

Title 17

ZONING

Chapters:

- 17.04 Title, Purpose and Scope**
- 17.08 Definitions**
- 17.12 Zoning Districts Established**
- 17.16 Residential Districts**
- 17.20 Commercial—Industrial Use Regulations**
- 17.21 Telecommunications Towers and Antennae**
- 17.24 Residential Mobile Home Districts**
- 17.26 Community Entryway Zoning District**
- 17.28 Airport Zoning**
- 17.32 Planned Unit Developments**
- 17.36 Soil Erosion Control**
- 17.40 Off-street Parking Requirements**
- 17.44 General Regulations**
- 17.48 Supplementary Regulations**
- 17.52 Incidental Uses**
- 17.56 Nonconforming Uses**
- 17.60 Zoning Commission**
- 17.62 Conditional Land Uses**
- 17.66 Historic Preservation**
- 17.68 Special Review Procedure**
- 17.72 Amendments**
- 17.76 Enforcement**

Chapter 17.04

TITLE, PURPOSE AND SCOPE

Sections:

- 17.04.010** Title cite.
17.04.020 Purpose of provisions.
17.04.030 Scope.

17.04.010 Title cite.

This title and herein referred to maps shall be known and cited as the "Laurel Zoning Ordinance" for the incorporated limits of the city and any additional territory authorized by either state statute or county commissioners. (Prior code § 17.16.010)

17.04.020 Purpose of provisions.

A. The zoning regulations, classifications and districts as herein set forth are in accordance with Sections 76-2-301 to 76-2-328, 76-1-101 to 76-1-606, and 76-2-201 to 76-2-228, MCA, 1979.

B. They have been made in accordance with the comprehensive planning process, and have been deemed necessary and developed with consideration among other things, to the character of each zoning district and its peculiar suitability for particular uses, to conserve the value of buildings, to stabilize property values, to preserve recreation and agricultural lands from conflict with urban development, to promote the interest of health, safety, and general welfare, to secure safety from fire, and to provide adequate open space for light and air, and to facilitate the economic provision of adequate transportation, water, sewer, schools, parks, and other public requirements.

C. The Laurel city council further declares the zoning plan is adopted for the following specific purposes:

1. To promote and guide development consistent with the goals and objectives of the comprehensive planning process;
2. To prevent waste and inefficiency in land use;
3. To encourage innovations in residential development and renewal so that the needs of the community for housing may be met by greater variety in type and design of dwellings and by conservation of open space; to preserve and enhance housing values and maintain residential neighborhood aesthetics; and
4. To provide adequate land and space for the development of commercial and industrial uses and to encourage such development in locations calculated to benefit the community at large and in a manner consistent with the goals and objectives of the city's comprehensive planning process. (Ord. 96-5 (part), 1996; prior code § 17.16.020)

17.04.030 Scope.

A. This title applies to all lands in the incorporated limits of the city; and any additional territory authorized by either state statutes or the county commissioners.

B. In their interpretation and application, the provisions of this title may be regarded as the minimum requirements for the protection of the public health, safety, comfort, prosperity and welfare;

C. This title is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued prior to the effective date of the ordinances codified in this title. (Prior code § 17.16.030)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010	Purpose of provisions.	17.08.310	Dairy.
17.08.020	Rules of construction.	17.08.330	Density.
17.08.030	Accessory living quarters.	17.08.340	Drive-in restaurant.
17.08.040	Airport or aircraft landing field.	17.08.350	Dwelling.
17.08.050	Airport zone.	17.08.360	Dwelling, group.
17.08.060	Agricultural district.	17.08.370	Dwelling, multifamily.
17.08.070	Agricultural use.	17.08.380	Dwelling, multifamily high rise.
17.08.080	Alley.	17.08.390	Dwelling, single-family.
17.08.090	Apartment.	17.08.400	Dwelling, two family.
17.08.100	Auto wrecking.	17.08.410	Dwelling unit.
17.08.110	Basement.	17.08.420	Easement.
17.08.120	Billboard.	17.08.430	Elderly housing.
17.08.130	Block.	17.08.440	Fallout shelters.
17.08.131	Bed and breakfast inn.	17.08.450	Family.
17.08.132	Boarding or lodging house.	17.08.460	Fence.
17.08.140	Building.	17.08.470	Filling station.
17.08.150	Building—Accessory.	17.08.480	Floodplain or floodway.
17.08.160	Building codes.	17.08.490	Floodplain zone.
17.08.170	Building inspector.	17.08.500	Fraternity, sorority, or student cooperative.
17.08.180	Building line.	17.08.510	Frontage.
17.08.190	Building—Principal.	17.08.520	Garage, private.
17.08.200	Business or commerce.	17.08.530	Garage, public.
17.08.210	Camp, public.	17.08.540	Group dwelling.
17.08.220	Carport.	17.08.550	Height of building.
17.08.230	Child care facilities.	17.08.560	Hospital.
17.08.240	City.	17.08.570	Hospital, animal.
17.08.250	Clinic.	17.08.580	Hospital, mental.
17.08.260	Clinic, animal.	17.08.590	Hotel.
17.08.270	Club.	17.08.600	Industrial district.
17.08.280	Cluster.	17.08.610	Junkyard.
17.08.285	College or university.	17.08.620	Jurisdictional area.
17.08.290	Commercial district.	17.08.630	Kennel, commercial.
17.08.291	Community residential facilities.	17.08.640	Kennel, noncommercial.
17.08.300	Condominium.	17.08.650	Livestock.
		17.08.651	Livestock units.
		17.08.670	Lot.
		17.08.680	Lot, corner.
		17.08.690	Lot depth.
		17.08.700	Lot, interior.
		17.08.710	Lot line, rear.

- 17.08.720 Lot, record.
 17.08.730 Lot width.
 17.08.740 Lot, zoning.
 17.08.750 Marquee.
 17.08.760 Medical marijuana cultivation facility or cultivation facility.
 17.08.761 Medical marijuana dispensary or dispensary.
 17.08.762 Mobile home.
 17.08.763 Manufactured home parks, travel trailer parks and individual manufactured homes.
 17.08.770 Motel.
 17.08.780 Motor vehicle parts salvage yard.
 17.08.790 Nonconforming use.
 17.08.800 Off-street parking space.
 17.08.810 Parking lot.
 17.08.820 Residential district.
 17.08.830 Outdoor advertising display.
 17.08.840 Pasture.
 17.08.850 Planning board.
 17.08.860 Planning director.
 17.08.870 Planned unit development.
 17.08.875 Post-secondary school.
 17.08.877 Preschool.
 17.08.880 Principal use.
 17.08.890 Public use zone.
 17.08.900 Public utility.
 17.08.910 Recreational area, commercial.
 17.08.920 Recreational area, noncommercial.
 17.08.950 Row housing.
 17.08.960 Salvage yards.
 17.08.970 Sanitarium.
 17.08.980 School.
 17.08.990 School, commercial.
 17.08.1010 Secondhand store.
 17.08.1020 Service station, automobile gasoline and motor fuels.
 17.08.1030 Sign.
 17.08.1040 Stable, private.
 17.08.1050 Stable, nonprofit or commercial.
 17.08.1060 Story.
 17.08.1070 Story, half.
 17.08.1080 Street.
 17.08.1090 Structural alteration.
 17.08.1100 Structure.
 17.08.1110 Theater, drive-in.
 17.08.1120 Trailer or mobile home.
 17.08.1130 Travel trailer.
 17.08.1160 Uniform building codes.
 17.08.1170 Use.
 17.08.1180 Usable open space.
 17.08.1190 Uses permitted.
 17.08.1200 Variance.
 17.08.1210 Yard, front.
 17.08.1220 Yard, rear.
 17.08.1230 Yard, side.
 17.08.1240 Yard.
 17.08.010 Purpose of provisions.
 For the purpose of this title, certain words and terms used herein are defined in this chapter. (Prior code § 17.20.001)
 17.08.020 Rules of construction.
 All words used in the present tense include the future tense. All words used in the plural number include the singular number, and all words used in the singular number include the plural number, unless the natural construction of the wording indicates

otherwise. The word "building" includes the word "structure." The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended or arranged to be used."

Unless otherwise specified, all distances shall be measured horizontally. The word "city" means the city of Laurel, Montana; the term "city council" means the city council of the city; the term "board of adjustment" means the board of adjustment of the city; the term "city zoning commission" means the zoning commission of the city. (Prior code § 17.20.010)

17.08.030 Accessory living quarters.

"Accessory living quarters" means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented, leased, or otherwise used as a separate dwelling unit. The term "accessory living quarters" includes "guest house." (Prior code § 17.20.015)

17.08.040 Airport or aircraft landing field.

"Airport" or "aircraft landing field" means any runway, landing area or facility whether publicly or privately owned and operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down, etc., hangars and other necessary buildings and open spaces. (Prior code § 17.20.020)

17.08.050 Airport zone.

"Airport zone" means a separate and distinct portion of this title governing those lands affected by the Laurel airport, see Chapter 17.28. (Prior code § 17.20.025)

17.08.060 Agricultural district.

"Agricultural district" means any A district. (Prior code § 17.20.030)

17.08.070 Agricultural use.

A use of land for agricultural purposes including farming, dairying, pasturage, grazing land, animal and poultry husbandry, silviculture, floriculture, horticulture and other similar agricultural uses; agricultural use does not include farm equipment sales or display areas. (Prior code § 17.20.035)

17.08.080 Alley.

"Alley" means a public way which affords only secondary access to abutting property. (Prior code § 17.20.040)

17.08.090 Apartment.

"Apartment" means a room or suite of two or more rooms in a multiple dwelling or in any other building not a single-family dwelling or a two-family dwelling, occupied or suitable for occupancy as a dwelling unit for one family. A bachelor apartment or efficiency unit shall qualify under this definition. (Prior code § 17.20.045)

17.08.100 Auto wrecking.

See "junkyard." (Prior code § 17.20.050)

17.08.110 Basement.

"Basement" means that portion of a building below the first floor joists, the floor of which is more than one-half clear ceiling height below the adjacent ground. (Prior code § 17.20.055)

17.08.120 Billboard.

See "Sign — Outdoor advertising." (Prior code § 17.20.060)

17.08.130 Block.

“Block” means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development. (Prior code § 17.20.065)

17.08.131 Bed and breakfast inn.

“Bed and breakfast inn” means a house or portion thereof that contains short-term guest rooms where lodging with or without meals is provided for compensation. The operator of the inn shall live on the same property upon which the term is located. (Ord. 01-4 (part), 2001)

17.08.132 Boarding or lodging house.

“Boarding or lodging house” means a house where meals (with or without lodging) are provided for compensation and by pre-arrangement for a definite period for three or more persons. “Boarding or lodging house” shall not be construed to mean rest or convalescent homes nor “Bed and breakfast inns”. (Ord. 01-4 (part), 2001)

17.08.140 Building.

“Building” means a structure having a roof supported by walls or columns for the shelter, support, or enclosure of persons, animals or chattels. When, in a building all of which is used for nonresidential purposes, any portion of the building is completely separated from all other portions by a masonry division wall from the ground up to the roof, and no door or other opening directly communicating between the two portions of the building, such portions so separated shall be deemed separate buildings. (Prior code § 17.20.070)

17.08.150 Building, accessory.

“Accessory building” means a subordinate building, the use of which is customarily incidental to that of a principal building on the same lot. (Prior code § 17.20.075)

17.08.160 Building codes.

“Building codes” means the current building code adopted by the city. (Prior code § 17.20.080)

17.08.170 Building inspector.

“Building inspector” means the official designated by the mayor to enforce this title and building codes. (Prior code § 17.20.085)

17.08.180 Building line.

“Building line” means a line established in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by this title. (Prior code § 17.20.090)

17.08.190 Building—Principal.

“Principal building” means a building in which is conducted the principal use of the lot on which it is situated. (Prior code § 17.20.095)

17.08.200 Business or commerce.

“Business” or “commerce” means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of the office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services. (Prior code § 17.20.100)

17.08.210 Camp, public.

“Public camp” means any area or tract or land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits. (Prior code § 17.20.105)

17.08.220 Carport.

“Carport” means a structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open to the weather for at least fifty percent of the total area of its sides; when attached to another building it shall comply with the yard requirements of that building. (Prior code § 17.20.110)

17.08.230 Child care facilities.

“Family day care home” means a private residence in which supplemental parental care is provided for up to six children, including the operator’s children, from separate families on a regular basis. Such day care home shall be licensed by the Montana Department of Social and Rehabilitative Services under MCA, Title 53, Chapter 4, Part 5.

“Group day care home” means a private residence in which supplemental parental care is provided for seven to twelve children, including the operator’s children, on a regular basis and which is licensed by the Montana Department of Social and Rehabilitative Services under MCA, Title 53, Chapter 4, Part 5.

