210 214010		101000
128007	78125S	999999 CHANCE MCDOWELL	51.65					
1	64872	10/31/16 Water/Sewer Refund	51.65			5210 214010		101000
128008	78126S	999999 CHELSEY KNOWLES	38.51					
1	64874	10/31/16 Water/Sewer Refund	38.51			5210 214010		101000
128009	78127S	999999 TERESA DYSON	45.34					
1	64875	10/31/16 Water/Sewer Refund	45.34			5210 214010		101000

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
128010	78128S 999999	BRANDON STEVENS	80.00					
1	ATR22334	10/28/16 EMS Pediatric Class	80.00		22334	5510 10 420730	370	101000
128011	78129S 999999	FIRE UP RESCUE	500.00					
1	831	10/28/16 Hydrolic Recue Tool Repair	500.00		22335	1000 7 420460	360	101000
128012	78130S 999999	EMERGENCY APPARATUS MAINTN	260.24					
1	90032	10/17/16 E- 8 Repairs	260.24		22336	1000 7 420460	230	101000
128013	78131S 999999	MIKE MILLER	100.00					
1	ADR22331	10/25/16 Training Meeting	100.00		22331	1000 7 420460	380	101000
128014	78132S 999999	BUCKY JOHNSON	20.90					
1	VER102016	10/05/16 Cell Phone Reimbursement	10.45		22188	5210 23 430550	345	101000
2	VER102016	10/05/16	10.45		22188	5310 31 430630	345	101000
128016	78133S	4142 HD Supply Waterworks, LTD	3,793.26					
1	G328104	10/28/16 Service Saddle 6"	205.17		22186	5210 23 430550	230	101000
2	G165628	10/06/16 6' Fire Hydrant	1,931.20		22186	5210 23 430550	234	101000
3	G318822	10/27/16 C Plug	250.11		22186	5210 23 430550	234	101000
4	G263714	10/21/16 Gripring Grap	509.94		22186	5210 23 430550	234	101000
5	G339994	10/27/16 Gland & Gripring	896.84		22186	5210 23 430550	234	101000
128017	78134S	700 CUSTER COUNTY WATER & SEWER	14,916.33					
1	CCWSD1016	10/31/16 Monthly Sewer and Water Col	14,916.33		128017	7980 211020		101000
128018	78135S	4161 Desert Mountain Corporation	4,480.00					
1	DMC102016	10/06/16 350 Tone Ice Slicer RS	3,584.00		22368	2510 107 430220	220	101000
2	DMC102016	10/06/16	896.00		22368	2520 108 430220	220	101000
128019	78136S	1286 DENNIS HIRSCH	7,978.64					
1	DHC102016	10/31/16 October Building Permits	7,978.64		22390	2394 18 420531	350	101000
128020	78137S	1986 JACKS BODY SHOP	132.00					
1	6191	10/30/16 PD ~ 99' GMC 14-1334C	132.00		22206	1000 5 420140	220	101000
128021	78138S	1050 FRANKS BODY SHOP	253.00					
1	45953	10/29/16 PD ~ 95' Jeep #342803	126.50		22207	1000 5 420140	220	101000
2	45953	10/28/16 PD ~ Ford Ranger 14-9801B	126.50		22207	1000 5 420140	220	101000
128022	78139S	2910 TONGUE RIVER ELECTRIC	445.96					
1	TRECO1016	10/26/16 Southgate Lighting	401.84			2450 51 430263	341	101000
2	PTREC10251	10/26/16 PD - Microwave Tower	44.12		21344	2850 105 420140	341	101000

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Claim Line #	Check	Invoice #/Inv Date	Vendor #/Name/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
128023	78140S	1331	HOLY ROSARY HEALTH CENTER-CLINIC	230.18					
3	722004519	09/02/16	DUI J Whitmarsh	230.18		22495	1000 5 420140	350	101000
128035	78141S	999999	VETRANS ADMINISTRATION	389.28					
1	16-0444	10/05/16	Ambulance Overpayment - VA	389.28			1000 122000		101000
128036	78142S	999999	DONNY HAGEMEISTER	799.84					
1	16-0444	10/05/16	Ambulance Overpayment -	799.84			1000 122000		101000
128037	78143S	999999	PATRICK WOLFSON	267.56					
1	16-0084	10/05/16	Ambulance Overpayment -	267.56			1000 122000		101000
# of Claims				123	Total:				591,033.32