“Day care center” means a place in which supplemental parental care and/or adult supervision is provided to thirteen or more children, including the operator’s children, on a regular basis, and which may include nursery schools, private kindergartens, or after school care and supervision. Such day care center shall be license as required by the state, city, or county and conducted in accordance with applicable

state and local requirements. (Ord. 01-4 (part), 2001: Prior code § 17.20.115)

17.08.240 City.

“City” means the city of Laurel, Montana. (Prior code § 17.20.120)

17.08.250 Clinic.

“Clinic” means a building designed and used for the medical, dental, and surgical diagnosis and treatment of patients under the care of doctors and nurses. (Prior code § 17.20.125)

17.08.260 Clinic, animal.

“Animal clinic” means a building or premises for the medical treatment of pets or customary household animals, including but not limited to cats and dogs, provided no overnight boarding occurs on the premises. (Prior code § 17.20.130)

17.08.270 Club.

“Club” means an incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semiprivate in character and shall be subject to the city regulations governing public building and places, excluding groups organized primarily to render a service which is normally considered a business. (Prior code § 17.20.135)

17.08.280 Cluster.

“Cluster” means a pattern of residential development where dwelling units are grouped, with the remainder of the yard left in landscaped open space. (Prior code § 17.20.140)

17.08.285 College or university.

“College or university” means a post-secondary school as defined in this chapter. (Ord. 04-1 (part), 2004)

17.08.290 Commercial district.

“Commercial district” means any NCL, NC, CBD, CC or HC district. (Prior code § 17.20.145)

17.08.291 Community residential facilities.

“Adult foster family care home” means a private home licensed by the Montana Department of Family Services owned by one or more persons eighteen years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four.

“Community group home” means a family oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.

“Halfway house” means a place operated in accordance with the regulations of the Montana Department of Health and Environmental Sciences for the rehabilitation of alcohol or drug dependent persons.

“Nursing homes, convalescent homes, orphanages, and charitable institutions” means a home operated similarly to a boarding house but not restricted to any number of guest or guest rooms, and the operator of which is licensed by the state, city, or county to give special care and supervision to his/her pa-

tients. In such homes, nursing, dietary, and other personal services are furnished to convalescent, invalids, and aged persons, but within which homes are kept no persons suffering from a contagious or communicable disease, and within which are performed no surgery, maternity, or other primary treatments such as are customarily provided in sanitariums or hospitals, and within which no persons are kept to be served who normally would be admitted to a mental hospital. Adult foster care homes are not included in this definition.

“Youth foster home” means a youth care facility licensed by the Montana Department of Family Services in which substitute care is provided to one to six foster children or youths, other than the foster parent’s own children, stepchildren, or wards.

“Youth group home” means a youth care facility licensed by the Montana Department of Family Services in which individual care is provided to seven to twelve children or youth. (Ord. 01-4 (part), 2001)

17.08.300 Condominium.

“Condominium” means ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit or apartment in such building. Each individual has an absolute title to his apartment which he may sell, mortgage or devise as he could with a single-family dwelling that he owned. (Prior code § 17.20.150)

17.08.310 Dairy.

“Dairy” means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained. (Prior code § 17.20.155)

17.08.330 Density.

“Density” means the number of families residing on, or dwelling units developed on, an acre of land. As used in this title, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces. (Prior code § 17.20.160)

17.08.340 Drive-in restaurant.

“Drive-in restaurant” means a use whose retail character is dependent on a driveway approach and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises, in a vehicle. (Prior code § 17.20.165)

17.08.350 Dwelling.

“Dwelling” means a building or portion thereof arranged or designed to provide living facilities for one or more families. The term “dwelling” shall not be deemed to include a motel, hotel or travel trailer. All dwellings except manufactured homes must conform to the Uniform Building Code. (Ord. 96-5 (part), 1996; prior code § 17.20.170)

17.08.360 Dwelling, group.

In general, “group dwelling” means a building in which several unrelated individuals or families permanently reside, but in which individual cooking facilities are not provided for the individual persons or families. Specifically, “group dwelling” shall include a roominghouse, fraternity house, sorority house and private club in which one or more members have a permanent residence. “Group dwelling” shall not be deemed to include a hotel, motel, tourist home, mobile

park, or any use included in the “health-medical group.” (Prior code § 17.20.175)

17.08.370 Dwelling, multifamily.

“Multifamily dwelling” means a building containing three or more dwelling units. (Prior code § 17.20.180)

17.08.380 Dwelling, multifamily high rise.

“Multifamily high rise dwelling” means a building containing over three dwelling units with a height not over six stories or sixty feet. (Prior code § 17.20.185)

17.08.390 Dwelling, single-family.

“Single-family dwelling” means a building containing only one dwelling unit. (Ord. 96-5 (part), 1996; prior code § 17.20.190)

17.08.400 Dwelling, two family.

“Two family dwelling” means a building containing only two dwelling units. (Prior code § 17.20.195)

17.08.410 Dwelling unit.

“Dwelling unit” means a building or portion thereof providing complete housekeeping facilities for one family. (Prior code § 17.20.200)

17.08.420 Easement.

“Easement” means a grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes. (Prior code § 17.20.205)

17.08.430 Elderly housing.

“Elderly housing” means housing designed specifically for elderly occupancy with at least one resident domiciled in each living unit

therein with an age of sixty-two years or older. (Prior code § 17.20.210)

17.08.440 Fallout shelters.

“Fallout shelters” means a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies. (Prior code § 17.20.215)

17.08.450 Family.

“Family” means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit. (Prior code § 17.20.220)

17.08.460 Fence.

“Fence” means a barrier of posts connected by boards, rails, panels or wire constructed for purposes of enclosing space, for separating parcels of land or for landscaping and including masonry walls, ornamental structures, privacy screens and shrubs. (Ord. 891, 1986; prior code § 17.20.225)

17.08.470 Filling station.

“Filling station” means a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; repair service is incidental; and no storage or parking space is offered for rent. (Prior code § 17.20.230)

17.08.480 Floodplain or floodway.

“Floodplain” or “floodway” means in all cases of interpretation the regulations of the Montana Water Resources Board as provided in Sections 76-5-103 and 76-5-104, MCA, 1979. (Prior code § 17.20.235)

17.08.490 Floodplain zone.

“Floodplain zone” means a separate and distinct portion of the Laurel Zoning Ordinance governing those lands affected by a one hundred year floodplain classification. (Prior code § 17.20.240)

17.08.500 Fraternity, sorority, or student cooperative.

“Fraternity,” “sorority,” or “student cooperative” means a building occupied by and maintained exclusively by students. (Prior code § 17.20.245)

17.08.510 Frontage.

“Frontage” means all of the property on one side of the street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway. (Prior code § 17.20.250)

17.08.520 Garage, private.

“Private garage” means an accessory building or part of principal building used only for the storage of motor vehicles as an accessory use, when the storage space does not exceed that for the following number of vehicles:

A. For any single-family dwelling — three passenger vehicles;

B. For any two-family dwelling — four passenger vehicles;

C. For any multifamily dwelling — passenger vehicles equal in number to two hundred fifty percent of the number of dwelling units in the principal building;

D. For any other use — no limitation.
(Prior code § 17.20.255)

17.08.530 Garage, public.

“Public garage” means a building or premises which is operated for commercial purposes and used for the storage, care or repair of motor vehicles, but a “public garage” shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk. (Prior code § 17.20.260)

17.08.540 Group dwelling.

See “Dwelling group.”
(Prior code § 17.20.265)

17.08.550 Height of building.

“Height of building” means the vertical distance measured from the highest of the following three levels:

- A. The street curb level;
- B. The established or mean street grade in case the curb has not been constructed; or
- C. The average finished ground level adjoining the building if it sets back from the street line to the level of the highest point at the roof beams to flat roofs, or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs. (Prior code § 17.20.270)

17.08.560 Hospital.

“Hospital” means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases. Nursing homes and convalescent homes are not included. (Prior code § 17.20.275)

17.08.570 Hospital, animal.

“Animal hospital” means a place where livestock or pets are given medical or surgical treatment. Use as a kennel shall be limited to short time boarding and shall only be incidental to such hospital use. (Prior code § 17.20.280)

17.08.580 Hospital, mental.

“Mental hospital” means an institution licensed by state agencies under the provisions of law to offer facilities, care and treatment of cases of mental and nervous disorders. (Prior code § 17.20.285)

17.08.590 Hotel.

“Hotel” means a building in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open to transient guests. Hotels include motels and automobile courts, but do not include group dwellings as defined herein. (Prior code § 17.20.290)

17.08.600 Industrial district.

“Industrial district” means any LI or HI district. (Prior code § 17.20.295)

17.08.610 Junkyard.

“Junkyard” means the use of any premises whether inside or outside of a building for the storage, keeping or abandonment of junk, including scrap metals, rags, paper, or other scrap material and equipment for dismantling, demolition or storage of unlicensed or abandoned automobiles or other vehicles, or machinery or parts thereof. (Prior code § 17.20.300)

17.08.620 Jurisdictional area.

“Jurisdictional area” means the area included within the unincorporated areas, a dis-

tance of four and one-half miles, in all directions, from the city's limits. Such jurisdictional area may be changed by joint resolution of the city council and board of county commissioners in accordance with Sections 76-1-501 to 76-1-508, MCA, 1979. (Prior code § 17.20.305)

17.08.630 Kennel, commercial.

"Commercial kennel" means a place where dogs or cats other than those owned by the kennel owner are kept and boarded for any period in excess of twenty-four hours. Female dogs or cats bred for the sole purpose of the sale of puppies or kittens for profit and female dogs or cats numbering more than two constitute a commercial kennel. (Prior code § 17.20.310)

17.08.640 Kennel, noncommercial.

"Noncommercial kennel" means a kennel at, in or adjoining a private residence where hunting dogs or other dogs or cats are kept for the hobby of the householder in using them in shows or field or obedience trials or for the guarding or protecting the householder's property. The occasional raising of a litter of puppies or kittens at the kennel should not change the character of residential property (no more than one litter of puppies or kittens shall be allowed in a calendar). In residential districts each household shall not possess more than two adult dogs or cats (an adult dog or cat is herein defined as any dog or cat over the age of twelve months). (Prior code § 17.20.315)

17.08.650 Livestock.

"Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, etc. (Prior code § 17.20.320)

17.08.651 Livestock units.

"Livestock units," for the purposes of this title, shall be defined as follows:

Livestock Class	Livestock Units
Cow, mature	1.00
Cow with calf	1.00
Bull, mature	1.25
Bull, yearling	.67
Calf, weaned	.60
Calf, under six months	.25
Steer, one-year old	.70
Steer, two-year old	.90
Steer, three-year old	1.00
Heifer, one-year old	.67
Heifer, two-year old	.85
Heifer, three-year old	1.00
Horse, mature	1.00
Horse with colt	1.50
Colt, weaned	.75
Ewe, mature	.20
Ewe, with lamb	.20
Lamb, weaned	.10
Lamb, under six months	.20
Ram, mature	.50
Goat, mature	.20
Goat with kid	.20
Kid, weaned	.05
Kid, under six months	.10
Hog, mature	.50
Hog, weaned	.20
Fowl: hens, roosters, or ducks or similar	.10
Fowl: turkeys or geese or similar	.25

Livestock units for animals not listed herein shall be determined by the planning director. (Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

17.08.670 Lot.

"Lot" when used alone, means, unless the context clearly indicates otherwise, "zoning lot" as defined in this title. (Prior code § 17.20.330)

17.08.680 Lot, corner.

"Corner lot" means a zoning lot at the junction of and abutting on two or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five degrees. Any zoning lot adjoining a curved street at a point where the street boundary described an arc subtended by an angle of one hundred thirty-five degrees or less, shall be considered a "corner lot." (Prior code § 17.20.335)

17.08.690 Lot depth.

"Lot depth" means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. (Prior code § 17.20.340)

17.08.700 Lot, interior.

"Interior lot" means a zoning lot other than a corner lot. (Prior code § 17.20.345)

17.08.710 Lot line, rear.

"Rear lot line" means the lot line generally opposite or parallel to the front street line. If a rear lot line is less than ten feet long, or the lot comes to a point at the rear, the rear lot line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line or, if the front street line is curved, parallel to the chord of the arc of the front street line. (Prior code § 17.20.350)

17.08.720 Lot, record.

"Record lot" means land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of Yellowstone County, Montana. (Prior code § 17.20.355)

17.08.730 Lot width.

"Lot width" means the average width of the lot. (Prior code § 17.20.360)

17.08.740 Lot, zoning.

"Zoning lot" means a tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning lot in the district in which such land is situated and having its principal frontage on a street or a permanent, exclusive, nonobstructed easement of access or right-of-way to a street, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" as herein defined. (Prior code § 17.20.365)

17.08.750 Marquee.

"Marquee" means a fixed shelter used only as a roof and extending beyond a building line and which is entirely supported by the building to which it is attached. (Prior code § 17.20.370)

17.08.760 Medical marijuana cultivation facility or cultivation facility.

"Medical marijuana cultivation facility" or "cultivation facility" shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from any medical marijuana dispensary and that

is designated as part of the premises of a medical marijuana dispensary licensed pursuant to Title 5, Chapter 5.70 of the Laurel Municipal Code. The city shall not license a medical marijuana cultivation facility or cultivation facility within one thousand feet of any private or public preschool, elementary, secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.
(Ord. No. O11-01, 2-15-2011)

17.08.761 Medical marijuana dispensary or dispensary.

"Medical marijuana dispensary" or "dispensary" shall mean a property or structure used to sell, distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients or primary caregivers pursuant to the authority contained in MCA § 50-46-101 et. seq. and the implementing administrative regulations promulgated thereto. The city shall not license a medical marijuana dispensary facility or dispensary facility within one thousand feet of any private or public preschool, elementary, secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.
(Ord. No. O11-01, 2-15-2011; Ord. No. O11-03, 3-1-2011)

17.08.762 Mobile home.

See "Manufactured home parks, travel trailer parks and individual manufactured

homes. (Ord. 96-5 (part), 1996: prior code § 17.20.375)
(Ord. No. O11-01, 2-15-2011)

17.08.763 Manufactured home parks, travel trailer parks and individual manufactured homes.

The following definitions shall be utilized in determining the appropriate classification of manufactured homes, modular homes and travel trailers:

1. "Manufactured home" means a dwelling unit that: (a) is not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes; and (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (c) exceeds forty feet in length and eight feet in width.

2. Manufactured Home, Class A. "Class A manufactured home" means a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

a. The home has a length not exceeding four times its width;

b. The pitch of the unit's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

c. The standard siding consists of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) compara-

ble in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and

e. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.

3. **Manufactured Home, Class B.** "Class B manufactured home" means a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

4. **Manufactured Home, Class C.** "Class C manufactured home" means any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

5. "Manufactured home park" means a residential use in which more than one manufactured home is located on a single lot.

6. "Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code Standards applicable to site-built homes), or a series of panels or room sections transported on a

truck and erected or joined together on the site. (Ord. 96-5 (part), 1996)
(Ord. No. O11-01, 2-15-2011)

17.08.770 Motel.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use by automobile tourist or transient, and such word shall include tourist courts, motor courts, automobile courts and motor lodges. (Prior code § 17.20.380)

17.08.780 Motor vehicle parts salvage yard.

"Motor vehicle parts salvage yard" means the use of not more than fifty percent of the premises of a motor vehicle repair garage or motor vehicle body repair shop for the storage of motor vehicles for dismantling and sale of used parts thereof. (Prior code § 17.20.385)

17.08.790 Nonconforming use.

The use of a building or other structure or of a tract of land which does not conform to the use or regulations of this title for the district in which it is located, either at the effective date of the ordinance codified in this title, or as a result of subsequent amendments which may be incorporated into this title. (Prior code § 17.20.390)

17.08.800 Off-street parking space.

"Off-street parking space" means an off-street area for parking of one motor vehicle having an all-weather surface, shall have a width of not less than twelve feet when directly connected to a driveway approach;

in all other instances the width shall be not less than ten feet; in both instances the length shall be not less than

twenty feet. Easy access to a street shall be provided by a driveway having an all-weather surface. (Prior code § 17.20.395)

17.08.810 Parking lot.

“Parking lot” means any land legally used for the parking of motor vehicles. (Prior code § 17.20.400)

17.08.820 Residential district.

“Residential district” means any RE, R-7500, R-6000, RLMF, PUD, RMH, or RP district. (Prior code § 17.20.405)

17.08.830 Outdoor advertising display.

“Outdoor advertising display” means card, cloth, paper and metal painted signs, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term “placed” as used in the definition of “outdoor advertising sign” and “outdoor advertising structure” shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. See also definition for “sign.” (Prior code § 17.20.410)

17.08.840 Pasture.

“Pasture” means an area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock. (Prior code § 17.20.415)

17.08.850 Planning board.

“Planning board” means the Laurel-Yellowstone city-county planning board as authorized under the provisions of 76-1-101 to

76-1-606, MCA 1979. (Prior code § 17.20.425)

17.08.860 Planning director.

“Planning director” means the individual appointed by the chief executive in accordance with 76-1-306(1)(3), MCA, 1979, and whose duties and responsibilities shall include, directing the planning and administrative activities of the planning department serving as the technical adviser to the planning board, zoning commission, board of adjustment and city council. (Prior code § 17.20.420)

17.08.870 Planned unit development.

“Planned unit development” means a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use. (Prior code § 17.20.430)

17.08.875 Post-secondary school.

“Post-secondary school” means a community college, a unit of the Montana University System, or a private university or college. (Ord. 04-1 (part), 2004)

17.08.877 Preschool.

“Preschool” means a place or facility that provides, on a regular basis and as its primary purpose, educational instruction designed for children five years of age or younger and that: (a) serves no child under five years of age for more than three hours a day; and (b) serves no child five years of age for more than six hours a day. See also “Child care facilities” of this chapter. (Ord. 04-1 (part), 2004)

17.08.880 Principal use.

“Principal use” means 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. (Prior code § 17.20.435)

17.08.890 Public use zone.

“Public use zone” means a separate zone intended to reserve land for public and semi-public uses. (Prior code § 17.20.443)

17.08.900 Public utility.

“Public utility” means a private business, performing a public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either or which are paid for directly by the recipients thereof. Such services shall include but are not limited to, water supply, electric power, gas and transportation for persons and freight. (Prior code § 17.20.445)

17.08.910 Recreational area, commercial.

“Commercial recreational area” means an area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, skiing, horseback riding, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee or service charge. (Prior code § 17.20.450)

17.08.920 Recreational area, noncommercial.

“Noncommercial recreational area” means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses

and other similar uses maintained and operated by a nonprofit club, homeowner’s association or other corporate structure and whose membership is limited to the residents within the area. (Prior code § 17.20.455)

17.08.950 Row housing.

“Row housing” means a building which has not less than three one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extended from the basement or cellar floor to the roof along the dividing lot line; and each such building being separated from any other building by space on all sides. (Prior code § 17.20.470)

17.08.960 Salvage yards.

See “motor vehicle parts salvage yards.” (Prior code § 17.20.475)

17.08.970 Sanitarium.

“Sanitarium” means a facility where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of medical or surgical nature to human patients, and licensed by the state to provide facilities and services in surgery, obstetrics and general medical practice. (Prior code § 17.20.480)

17.08.980 School.

“School” means a place or institution for the teaching of individuals, the curriculum of which is composed of the work of any combination of kindergarten through grade twelve, a post-secondary school or a preschool. (Ord. 04-1 (part), 2004: prior code § 17.20.485)

17.08.990 School, commercial.

“Commercial school” means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation. (Ord. 04-1 (part), 2004: prior code § 17.20.490)

17.08.1010 Secondhand store.

“Secondhand store” means a retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new. Antique stores are exempted. (Prior code § 17.20.500)

17.08.1020 Service station, automobile gasoline and motor fuels.

“Service station, automobile gasoline and motor fuels” means a use which provides for drive-in type business in which service can be provided without a customer leaving the vehicle. It may also include the following:

A. The servicing of motor vehicles and operations incidental thereto but not necessarily limited to the retail sale of petroleum products and automotive accessories, automobile waxing and polishing, tire changing and repairing (excluding recapping), battery service, charging and replacement, excluding repair and rebuilding, radiator cleaning and flushing, excluding steam cleaning and repair, and installation of accessories;

B. The following operation, if conducted within a building: Lubrication of motor vehicles, brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes, wheel balancing, the testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel

pumps, water hoses and wiring, replacing mufflers and shock absorbers. (Prior code § 17.20.505)

17.08.1030 Sign.

“Sign” means any device intended for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public; provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

B. Flags and insignias of any government except where displayed in connection with commercial promotion;

C. Legal notices, identification, information, or directional signs erected or required by governmental bodies;

D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;

F. Real estate “For Sale” signs ten sq. feet or less in size;

G. Package containers, designed for the purpose of holding letters, parcel post, packages and delivery service orders;

H. Temporary political campaign signs. (Prior code § 17.20.510)

17.08.1040 Stable, private.

“Private stable” means a detached accessory building in which animals are kept entirely for the use of the owner or members of the immediate family. (Prior code § 17.20.515)

17.08.1050

17.08.1050 Stable, nonprofit or commercial.

“Nonprofit or commercial stable” means a structure and customary accessory buildings owned and operated by a nonprofit association or club conducted for the exclusive use of its members or guests; or a structure and customary accessory buildings operated for the boarding, rental, or sale of horses and other animals, and otherwise used by the general public. (Prior code § 17.20.520)

17.08.1060 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is more than five feet above the level from which the height of the building is measured. (Prior code § 17.20.525)

17.08.1070 Story, half.

“Half story” means a story with at least two opposite exterior sides meeting at a sloping roof not more than two feet above the floor of such story. (Prior code § 17.20.530)

17.08.1080 Street.

“Street” means a public thoroughfare

which affords principal means of access to abutting property. (Prior code § 17.20.535)

17.08.1090 Structural alteration.

“Structural alteration” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or dimension of the rooms therein. (Prior code § 17.20.540)

17.08.1100 Structure.

“Structure” means anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground; including but not limited to buildings, advertising signs, billboards, and poster panels; but not including customary fences or boundary or retaining walls. (Prior code § 17.20.545)

17.08.1110 Theater, drive-in.

“Drive-in theater” means an establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen. (Prior code § 17.20.550)

17.08.1120 Trailer or mobile home.

See “Manufactured home parks, travel trailer parks and individual manufactured homes.” (Ord. 96-5 (part), 1996: prior code § 17.20.555)

17.08.1130 Travel trailer.

“Travel trailer” means a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use. When factory-

equipped for the road, it shall have a maximum dimension of eight by thirty-two feet. (Prior code § 17.20.560)

17.08.1160 Uniform building codes.

“Uniform building codes” means the currently adopted set of regulations in effect concerning building in the city, as defined in Section 17.08.160 of this chapter, and as utilized in the zoning jurisdiction of the city and in that area around Laurel in which Laurel enforces the building code. (Ord. 96-5 (part), 1996: prior code § 17.20.575)

17.08.1170 Use.

“Use” means the term referring to:

A. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; and

B. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land; or

C. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied. (Prior code § 17.20.580)

17.08.1180 Usable open space.

“Usable open space” means space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements. (Prior code § 17.20.585)

17.08.1190

17.08.1190 Uses permitted.

“Uses permitted” means any use permitted by the regulations of this title. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use. (Prior code § 17.20.590)

17.08.1200 Variance.

“Variance” means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone. (Prior code § 17.20.595)

17.08.1210 Yard, front.

“Front yard” means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building. (Prior code § 17.20.600)

17.08.1220 Yard, rear.

“Rear yard” means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. (Prior code § 17.20.605)

17.08.1230 Yard, side.

“Side yard” means a yard between the sideline of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either side yards, is a front or rear lot line, respectively, no case being closer than four feet. The first two feet of the overhang shall not be subtracted from the allowable side yard spacing; provided, that

the overhang is not closer than four feet to the property line. (Prior code § 17.20.610)

17.08.1240 Yard.

“Yard” means an open space of uniform width or depth on the same zoning lot with a building or group of buildings, which open space lies between the buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed, from the ground upward except as may be specifically provided in this title. In measuring a yard, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as not to be considered in measuring yard dimensions or as being permitted to extend into a yard, and the measurements shall be taken at right angles from the line to the building to the nearest lot line. (Prior code § 17.20.615)

Chapter 17.12

ZONING DISTRICTS ESTABLISHED

Sections:

- 17.12.010 Intent.
- 17.12.020 Districts designated.
- 17.12.030 Agricultural-open space (AO) zone.
- 17.12.031 Suburban residential (SR) zone.
- 17.12.034 Residential tracts (RT) zone.
- 17.12.040 Residential estates-22,000 (RE-22,000) zone.
- 17.12.050 Residential-7500 (R-7500) zone.
- 17.12.060 Residential-6000 (R-6000) zone.
- 17.12.070 Residential light multifamily (RLMF) zone.
- 17.12.080 Residential multifamily (RMF) zone.
- 17.12.090 Residential manufactured home (RMH) zone.
- 17.12.100 Planned unit development (PUD) zone.
- 17.12.110 Residential professional (RP) zone.
- 17.12.120 Neighborhood commercial (NC) zone.
- 17.12.130 Central business district (CBD) classification.
- 17.12.140 Community commercial (CC) classification.
- 17.12.150 Highway commercial (HC) district.
- 17.12.160 Light industrial (LI) classification.
- 17.12.170 Heavy industrial (HI) district.

- 17.12.180 Airport (AP) zone.
- 17.12.190 Floodplain (FP) zone.
- 17.12.200 Public (P) zone.
- 17.12.210 District boundaries and zoning map.
- 17.12.220 Interpretation of district boundaries.

17.12.010 Intent.

It is the intent of this chapter to establish zones wherein compatible uses of land may be located to create, protect, and maintain a desirable living environment, to stabilize and protect residential harmony and to conduct a profitable business. It is also the intent of this chapter to make it possible to efficiently and economically design and install public facilities in terms of size and capacity to adequately meet the needs resulting from a defined intensity of land use. (Prior code § 17.24.010)

17.12.020 Districts designated.

In order to carry out the provisions of this title, the city and other areas so authorized by the county commissioners or state statute, is divided into the following zoning districts in which the erection, construction, alteration, reconstruction, repair or use of buildings, structures, and land shall be regulated and restricted. The regulations in each district shall be uniform throughout each district but may differ from those in other districts. The districts are designated as follows:

- A. AO — Agricultural-Open Space;
- B. R-7500 — Residential-7500;
- C. R-6000 — Residential-6000;
- D. RLMF — Residential Light Multifamily;
- E. RMF — Residential Multifamily;
- F. RMH — Residential Manufactured Home;
- G. PUD — Planned Unit Development;

- H. RP — Residential Professional;
- I. NC — Neighborhood Commercial;
- J. CBD — Central Business District;
- K. CC — Community Commercial;
- L. HC — Highway Commercial;
- M. LI — Light Industrial;
- N. HI — Heavy Industrial;
- O. AP — Airport;
- P. FP — Floodplain;
- Q. P — Public;
- R. SR — Suburban Residential Zone;
- S. RT — Residential Tracts Zone;
- T. RE-22,000 — Residential Estates 22,000. (Ord. 01-4 (part), 2001; amended during 4-97 supplement; prior code § 17.24.020)

17.12.030 Agricultural-open space (AO) zone.

The agricultural-open space zone is intended to preserve land for agricultural and related use. Land within this zone is usually unsubdivided and with a minimum of roads, streets, and other utilities. It may be cultivated acreage or land less suitable for cultivation, yet suitable for various agricultural enterprises using the broadest scope of the agricultural definition. Land within this zone may be located adjacent to highways and arterial streets. The AO zone is further intended to discourage the scattered intrusion of uses not compatible with an agricultural rural environment. (Prior code § 17.24.020(A))

17.12.031 Suburban residential (SR) zone.

This zone is limited to single-family residential tracts on a minimum of five acres of land and on which agricultural uses may be conducted with the exception that animal units shall not exceed ten per five acres (see "Livestock units" in Section 17.08.651). (Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

17.12.034 Residential tracts (RT) zone.

This residential zone is designed for single-family residential homes on a minimum of one acre of land. Livestock is limited to two livestock units per acre with additional units allowed per additional half-acre increments in conformance with Section 17.08.651 of this code. No livestock is allowed in the city limits, and all livestock must be removed when annexation occurs. (Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

17.12.040 Residential estates-22,000 (RE-22,000) zone.

This zone is intended to provide of low-density, single-family, residential development in areas near or adjacent to the city that are served by either central water or sewer systems. (Ord. 01-4 (part), 2001)

17.12.050 Residential-7500 (R-7500) zone.

The residential-7500 zone is intended to provide an area for medium, urban-density, single-family, residential environment on lots that are served by a public sewer and sewer system. (Prior code § 17.24.020(C))

17.12.060 Residential-6000 (R-6000) zone.

The residential-6000 zone is intended to

promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system. (Prior code § 17.24.020(D))

17.12.070 Residential light multifamily (RLMF) zone.

The residential light multifamily zone is intended to provide a suitable residential environment for medium density (up to a fourplex) residential dwellings. The area is usually served by a public water and sewer system. (Prior code § 17.24.020(E))

17.12.080 Residential multifamily (RMF) zone.

The residential multifamily zone is intended to provide a suitable residential environment for medium to high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones. (Prior code § 17.24.020(F))

17.12.090 Residential manufactured home (RMH) zone.

The residential manufactured home zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses. (Ord. 96-5 (part), 1996; prior code § 17.24.020(G))

17.12.100 Planned unit development (PUD) zone.

The planned unit development zone is intended to provide a district in which the use of the land is for the development of residential and commercial purposes, as an integrated unit. (Prior code § 17.24.020(H))

17.12.110 Residential professional (RP) zone.

The residential professional zone is intended to permit professional and semiprofessional uses compatible with surrounding residential development. (Prior code § 17.24.020(I))

17.12.120 Neighborhood commercial (NC) zone.

The neighborhood commercial zone is intended to accommodate shopping facilities consisting of convenience retail and personal service establishments which secure their principal trade by supplying the daily needs of the population residing within a one-half mile radius of such neighborhood facilities. The location and quantity of land within the NC zone should be a business island not more than four acres in size and that no business frontage should extend more than six hundred feet along any street. (Prior code § 17.24.020(J))

17.12.130 Central business district (CBD) classification.

The central business district classification is intended to primarily accommodate stores, hotels, governmental and cultural centers and service establishments at the central focal point of the city's transportation system. (Prior code § 17.24.020(K))

17.12.140 Community commercial (CC) classification.

The community commercial classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area

17.12.140

within a one and one-half mile radius, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials. (Prior code § 17.24.020(L))

17.12.150 Highway commercial (HC) district.

The purpose of the highway commercial district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated

as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property. (Prior code § 17.24.020(M))

17.12.160 Light industrial (LI) classification.

A light industrial classification is intended primarily to accommodate a variety of business warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial center of the city and surrounding area. (Prior code § 17.24.020(N))

17.12.170 Heavy industrial (HI) district.

A district intended to accommodate manufacturing, processing, fabrication, and assembly of materials and products. Areas designated as heavy industry should have access to two or more major transportation routes, and such sites should have adjacent space for parking and loading facilities. (Prior code § 17.24.020(O))

17.12.180 Airport (AP) zone.

The airport zone is designated to preserve existing and establish new compatible land uses around the Laurel airport. (Prior code § 17.24.020(P))

17.12.190 Floodplain (FP) zone.

The floodplain zone is designed to restrict the types of uses allowed within the areas designated as the floodplain and floodways as officially adopted by the Montana Board of Natural Resources and Conservation, Helena, Montana. (Prior code § 17.24.020(Q))

17.12.200 Public (P) zone.

The public zone is intended to reserve land exclusively for public and semipublic uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. (Prior code § 17.24.020(R))

17.12.210 District boundaries and zoning map.

The location and boundaries of districts established in the city are shown on the official zoning map of the city. This map is entitled "Zoning Map of the City of Laurel, Montana," and is on file in the office of the city clerk-treasurer. This map is hereby made a part of this chapter. This map shall reflect the ordinances adopted prior to this date and all ordinances adopted after this date relating to the boundaries of zoning districts. The city engineer shall show changes upon the official zoning map of the city in accordance with such ordinances as they are from time to time enacted. (Ord. 97-2 § 4 (part), 1997; prior code § 17.24.030) (Ord. No. 008-03, 3-18-08)

17.12.220 Interpretation of district boundaries.

Where uncertainties exist as to the boundaries of the various districts as shown on the zoning map accompanying and made a part of this title, the following rules shall apply:

A. District boundary lines are intended to follow street, alley or lot lines, or lines

parallel to or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the zoning map;

B. Where district boundaries are indicated as approximately following street or alley lines or proposed street or alley lines, such lines shall be construed to be such boundaries;

C. Where district boundaries are so indicated that they approximately follow lot lines and are not more than ten feet distant therefrom, such lot lines shall be such boundaries;

D. Where land within the city limits is not subdivided into lots and blocks or where district boundary lines are not approximately street, alley, or lot lines, the district boundary lines on the zoning map shall be determined by the scale shown on such map, and where uncertainty exists, the district boundary line shall be determined by the zoning commission by written decision. If land within the city limits has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the district boundaries were established, or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on the zoning map, the zoning commission, after notice to the property affected thereby and a public hearing, may interpret the zoning map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street and lot layout of the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the zoning map in the office of the city building inspector shall be changed to conform thereto;

E. Any street, alley or railroad right-of-way, watercourse, channel or body of

water, included in the zoning map shall, unless otherwise indicated, be included in the zoning district of adjoining property on either side thereof. Where such a street, alley, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different zoning districts, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between zones. If a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley;

F. All land or territory annexed to the city after the date of adoption of this section shall immediately become classified as an R-7500 residential district and the zoning map shall thereupon be amended to indicate such land or territory in the R-7500 residential district without additional procedure.

G. The hearing for annexation and zone change may be held at the same time. (Ord. 01-4 (part), 2001; prior code § 17.24.040)

Chapter 17.16**RESIDENTIAL DISTRICTS****Sections:****17.16.010 List of uses.****17.16.020 Zoning classified in districts.****17.16.010 List of uses.**

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999; Ord.

96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999; Ord. 96-5 (part), 1996; Ord. 94-5, 1994; Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985; prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									
Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020— 17.21.040)									

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,500		Chapter		
Three units		8,500	8,500	8,500		17.32		
Four units			10,000	10,000				
Five units				11,500				
Six units and more				Add 1,500 each additional unit				
Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	NA ²	30		30	30
Maximum lot coverage (percentage)	30	30	40	55	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

Chapter 17.20

COMMERCIAL—INDUSTRIAL USE REGULATIONS

Sections:

17.20.010 List of uses.

17.20.020 Zoning classified in districts.

17.20.010 List of uses.

Table 17.20.010 designates the special review (SR) and allowed (A) uses as gov-

erned by commercial — industrial use regulations. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 96-5 (part), 1996; Ord. 998, 1991; Ord. 923, 1987; Ord. 922, 1987; Ord. 917, 1987; prior code § 17.32.010)

17.20.020 Zoning classified in districts.

Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020. (Prior code § 17.32.020)

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		
Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country				A	A	A	A		
Bus repair and storage terminals						A	A	A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Department stores				A	A	A	A		
Drug stores			A	A	A	A	A		
Dry kiln								A	
Dwellings: single-family manufactured home	A	A	A	A	A				
Class A									
Class B									
Class C									
two family			A	A	A				
multiple family			A	A	A				
row housing			SR	SR	SR				
Eating and drinking establishments:									
Cocktail lounge, restaurants, bars and taverns				SR	SR	SR	SR		
Restaurants (without the sale of alcoholic beverages)				A	A	A	AA		
Drive-in restaurants					SR	SR	SR		
Extractive industries - excavations of sand and gravel		SR					SR		
Farm implements, sales and service						A	A	A	
Fat rendering or production of fats and oils								SR	
Feedlots - livestock	A							SR	
Feed and seed processing and cleaning for retail purposes									
Feed and seed - farm and garden retail sales					A	A	A		
Fertilizer manufacturing								SR	
Fertilizer wholesale sales						SR	SR	A	
Fertilizer - retail sales					A	A	A		
Florist, wholesale sales	SR				A	A	A		
Florist, retail sales			A	A	A	A	A		
Flour mills							SR	SR	
Food products manufacturing, storage and processing						SR	SR	A	
Food stores (retail only)				A	A	A	A		
Food stores (retail only) - 3000 sq. ft.			A	A	A	A	A		
Foundry								A	
Frozen food lockers					A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels - commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and drycleaning plants							A	A	
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts			A	A	A	A			
Music stores			A	A	A	A	A		

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	
Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards						A	A	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

Chapter 17.21

TELECOMMUNICATIONS TOWERS AND ANTENNAE*

Sections:

17.21.010 Intent.

17.21.020 Standards for amateur radio antenna support structures.

17.21.030 Standards for wireless communication facilities.

17.21.040 Standards for land mobile radio and radio and television broadcast antennae and antennae support structures.

* Prior Ordinance History: Prior Ord. 99-28

17.21.010 Intent.

This chapter is established to regulate the placement of telecommunications towers and antennae within the Laurel zoning jurisdictional area (one mile outside the municipal limits). (Ord. 01-2 (part), 2001)

17.21.020 Standards for amateur radio antenna support structures.

A. Definitions. For the purposes of this chapter, the terms used shall be defined as follows:

"Amateur Radio Antenna" means 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" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.

"Antenna Support Structure Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. 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.

B. General Provisions. All amateur radio towers shall comply with the following requirements:

1. Amateur radio antenna support structures and antennae shall be located only within the rear yard and shall not be placed within any required setback and shall be located so as to minimize their impact on adjacent residential properties and adjacent rights-of-way while maintaining acceptable signal quality.

2. Amateur radio antenna structures and antennae exceeding six feet in height above grade (if ground-mounted) or above the roof or ridge of the building on which they are located (if building-mounted), shall require a building permit if located within the municipal limits of Laurel. If located within one mile of such municipal limits, applicants must provide evidence to the Laurel Code Enforcement Office that the device is adequately anchored, designed, and/or constructed so as to safeguard the general public and/or adjacent property from damaged in the event of failure of the device.

3. It is recommended that amateur radio antenna support structures be designed, installed, and maintained so as to blend into the surrounding environment through the use of color and alternative designs, except in instances where the color is dictated by the Federal Aviation Administration (FAA).

4. In accordance with the FCC's preemptive ruling PRB1, 101 FCC 2d 952 (1985), antenna support structures erected

for the primary purpose of supporting amateur radio antennae may exceed height limitations of the underlying zoning.

5. Attachments to amateur radio antenna support structures, such as guy wires, shall not cross any property line or any existing or proposed easement.

6. No lighting shall be permitted on any amateur radio antenna support structures except as mandated by the FAA.

7. No signage (other than required warning signs) or displays of any type shall be permitted on any amateur radio antenna support structure.

C. **Applicability.** All amateur radio support structures and antennae located within the City of Laurel or its surrounding zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to amateur radio antenna support structures and antennae upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter: Pre-existing amateur radio antenna support structures or antennae. Pre-existing amateur radio antenna support structures and pre-existing amateur radio antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures and antennae have received all required approvals, permits, and exceptions prior to adoption of this chapter. (Ord. 01-2 (part), 2001)

17.21.030 Standards for wireless communications facilities.

A. **Purpose.** The purpose of this chapter is to establish regulations for the siting of antenna support structures and antennae on public and private property. The goals of this section are to:

1. Encourage the location of antenna support structures in non-residential areas

and minimize the total number of antenna support structures throughout the community;

2. Strongly encourage the joint use of new and existing antenna support structures;

3. Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;

4. Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennae; and

5. Enhance the ability of the providers of wireless communication services to provide such services to the community, as quickly, effectively, and efficiently as possible.

B. Definitions.

"Abandoned antenna support structures" means any antennae or antenna support structures that are not utilized for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.

"Alternative antennae support structure" means an antenna support structure designed to shield, conceal, or disguise the presence of antennae 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.

"Antenna" means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae but not including satellite earth stations.

"Antenna support structure" means any structure or device specifically designed, con-

structed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. 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. Land mobile radio and radio and television antenna support structures are regulated under Section 17.21.040 of this chapter.

"Antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. 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 of building on which they are mounted.

"Antenna or Tower farm" means an antenna or tower farm is a tract of land that contains no more than three antenna support structures within seven hundred fifty linear feet of each other. No antenna support structures located in tower farms shall exceed one hundred ninety-nine feet in height. Legal tracts must be adjacent to each other to be included in this definition.

"Co-location" means the use of a wireless communications facility by more than one wireless communications provider.

"Commercial wireless communication services" means 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.

"Equipment enclosure" means 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.

"Wireless communication facility" means 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 antennae. Amateur radio, land mobile radio, and commercial radio and television facilities are excluded from this definition.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communication Commission.

C. Applicability. All wireless communication facilities located within the City of Laurel and its one-mile zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to wireless communication facilities upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter.

1. Amateur radio stations and antenna support structures;
2. Antennae and antenna support structures for land mobile radio and radio and television;
3. Pre-existing antenna support structures or antennae. Pre-existing antenna support structures and pre-existing antennae shall not be required to meet the requirements of this chapter, so long as said pre-

existing antenna support structures have received all required approvals, permits, exceptions prior to adoption of this chapter.

D. Commercial Antenna Support Structures and Antennae Located in Residential Zoning Districts.

1. Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:

a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

b. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.

2. Antenna support structures and antennae shall be permitted in the Agricultural-Open Space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:

a. Antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:

(1) Located on school, government-owned utility, and government sites and

alternative antenna support structures for roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

(2) Antenna support structures fifty feet or less in height.

b. Antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.

c. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.

d. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.

E. Commercial Antenna Support Structures and Antennae Located in Commercial Zoning Districts.

1. Alternative antenna support structures shall be permitted as an allowed use in all commercial zoning districts.

2. Antenna support structures shall be permitted as an allowed use in all commercial zoning districts when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, city-county planning board shall forward its recommendations to the city council for its decision.

3. Antennae co-located on existing alternative antenna support structures or existing antenna support structures which have

previously received all required approvals and permits shall be permitted as an allowed use in all commercial zones.

4. Antenna support structures and antennae located in Residential Professional (RP) that do not meet the requirements of preceding subsection E1, E2, and E3 shall be required to obtain special review approval.

5. New antenna support structures shall not be erected in the Community Entryway Zone. Antennae may be placed on existing antenna support structures and alternative antenna support structures that have previously received all required approvals and permits and meet the provision and requirements of this ordinance without obtaining permit zoning approval.

6. Antenna support structures and antennae located Neighborhood Commercial (NC), Highway Commercial (HC), Light Industrial (LI), Central Business District (CBD), Heavy Industrial (HI), and Public (P) zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections E1, E2, and E3, or:

a. Roof-mounted antenna that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use. (See additional requirements for roof-mounted antenna in subsection (G)(10) of this section).

b. Antenna support structures fifty feet in height or less shall be permitted as an allowed use. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.

c. Antenna support structures that are greater than fifty feet in height shall not be allowed in the CBD or HC Zones.

F. Antenna Support Structures Located in Parks. The presence of certain wireless communication facilities may conflict

with the purpose of some city and county-owned parks. Wireless communication facilities will be considered only following a recommendation by the city-county planning board, the city parks committee, or the county board of park commissioners and approved by the city council. Factors that will be considered include:

1. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;

2. Commercial recreation areas and major playfields; and,

3. Park maintenance facilities.

G. General Requirements. The requirements set forth in this section shall govern the location and construction of all wireless communications facilities governed by this ordinance.

1. Building Codes and Safety Standards. To ensure the structural integrity of wireless communication facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such wireless communication facilities, as amended from time to time.

2. Regulatory Compliance. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter. All wireless communication facilities must comply with all revised standards and regulations within the date established by the agency promulgating the standards or regulations.

3. Setbacks:

a. Antenna support structures adjacent to residential uses or zoning. Antenna support structures must be set back from all property lines a distance equal to one-half the height of the structure from any off-site

residential structure or residentially-zoned lot. Accessory structures must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially-zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.

b. **Commercial and Industrial Zoning Setbacks.** Antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the commercial or industrial zoning district in which they are located.

4. **Lot Coverage and Height.** Antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Accessory structures shall not exceed the height restrictions for the zoning district in which they are located.

5. **Fencing and buffering.**

a. **Fencing.** A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height, are required adjacent to residential uses and residentially-zoned property.

b. **Landscaping.** For all facilities the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. A performance bond or letter of credit for one hundred fifty percent of the landscap-

ing and fencing materials and labor costs shall be posted with the Laurel Code Enforcement Office, prior to zoning approval or issuance of building permit, to ensure the placement of required landscaping and fencing.

c. **Commercial Landscaping.** Landscaping requirements shall not apply to antenna support structures located in the Heavy Industrial (HI) zoning district.

d. **Exceptions for Laurel Airport.** If federal safety and security standards at the airport prevent an antenna support structure from being fenced or landscaped, preceding items (5)(a) and (5)(b) will not apply. Documentation of these standards must be submitted with the application.

6. **Lighting.** Antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights.

Security lighting on site may be mounted up to twenty feet high on the tower, and shall be directed towards the ground to reduce light pollution, prevent off-site light spillage, and avoid illuminating the tower. Cut-off security lighting must be used adjacent to residential uses or residentially zoned lots. When incorporated into the approved design of the facility, light fixtures used to illuminate sports fields, parking lots, or similar areas may be included in the facility.

7. **Signage.** Signage shall be limited to non-illuminated warning and equipment identification signs.

8. **Co-location.**

a. Antenna support structures should be designed in all respects to accommodate both the applicant's antennae and antennae for at least two additional comparable antennae if the antenna support structure is over one hundred feet in height or for at

least one additional comparable antennae if the tower is between fifty feet and one hundred feet in height.

b. All new antennae must co-locate on existing or approved antenna support structures or alternative antenna support structures unless it can be demonstrated co-location is not feasible as provided for in subsection (K)(7) of this section.

9. Maintenance.

a. Equipment at a wireless communication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.

b. All property used for the siting of an antenna support structure or antenna shall be maintained, without expense to the city so as to be safe, orderly, attractive, and in conformity with city codes including those regarding the removal of weeds, trash, and landscape maintenance.

10. Visual impact/aesthetics.

a. Wireless communication facilities shall either maintain a galvanized steel finish or (subject to any applicable standards of the FAA or other applicable local, state, or federal agency) be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.

b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.

c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers, or other architectural elements. Only monopole antennae support structures with omni-directional (whip) or low profile single-directional (panel) shall be installed on building roofs. Crow's nest antennae arrays are prohibited on rooftop structures.

d. Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below, or incorporated with vertical design elements of a structure.

e. Wireless communication facilities shall be located as to minimize their visibility and not be placed within historic or scenic view corridors as designated by the Laurel city council or by any state or federal law or agency.

11. Antenna support structure separation. All antenna support structures over fifty feet in height, regardless of the zoning district in which the structure is located, shall be located at least one mile from any other antenna support structure that is over fifty feet. Up to three antenna support structures located within an approved wireless communication facility tower farm shall be located at least one mile from any other tower farm.

Exceptions to the terms of subsection (G)(11) of this section may be granted by the City of Laurel during the special review process when it is found that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna; or a critical need exists for the proposed location, and it is techni-

cally infeasible to locate or co-locate structures at or beyond the required separation distance.

H. **Nonconforming Wireless Communication Facilities.** Antenna support structures and/or facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, (nonconforming antenna support structures) are subject to the following provisions:

1. Nonconforming antenna support structures may continue their present use, but may not be expanded or increased in height without complying with these regulations, except as further provided in this section.

2. Nonconforming antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If an antenna support structure is destroyed or damaged by more than fifty percent of its replacement, the antenna support structure must be brought into compliance with these regulations.

3. The owner of any nonconforming antenna support structure may make minor modifications in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennae or facilities, or to upgrade the facilities to current engineering, technological, or communications standards without having to conform to the provisions of these regulations.

I. **Modifications of Existing Wireless Communication Facilities That Meet the Requirements of These Regulations.**

1. **Minor Modifications.** Minor modifications to facilities permitted under these

regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows: the addition of more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.

2. **Major Modifications.** Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.

J. **Abandonment.** Wireless communications facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:

1. Re-use the facility or transfer it to another owner who will re-use it; or

2. Dismantle the Facility. If the facility is not removed within ninety days of abandonment, the city may remove the facility at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.

If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.

K. Special Review Submittal Requirements. The applicant of new wireless communication facilities shall provide the following documentation for review by the city-county planning board:

1. A map to scale showing the service area of the proposed wireless communication facility and an explanation of the need for that facility;

2. A site/landscaping plan showing the following items;

a. North arrow.

b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.

c. Property boundaries and lot line dimensions.

d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.

e. Setbacks from all property boundaries for existing and proposed structures and buildings.

f. Centerline and names of major and minor arterial streets relevant to the application.

g. 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.

h. Detailed landscaping plan of the site.

i. Location of artificial light sources and the areas of illumination.

j. Applications for tower farms shall include subsections (a) through (i) of this section and an overall development plan showing the location of future structures and equipment enclosures.

k. Latitude, longitude, and height of proposed antenna support structures.

1. Other pertinent features as determined by the planning board or the city.

3. Area map showing the property boundaries of adjacent property and the location of existing buildings.

4. Inventory of existing and approved sites. Each applicant for one or more antenna support structure shall provide to the city-county planning board a map showing the locations and service area of existing and approved antenna support structures operated or utilized by the applicant, including specific information on the location, height, and design of each antenna support structure. The city-county planning board shall maintain an inventory of existing and approved antenna support structures, including specific information about the location, height, and design of each antenna support structure. The city may share such information with other persons, organizations, or governmental authorities.

5. Documentation of minimum light requirements from the FAA or other local, state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of comments from the FAA.

6. When the applicant is a wireless service provider, proof that the applicant is licensed by the FCC to provide the wireless communication services that the proposed facility is designed to support.

7. Availability of suitable existing or approved antenna support structures. No new antenna support structure shall be permitted unless the applicant clearly demonstrates, in writing, to the reasonable satisfaction of the city that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna. Closer separation distances may be approved if the applicant

clearly demonstrates a critical need for the alternative location and the infeasibility of locating or co-locating wireless communication facility at or beyond the required separation distance. Evidence submitted to demonstrate that no existing or approved structure can accommodate the applicant's proposed antenna must include a discussion of the following items, if relevant:

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 fees or costs required to share an existing or approved antenna support structure or to adapt an existing or approved antenna support structures for sharing are unreasonable. Costs below new tower development are presumed reasonable;

f. Property owners or owners of existing or approved antenna support structures are unwilling to accommodate the applicant's needs;

g. The applicant demonstrates that there are other limiting factors that render existing or approved antenna support structures unsuitable;

8. Co-location Agreement. If co-location is feasible, the owner of the antenna support structure shall certify, prior to permit approval, that the owner will accept for co-location any FCC licensed wireless communication provider using compatible technology on commercially reasonable terms up to the antenna support structure's capacity to accommodate additional antennae. The applicant shall also include a statement on how requests for co-locators will be processed.

9. Effect of surrounding property values. The applicant must submit information that substantiates there will be no adverse effects on surrounding property values resulting from the proposed facility.

L. Special Review Uses.

1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The Laurel city council may issue special review approval under these sections provided it has determined that the requirements of this ordinance has been satisfied and, further, that the benefits of and need for the proposed wireless communication facilities are greater than possible depreciating effects and damage to neighboring properties.

2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed wireless communication facilities on surrounding properties.

3. Expiration of Special Review Approval.

a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. If located within the city of Laurel, a building permit must be applied for within six months

of special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extension of the period to start construction upon written request by the applicant.

b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.

M. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.

N. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

17.21.040 Standards for land mobile radio and radio and television broadcast antennae and antennae support structures.

A. Purpose. The purpose of this section is to establish regulations for the siting

of broadcast facilities, including land mobile radio services and radio and television broadcast antennae, antenna support structures, and associated equipment and buildings on public and private property. The goals of this section are to:

1. Encourage the location of broadcast facilities in non-residential areas and minimize the total number of antenna support structures throughout the community;

2. Strongly encourage the joint use of new and existing broadcast antenna support structures;

3. Require broadcast facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;

4. Require broadcast facilities to be configured in a way that minimizes the adverse visual impact of antenna support structures and antennae; and

5. Enhance the ability of the providers of land mobile radio services and radio and television broadcast services to provide such services to the community as quickly, effectively, and efficiently as possible.

B. Definitions. For the purposes of this section, the terms used shall be defined as follows:

"AM" means amplitude-modulated broadcasting in the frequency band 535-1,705 kilohertz.

"Antenna/antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. 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.

"Broadcast antenna" means a ground, building or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service

as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

(a) Title 47, Part 90 (47 CFR § 90) - Private Land Mobile Radio Services,

(b) Title 47, Part 73 (47 CFR § 73) - Radio Broadcast Services, which includes AM, FM, and Television Services, and

(c) Title 47, part 74 (47 CFR § 74) - Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services;

"Broadcast antenna support structure" means any structure or device specifically designed, constructed, and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.

"Broadcast antenna or tower farm" means a tract of land that contains three or more broadcast or land mobile radio service antenna support structures, any two are spaced no more than seven hundred fifty linear feet of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings, and any additions thereto.

"Broadcast facilities" means an unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure, and one or more antennae.

This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"Land Mobile Radio Service (LMRS)" means a mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90) - Private Land Mobile Radio Services.

C. Applicability. All land mobile radio service and radio and television broadcast antenna and antenna support structures located within the City of Laurel zoning jurisdiction whether upon private or public lands shall be subject to this chapter. This chapter shall apply to broadcast antenna and antenna support structures upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise.

Pre-existing land mobile radio and radio and television broadcast antenna support structures and antennae shall not be required to meet the requirements of this chapter except as provided under Section 17.56 of this code, "Nonconforming broadcast facilities".

D. Broadcast antenna support structures and antennae located in residential zoning districts.

1. Land mobile radio and radio and television broadcast antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:

a. Alternative broadcast antenna support structures conforming to all applicable provisions of this ordinance and roof-mounted antennae that do not add more

than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

b. Antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures, which have previously received all required approvals and permits shall be permitted as an allowed use.

2. Broadcast antenna support structures and antennae shall be permitted in the agricultural-open space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:

a. Broadcast antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:

(1) Located on school, government-owned utility, and government sites and alternative antenna support structures or roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

(2) Broadcast antenna support structures fifty feet or less in height.

b. Broadcast antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.

c. Broadcast antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.

d. Broadcast antenna or tower farms are permitted by special review.

E. Broadcast Antenna Support Structures and Antennae Located in Commercial Zoning Districts.

1. Broadcast antenna support structures fifty feet in height or less shall be permitted as an allowed use.

2. Broadcast antenna support structures that exceed fifty feet in height or the maximum height limitations in the underlying commercial and industrial zoning districts (whichever is greater) are permitted by special review.

3. Broadcast antenna or tower farms are permitted by special review, except in Entryway Zone and the CBD and HC zoning districts.

4. All broadcast antenna support structures located in heavy industrial (HI) shall be permitted as an allowed use, including broadcast antenna or tower farms.

5. All broadcast facilities located within the boundaries of an approved or pre-existing broadcast antenna or tower farm shall be permitted as an allowed use.

F. General requirements. The requirements set forth in this section shall govern the location and construction of all land

mobile radio service and radio and television transmission facilities governed by this chapter.

1. **Building Codes and Safety Standards.** To ensure the structural integrity of broadcast facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such facilities.

2. **Regulatory Compliance.** All broadcast facilities must meet current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter.

3. **Setbacks.**

a. **Broadcast antenna support structures adjacent to residential uses or zoning.** Broadcast antenna support structures must be set back, from all property lines, a distance equal to one-half the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures, such as equipment enclosures or transmitter buildings, must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.

b. **Commercial and Industrial Zoning Setbacks.** Broadcast antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.

c. **Broadcast Facilities in Broadcast Antenna or Tower Farms.** Antenna support structures and accessory facilities located in antenna or tower farms must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.

4. **Lot Coverage and Height.** Broadcast antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Building and equipment enclosures shall not exceed the height restrictions for the zoning district in which they are located.

5. **Fencing and Buffering.**

a. **Fencing.** A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the broadcast antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height are required adjacent to residences and residentially zoned property. All AM broadcast antenna support structures must be surrounded by a suitable fence as required by FCC regulations.

b. **Landscaping adjacent to residential uses and/or residential zoning.** For broadcast facilities located in a residential zoning district, adjacent to a residential use, or adjacent to a residentially zoned parcel, the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. AM Broadcast stations are exempt from this requirement due to overriding FCC regulations regarding vegetation in ground radial systems.

A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the city to ensure the placement of required landscaping and fencing.

c. Commercial Landscaping. Landscaping requirements shall not apply to broadcast antenna support structures located in Agricultural-Open Space or approved broadcast antenna or tower farms.

d. Exceptions for Laurel Airport. If federal safety and security standards prevent a broadcast antenna support structure from being fenced or landscaped, items (5)(a) and (5)(b) of this subsection will not apply. Documentation of these standards must be submitted with the special review applications.

6. Lighting. Broadcast antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. Security lighting may be placed on a support structure no higher than twenty feet above ground. Cut-off security lights must be used in or adjacent to residential areas to prevent light spillage onto adjacent property.

7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs unless otherwise required by the FAA and/or FCC.

8. Maintenance.

a. Equipment at a broadcast facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.

b. All property used for the siting of a broadcast antenna support structure or antenna shall be maintained, without expense to the city and/or county, so as to be safe, orderly, attractive, and in conformity with city and/or county codes including those regarding the removal of weeds, trash and landscape maintenance.

9. Visual impact/aesthetics.

a. Broadcast antenna support structures shall either maintain a galvanized steel

finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.

b. If a broadcast antenna is installed on a structure other than a tower, the associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the related equipment as visually unobtrusive as possible. Broadcast antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.

c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other background. Crow's nest antennae arrays are prohibited on rooftop structures.

d. Broadcast antenna or antenna support structures attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.

G. Nonconforming broadcast facilities.

Broadcast facilities in existence on the date of the adoption of this chapter, that do not comply with the requirements of this chapter, are subject to the following provisions:

1. Nonconforming broadcast facilities may continue their present use, but may not be expanded without complying with these regulations, except as further provided in this section.

2. Nonconforming broadcast antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If a broadcast antenna support structure is destroyed or damaged by fifty percent or more of its replacement the broadcast antenna support structure must be brought into compliance with these regulations.

3. The owner of any nonconforming broadcast antenna support structure may make minor modifications in order to improve the structural integrity of the structure, to allow the structure to accommodate co-located antennae, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

H. Modifications of Existing or Broadcast Facilities That Meet the Requirements of These Regulations.

1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows:

a. The addition of one or more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent.

b. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.

c. Repairs to or replacement of existing antennae or feedlines or support members (such as guy wires) are not considered modifications under this part.

2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.

I. Abandonment. Broadcast facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:

1. Re-use the facility or transfer it to another owner who will re-use it; or

2. Dismantle the facility. If the facility is not removed within ninety days of abandonment, the city and/or county may remove the facility at the facility and/or property owner's expense. If the facility is removed, city and/or county approval of the facility will expire. If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.

J. Special Review Submittal requirements. The applicant of new broadcast facilities shall provide the following documentation for review by the city-county planning board:

1. A map to scale showing the service area of the proposed broadcast facility;

2. A site/landscaping plan showing the following items:

a. North arrow.

b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.

c. Property boundaries and lot line dimensions.

d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.

e. Setbacks from all property boundaries for existing and proposed structures and buildings.

f. Centerline and names of major and minor arterial streets relevant to the application.

g. Elevation drawing of proposed broadcast facility including the antenna support structure, antenna platforms and associated equipment enclosures.

h. Latitude, longitude and height of proposed antenna support structures.

i. Location of artificial light sources and the areas of illumination.

j. Applications for tower farms shall include items a through h and a general overall development plan showing the location of future structures and equipment enclosures.

k. Detailed landscaping plan of the site when applicable.

1. Other pertinent features as determined by the city.

3. Area map showing adjoining property boundaries and the location of existing buildings within a distance equal to the required setbacks as set forth in subsection (F)(3) of this section.

4. Documentation of minimum light requirements from the FAA or other local state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of the comments provided by the FAA.

Where an application has been filed with the FAA for the services proposed and decision on minimum light requirements by the FAA is still pending, submittal of a copy of the proposed application shall be sufficient to meet the requirements of the is paragraph.

5. When the applicant is a land mobile radio service provider, or a radio or television broadcaster, proof must be provided that the applicant is licensed by the FCC to provide the services that the proposed facility is designed to support or the applicant must prove the necessary application have been filed with the FCC and/or FAA for the services proposed, together with proof all filing fees have been paid.

K. Special review uses.

1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The city of Laurel may issue special review approval under these sections provided they have determined that the requirements of these regulations have been satisfied.

2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed broadcast facilities on surrounding properties.

3. Expiration of Special Review Approval.

a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. Within the city limits, a building permit must be applied for within six months of a special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regula-

tions, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extensions of the period to start construction upon written request by the applicant.

b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.

c. Small increases in the height of existing antenna support structures approved by special review may be approved by the city-county planning board on an administrative basis provided that the increase in the height of the antenna support structure is ten percent or less.

d. Special review approvals for broadcast antenna or tower farms shall not expire until such time as all facilities within the boundaries of the antenna or tower farm have been abandoned.

L. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.

M. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall

not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

Chapter 17.24

**RESIDENTIAL MOBILE HOME
DISTRICTS**

Sections:

17.24.010	Intent.
17.24.020	Definitions.
17.24.030	Permitted uses.
17.24.040	Allowable density.
17.24.050	Lot dimensions.
17.24.060	Lot coverage.
17.24.070	Mobile home park requirements.
17.24.080	Mobile home park restrictions.
17.24.090	Mobile home subdivision requirements.
17.24.100	Mobile home requirements.

17.24.010 Intent.

The RMH residential district is established as a district in which the principal use of land is for single-family mobile home dwellings. For the RMH residential district the specific intent of this section is:

A. To encourage the placement of, and the continued use of the land for single-family mobile home dwellings located within mobile home parks or mobile home subdivisions;

B. To prohibit commercial and industrial uses of the land;

C. To encourage suitable and proper development of mobile home parks or mobile home subdivisions. (Prior code § 17.52.010)

17.24.020 Definitions.

For the purposes of this section:

“Mobile home park” also means “mobile home court.”

“Mobile home subdivision” means a surveyed, approved, and filled subdivision where the lots are primarily for sale rather than individual spaces for rent. (Prior code § 17.52.020)

17.24.030 Permitted uses.

The following use is permitted:

Single-family mobile home dwellings when located within mobile home parks or on individual lots within a mobile home subdivision. (Prior code § 17.52.030)

17.24.040 Allowable density.

The maximum allowable density for all mobile home parks shall be nine mobile homes per net acre. (Prior code § 17.52.040)

17.24.050 Lot dimensions.

A. For single-wide mobile home dwelling units, minimum site dimensions shall be forty feet wide and one hundred feet deep with a minimum site area of four thousand square feet.

B. For double-wide mobile home dwelling units, minimum site dimension shall be fifty feet wide and one hundred feet deep with a minimum of five thousand square feet. (Prior code § 17.52.050)

17.24.060 Lot coverage.

A. The ground area occupied by a mobile home, attached storm shed, patio, storage building and off-street parking spaces shall not exceed fifty percent of the total area of the site. In computing the

ground coverage, four hundred square feet shall be added to actual area of the mobile home and the accessory buildings for the two required off-street parking spaces. This provision limits to one storm shed, not over ten feet by twelve feet or one hundred twenty square feet in area per site and the utility building shall be placed on a proper foundation.

B. No mobile home, storm shed or other legal attachments to the mobile home shall be located less than seven feet six inches from the side site line. Detached tool sheds shall be located not less than five feet from the side or rear site lines. The ends of the mobile homes shall be at least ten feet apart when opposing rear walls are staggered, otherwise fifteen feet apart. No portion of a mobile home, or attachment thereto, or tool shed, or any other structure shall be located less than fifteen feet away from any site or property line adjacent to a public right-of-way. (Prior code § 17.52.060)

17.24.070 Mobile home park requirements.

A. The minimum total area of a mobile home park shall be at least ninety thousand square feet, including alleys and/or roadways.

B. The minimum street roadway shall conform to the requirements found in the city-county subdivision regulations.

C. All entrances, exits, lanes and drive-ways between rows of mobile homes shall be lighted to provide an intensity of five footcandles. Mobile home parks shall be provided with, at minimum, two walkways at least three and one-half feet wide between the mobile home sites and each

service building; roadways and sidewalks within the parks shall be hard-surfaced, either concrete or bituminized; and shall conform to the requirements found in the city-county subdivision regulations.

D. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate city department.

E. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two car spaces per mobile home site. At least two car spaces shall be provided on each mobile home site. The area per one car space shall be at least ten feet wide and twenty feet deep, plus ingress and egress.

F. There shall be provided, unless previously provided by a park dedication as required by the subdivision regulations, within each mobile home park an adequate site or sites for recreation for the exclusive uses of the park occupants. Such recreation site or sites shall have a minimum area in aggregate of four thousand square feet plus one hundred square feet for each mobile home site in the park. The recreation sites shall be of appropriate design and provided with adequate equipment; and may be used to meet the one-ninth minimum area requirement of the subdivision regulations.

G. All mobile home parks must provide a completely and permanently landscaped setback area of at least fifteen feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like. Setback

areas not bordering public rights-of-way may be used to fulfill the recreation area requirements of the subsection F.

H. All mobile home parks shall have near their main entrance, a marquee or sign on which there shall be an up-to-date list of the addresses and a diagram of the park layout.

I. All mobile home parks shall provide one additional parking space for every five sites as a main parking area to be used by visitors or in the storage of recreational vehicles. (Prior code § 17.52.070)

17.24.080 Mobile home park restrictions.

Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this chapter. (Prior code § 17.52.080)

17.24.090 Mobile home subdivision requirements.

A. All lots in a mobile home subdivision shall conform to the requirements set forth in Section 17.16.020.

B. All lots shall be served by the city's water and sewer systems.

C. All lots shall be provided with direct access to a public street unless a home owner's association has been set up to maintain a private street.

D. All mobile home subdivisions shall be designed in accordance with the criteria established in Title 16 of this code. (Prior code § 17.52.090)

17.24.100 Mobile home requirements.

A. All mobile homes, whether located in a mobile home park or a mobile home subdivision, shall be set up and skirted in one of the following ways:

1. Individual concrete pads with cinder blocks used for supports, coupled with coordinate skirting;

2. Permanent concrete foundation;

3. A dug-out style area with cinder blocks for support, designed to lower the unit to ground level:

a. The owner of a mobile home park shall be required to establish one of these methods for exclusive use throughout the park,

b. Individual lot owners in a mobile home subdivision will be required to indicate which of the three methods they will use prior to receiving a permit to move a mobile home onto the lot.

B. Each mobile home, whether located in a mobile home park or a mobile home subdivision, shall be anchored to the ground for purposes of withstanding wind pressures specified for such mobile home by the city building inspection department prior to occupancy of the unit. (Prior code § 17.52.100)

Chapter 17.26

COMMUNITY ENTRYWAY ZONING DISTRICT

Sections:

- 17.26.010 Intent.**
- 17.26.030 Location of district.**
- 17.26.040 Application and approval process.**
- 17.26.050 Definitions.**
- 17.26.052 Development standards.**
- 17.26.054 Landscaping standards.**

17.26.010 Intent.

The purpose of the Laurel Entryway Zoning District is to regulate outdoor advertising, outdoor advertising signs, and outdoor signs of all types, to provide fair and comprehensive regulations that will foster a good visual environment for Laurel, enhancing the area in which we live, and creating an aesthetic and enjoyable appearance for our visitors and our residents.

The natural landscape in the Yellowstone Valley is a major influence on the form and character of Laurel. Residents appreciate being able to see the Beartooth Range, the river's corridor of trees, and the large expanse of sky. The intent of the Community Entryway Zoning District (EZD) is to promote attractive, high quality development and to provide an appealing image of the city of Laurel to the traveling public and the people of the community and region. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and the pastoral ambience and protecting environmentally sensitive areas. Creativity in meeting these requirements is encouraged with the overall intent of all development representing the image and economy of the Lau-

rel area—and not just a reflection of the same commercial buildings, signage, and parking lots that are seen alongside the interstate across the nation.

Projects in the vicinity of large natural areas/corridors shall be designed to compliment the visual context of the natural area. Techniques include architectural design, site design, use of native landscaping, and choices of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected and man-made facilities are screened from off-site observers and blend with the natural visual character of the area.

This overlay district provides requirements that are in addition to the existing, underlying zoning districts in the jurisdictional area of the city of Laurel and are in addition to the signage standards of the city of Laurel Municipal Sign Code. Except for signage applications, residential uses in the Entryway Zoning District are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape that will assist in making Laurel an attractive place to live and work and be inviting to new industries;
- B. Encourage creativity in design and quality in site planning and development;
- C. Reduce the level of adverse impacts from the transportation system on adjoining lands;
- D. Promote development patterns in harmony with the goals and objectives of Laurel's Growth Management Plan;
- H. Promote compatible land use transitions with a sensitivity toward existing residential uses.

Non-commercial/industrial uses falling within the EZD are exempt from the require-

ments of the EZD except as such requirements pertain to signage. (Ord. 02-31, 2002)

17.26.030 Location of district.

The Community Entryway Zoning District (EZD) shall extend three hundred feet on either side of Interstate 90 right-of-way as it extends through the Laurel Zoning Jurisdictional Area, an area that extends outside of the city municipal limits one mile. Specifically, along the interstate on the east side of Laurel, the EZD shall extend as described from the limit of the extra-territorial zoning boundary west to Bernhardt Road. On the west side of Laurel on either side of the interstate the EZD shall extend from the limit of the extra-territorial zoning boundary to Eighth Avenue. The district shall also include that area three hundred feet on either side of North First Avenue from the boundary of the extra-territorial zoning boundary south side through the city to include First Avenue to the point where South First turns into US Highway 212-310 and exists the extra-territorial zoning boundary. (Ord. 02-31, 2002)

17.26.040 Application and approval process.

A. All plans and applications for development shall be submitted to the city-county planning board. All applications involving signs shall be submitted to the public works department which shall provide a copy thereof to the planning board. All applications must be submitted and signed by the property owner, lessee, the contract purchaser, or the authorized agent of the property owner. Approval is required prior to any construction activity.

B. Each application shall include, but not be limited to, the following information:

1. The name and address of the property owner;
2. The name and address of the applicant;
3. The legal description of the parcel;
4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
5. A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
6. Complete elevation drawings drawn to scale including the dimensions and height of the structure;
7. Signage Plan specifications, location, and ground lighting pattern (applications for signs only—see Section 17.26.050); and
8. Application review fee.

C. Within fifteen working days following the submittal of a complete application, the planning director, other city designee, or the public works department (in the case of signs) shall issue approval for development or sign or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. 02-31, 2002)

17.26.050 Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. The standard dictionary meaning shall be applied to terms not otherwise defined. (Ord. 02-31, 2002)

17.26.052 Development standards.

- A. Signage.

1. All signage in the EZD that is not on-premise (see definitions section of the city sign ordinance) shall be monument style signage, i.e., signs mounted directly to the ground with a maximum height not to exceed ten feet. On-premise signs within the EZD are exempt from the signage provisions of the EZD but not from the requirements of the city signage ordinance. An on-premise sign is a sign that advertises solely for the business on the specific tract of record on which it is located.

2. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and businesses, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:

- a. Use of subdued, low-key colors,
- b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains,
- c. Sign is built of permanent, durable materials,
- d. Size and location avoids or minimizes the sense of clutter with nearby signs,
- e. The sign is professionally prepared and finished on both sides,
- f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections,
- g. The sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance,

h. The sign will not obstruct views of users of adjacent buildings to side yards, yards, or to nearby open space,

i. The sign will not negatively impact the visual quality of a public open space such as a recreation facility, square, plaza, court yard and the like,

j. The sign cannot be seen from the Yellowstone River or any city, county, or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.

3. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.

4. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made. Each permit must be renewed on a yearly basis. Permits for renewal and copy change can be obtained via the Laurel internet site and can be mailed to the public works department along with the required fee.

5. Signs shall be limited to one hundred and sixty square feet in copy area.

6. Non-conforming signs are required to be brought into compliance with this ordinance within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events:

- a. The sign is relocated or replaced,
- b. The structure or size of the sign is altered in any way,
- c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means,
- d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance.

An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.

7. No portable signs as described in the city signage ordinance are allowed in the EZD.

8. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit administrator, and in consultation with the public works director. All benches must comply with any applicable city, state and/or federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.

9. Lighting. All sign lighting must incorporate cut-of shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.

B. Building Design Standards.

1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.

2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architec-

tural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.

3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.

C. Additional Provisions for Commercial Uses.

1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.

2. Site Lighting. All outdoor lighting shall be designed, located and mounted at heights no greater than eighteen feet above

grade for non-cutoff lights and thirty-five feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths foot-candle for non-cutoff lights and three foot-candles for cutoff lights.

3. **Storage of Junk.** No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight-obscuring fence at least six feet in height.

4. **Solid Waste Area.** All solid waste storage facilities shall be located within an area enclosed with a sight-obscuring fence or wall that is architecturally compatible in color and design with the building.

D. Cell Towers.

No wireless communication facilities are allowed in the entryway zone. (Ord. 02-31, 2002)
(Ord. No. O11-07, 6-7-2011)

17.26.054 Landscaping standards.

Landscaping in the form of trees, shrubs, and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of ground water, the reflection of seasonal color change, the provision of sound barriers (such as around utility substations or industrial yards), and urban wildlife habitat.

A. Landscaping Definitions.

Canopy Tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity. Minimum size of canopy trees shall be two and one half inches in caliper.

Evergreen Tree or Shrub. A tree or shrub of a species which normally retains leaves /

needles throughout the year. Minimum size of evergreen trees shall be five feet in height.

B. Landscaping.

1. **Bufferyard Requirements.** All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90, First Avenue North, or First Avenue South on which the use fronts. Such landscaping buffer shall extend from the edge of the public right-of-way. Placement and landscaping design shall be at the discretion of the developer, and the required trees and shrubs may be clustered to enhance the view of the property from the public right-of-way as long as such uses conform with Section 17.26.052(C) of this code. A local design professional or local nursery must be consulted for assistance with the development of the landscape design. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards, and canopy trees are encouraged for parking areas. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

a. The developer shall have the option of one of the following three bufferyards. Bufferyard depth is measured from the property line adjacent to the public right-of-way inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:

(1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs

(2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs

(3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs

b. The following criteria shall also apply to the bufferyards.

i. The landscape strip may be contoured. Berming shall be one foot of rise to

four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.

ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.

iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.

iv. Depth of bufferyard shall depend on density of vegetation.

v. All new utility lines shall be placed underground.

vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.

C. Off-Street Parking Lot Landscaping.

Landscaping shall be provided within all parking areas as follows:

Parking lots containing more than ten spaces shall contain internal areas of landscaping totaling at least ten percent of the parking area. Each planting area shall contain at least three hundred square feet and at least one major tree and groundcover with irrigation. There must be a clearly designated pedestrian route from the parking lot to the street or main entrance.

1. A minimum of twenty square feet of landscaped area shall be provided for each parking space on parking lots containing more than ten spaces.

2. Two canopy and/or evergreen trees and five shrubs shall be required for every ten parking spaces or component thereof over ten parking spaces.

3. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds or organic materials. No more than twenty-five percent of the landscaped area shall con-

tain rock, bark chips, stepping stones or similar material.

4. The minimum width and/or length of any parking lot landscaped area shall be five feet.

5. Internal parking lot landscaping provided shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred feet. Landscaped areas provided shall be in a scale proportionate to parking lot.

6. Any development that has parking abutting a required bufferyard, may extend the width of parking landscaping plant material. The minimum bufferyard width and that bufferyard a minimum of five feet and include the additional required landscaping material is required in addition to the parking landscaping.

7. Protection of Landscaped Areas. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.

8. All new utility lines shall be placed underground.

D. Commercial Uses Abutting Residential Uses.

All commercial uses abutting residential uses shall install a bufferyard. The bufferyard shall be ten feet wide and shall contain ten evergreen and/or canopy trees and ten shrubs per one hundred lineal feet. A solid fence or wall that is architecturally compatible in color and design with the building shall be required on the property line. The fence height shall be a minimum of six feet. Chain link or other wire fencing material is prohibited.

E. Fractions in the Calculation of Number of Trees and Shrubs.

17.26.054

In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest, highest whole number. (Ord. 02-31, 2002)

Chapter 17.28

AIRPORT ZONING

Sections:

17.28.010	Intent.
17.28.020	Definitions.
17.28.030	Zoning commission— Duties.
17.28.040	Administration.
17.28.050	Applicability.
17.28.060	District created.
17.28.070	Airport zoning map.
17.28.080	Use restrictions.
17.28.090	Height limitations.
17.28.100	Permit required.
17.28.110	Variances.
17.28.120	Nonconforming uses.

17.28.010 Intent.

Specifically, these criteria and guidelines are designed to preserve existing and establish new compatible land uses around airports, to allow land use not associated with high population concentration, to minimize exposure of residential uses to critical aircraft noise areas, to avoid danger from aircraft crashes, and to regulate the area around the airport to minimize danger to public health, safety, or property from the operation of the airport; to prevent obstruction to air navigation, and to aid in realizing the goals and policies of the city's growth management plan and the Laurel airport master plan. These guidelines will consider among other things:

- A. The safety of the airport users and persons and property in the vicinity of the airport;
- B. The character of the flying operations conducted or expected to be conducted at the airport;

C. The magnitude and duration of noise produced by aircraft and the number of aircraft flying;

D. The nature of the terrain;

E. The future development of the airport; and

F. The views and mandates of the federal agency charged with the fostering of civil aeronautics as to the aerial surfaces necessary for safe flying operations. (Ord. 02-30 (part), 2002)

17.28.020 Definitions.

For the purpose of this chapter certain words and terms used herein are defined in this chapter.

Airport area of influence means an area encompassing the flight pattern of the Laurel Airport.

Airport elevation is recorded and accepted as three thousand five hundred fifteen feet above mean sea level (MSL).

Airport property boundary means the area presently owned or leased by the city for use in the daily operation of the airport. "Proposed airport property boundary" means the area presently owned or leased by the city for use in the daily operation of the airport. "Proposed airport property boundary" refers to any areas to be acquired by the city for future development and protection of the city for future development and protection of the facility.

Federal Aviation Regulation (FAR) 77 means those regulations which delineate imaginary surfaces as designated by the Federal Aviation Administration (FAA) to control the height of objects, both natural and man-made, which may affect navigable airspace around the airport.

Flight Pattern/Airport Hazard Area means an area extending out from the end of Runway 4/22 a distance of ten thousand feet and also

an area parallel and extending out from both sides Runway 4/22 a distance of one mile as shown on the Laurel airport zoning map.

Primary surface and primary surface control zone means a surface located longitudinally on a runway and extending two hundred feet beyond each end of the runway. The primary surface control zone extends two hundred fifty feet southeast of the centerline of Runway 4/22; one thousand feet northwest of the centerline of Runway 4/22; two hundred fifty feet on each side of Runway 14/32 southeast of the intersection with Runway 4/22; and one thousand feet on either side of Runway 14/32 northwest of the intersection with Runway 4/22. The primary surface control zone includes the primary surface, a surface longitudinally centered on each runway and extending two hundred feet beyond each end of a runway. The primary surface is five hundred feet wide for Runway 4/22 and two hundred fifty feet for Runway 14/32. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway layout means the orientation of the runways based on magnetic north. Proposed runway layout includes future extensions on existing runways and new runways not yet constructed.

Structure means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Tree means any object of natural growth. (Ord. 02-30 (part), 2002)

**17.28.030 Zoning commission—
Duties.**

The Laurel-Yellowstone city-county planning board shall act as the airport zoning

commission whose duty it shall be to recommend the boundaries of the various original districts, propose appropriate regulations to be enforced therein, and to propose or review amendments or changes in either the boundaries or regulations as applicable. (Ord. 02-30 (part), 2002)

17.28.040 Administration.

The regulations shall be administered by the city-county planning board, which shall have the authority, after consultation with the airport authority, to approve or disapprove proposed uses within the flight pattern/airport hazard area. (Ord. 02-30 (part), 2002)

17.28.050 Applicability.

These regulations will affect the property which lies outside of the airport boundary but inside of the airport area of influence. (Ord. 02-30 (part), 2002)

17.28.060 District created.

In order to carry out the intent of these regulations, the Laurel airport area of influence is hereby described as flight pattern/airport hazard area. (Ord. 02-30 (part), 2002)

17.28.070 Airport zoning map.

The boundaries of the airport zones are shown on the Laurel airport zoning map which is filed with the city clerk-treasurer and county clerk and recorder. That map, along with all official amendments thereto, is hereby made a part of these regulations. (Ord. 02-30 (part), 2002)

17.28.080 Use restrictions.

Notwithstanding any other provisions of these regulations, no use may be made of land or water within any district established by this

regulation 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 the airport lights and other lights, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intended to use the airport. (Ord. 02-30 (part), 2002)

17.28.090 Height limitations.

In order to carry out the intent of these regulations, there are established imaginary surfaces for the purpose of limiting height. An area located in more than one of the following zones is limited by the more restrictive zone. No structure or tree shall be erected, altered, allowed to grow, or be maintained above the following imaginary surfaces:

A. Utility Runway Visual Approach Zone: slopes upward twenty feet horizontally for each foot vertically, beginning at the end of and at the same elevation and width as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, with a lateral width of one thousand two hundred fifty feet.

B. Utility Runway Nonprecision Instrument Approach Zone: slopes upward twenty feet horizontally for each foot vertically beginning at the end of and at the same elevation and width as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, with a lateral width of two thousand feet.

C. Transitional Zone: slopes upward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation and width as the primary surface and the approach zones, and extending to a height of

one hundred and fifty feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect with the conical surface.

D. Horizontal Zone: a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

E. Conical Zone: slopes upward and outward twenty feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and extending to a height of three hundred fifty feet above the airport elevation. (Ord. 02-30 (part), 2002)

17.28.100 Permit required.

A. As shown on Table 17.28.190, new residential and any other non-agricultural land uses within the flight pattern/airport hazard area require a flight pattern/airport hazard use permit. No new, non-agricultural land use shall be created or erected without such permit. All existing land uses and structures in the flight pattern area at the time of adoption of the ordinance codified in this section shall be considered as grandfathered, nonconforming uses until such uses have been found in compliance with this section.

B. Three copies of an application along with the required review fee shall be filed with the city and shall consist, at a minimum, of the following information:

1. A legal and general description of the tract or tracts upon which the permit is sought.

2. A map showing the dimensions, acreage and sites of the tract(s) and adjacent land uses;

3. The names, addresses and telephone numbers of the owner(s) of the tract(s) and their agents, if any;

4. A site plan showing major details of the proposed non-agricultural use including but not limited to: proposed and existing buildings and structures; heights of structures; means of ingress and egress; landscaping; and proposed construction materials;

5. A time schedule for development;

6. An executed perpetual air rights easement, in a form satisfactory to the city, granting to the city, for the benefit of the public, perpetual air rights-of-way for the free and unobstructed navigation and passage of all types of aircraft in and through the air space above the real property involved; and

7. Any other information the applicant believes will support the request or that the city may require.

C. Review of the Flight Pattern/Airport Hazard Area Use Permit by the Planning Director.

1. The application for flight pattern/airport hazard area use permit shall be reviewed by the planning director or other representative authorized by the city for appropriateness and effect on the ordinance codified in this section, existing and proposed airport plans, compatibility of surrounding land uses and relationship to the Laurel growth management plan and FAR Part 150, noise compatibility program.

2. The planning director shall provide one copy of the application to the Laurel airport authority for review.

3. If the application is properly prepared and complete as specified in subsection B of this section, the planning director shall have

ten working days to review the application and, if in compliance with the intent of the ordinance codified in this section, issue a flight pattern/airport hazard area use permit which shall consist of returning a copy of the permit application signed by the city representative to the applicant. (Ord. 02-30 (part), 2002)

17.28.110 Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with these regulations may apply to the board of adjustment (hereby designated—when reviewing issues concerning the airport—the board of airport hazard adjustment). Such variance shall be allowed where a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary the public interest but do substantial justice and be in accordance with the spirit of these regulations and of the enabling statute. (Ord. 02-30 (part), 2002)

17.28.120 Nonconforming uses.

A. Regulations Not Retroactive. These regulations shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter. Nothing herein contained shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted to completion.

B. Nonconforming Uses Abandoned or Destroyed. Whenever the city determines that a nonconforming structure or tree has been

abandoned or more than eighty percent torn down, destroyed, deteriorated or decayed, no approval shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.

C. Hazard Marking and Lighting. Notwithstanding subsection "A" above, the owner of any nonconforming structure or tree is required to permit the city; at its own expense,

to install, operate, and maintain thereon such markers and lights as the Airport Authority may deem necessary to indicate to airmen the presence of airport hazards; provided, that the city does not by taking such action waive any right to exercise eminent domain or abate as a nuisance any such nonconforming structure. (Ord. 02-30 (part), 2002)

Table 17.28.190

Land Use Category Within Flight Pattern/Airport Hazard Area	Condition
Residential uses inside the municipal boundaries of the City of Laurel	Permit Required
Residential uses outside the municipal boundaries of the City of Laurel	Permit Required
Commercial uses inside the Laurel Airport property boundary	Allowed
Commercial uses outside the Laurel Airport property boundary	Special Review
Public uses	Allowed
Agricultural uses	Allowed

Note: A location covered by more than one zoning district shall be limited to the more restrictive zone.

Chapter 17.32

PLANNED UNIT DEVELOPMENTS

Sections:

- 17.32.010 Intent.
- 17.32.020 Review and approval.
- 17.32.030 Site plan requirements.
- 17.32.040 Written statement required.
- 17.32.050 Standards and requirements.
- 17.32.060 Residential use requirements.
- 17.32.070 Minimum usable open space and common park areas defined—Required.
- 17.32.080 Nonresidential land uses—Terms and conditions.
- 17.32.090 Application approval or denial—Authority and procedure.
- 17.32.100 Changes in development—Procedure.
- 17.32.110 Development schedule—Requirements.

17.32.010 Intent.

It is the intent of this chapter to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to allow densities not otherwise possible under the prevailing zone regulations; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space. (Prior code § 17.48.010)

17.32.020 Review and approval.

Planned unit development (PUD) review and approval shall be as follows:

A. A minimum of thirty days prior to the date of formal submittal of a PUD the applicant shall meet with planning director to review the procedure, documentation and requirements necessary for full and complete processing. The procedure schedule is as follows:

1. Submittal of a PUD zone change request;
2. Public hearing and recommendation of city zoning commission;
3. Public hearing before and decision to grant or deny PUD zone change request by city council.

B. On the date established for submittal of preliminary plats, in accordance with Laurel's subdividing procedures, the applicant shall submit twenty copies of the PUD site plan and twenty copies of written statement, together with all fees to the planning office.

C. Within ten working days after the date of formal submittal, the planning director shall convene a design conference between the applicant and representatives from local governmental units having a substantial interest in the location, land use or other features of the proposed PUD. Within the same thirty days after the design conference and after receiving the recommendation of the city-county planning board the zoning commission shall hold a public hearing on the PUD and make recommendations to the city council.

D. Within thirty days after the design conference, the application shall be reviewed by the city-county planning board and recommendations based on the comments from the design conference and the criteria contained in the subdivision regulations shall be forwarded to the zoning commission. The comments from the design conference shall be forwarded to the planning board, zoning commission and developer within five working days after the conference.

E. The planning director shall prepare a written report on the conclusions, findings and recommendations of the zoning commission and planning board, and submit the same together with site plans, required documentation, and comments received from other governmental agencies or the public hearing before the planning board. (Prior code § 17.48.020)

17.32.030 Site plan requirements.

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

A. Names of the Proposed Development. Names and addresses of the owners and the designers of the site plan, his seal; and

B. Vicinity Sketch Map. A vicinity sketch map showing names and locations of property lines, adjacent streets and roads and the approximate location of ad-

jacent property within five hundred feet of the planned unit site; and

C. Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas, and as sites for schools and other public buildings; and

D. The location and dimension of all vehicular points of ingress and egress, drives, channelizations and traffic circulation; and

E. The location of pedestrian entrances, exits, walks and walkways; and

F. A general landscape plan showing the spacing, sizes and specific types of landscaping material; and

G. Utility and Drainage Plans. Utility and drainage plans shall be provided including all information required to determine that water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with the city's requirements; and

H. Contour intervals of five feet; and

I. The location and size of all existing and proposed buildings, structures and improvements; and

J. The maximum heights of all buildings, density or dwellings, and proposed land uses; and

K. Any areas subject to over a one hundred year flood cycle; and

L. Location of solid waste collection facilities. (Prior code § 17.48.030)

17.32.040 Written statement required.

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

A. Copies of any special agreement, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common parks or open spaces; and

B. A statement of the present ownership and legal description of all the land included in the planned unit; and

C. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches, or elevations as may be required to describe the objectives; and

D. A development schedule indicating the approximate date when construction of the planned unit or stages of the planned unit can be expected to begin and be completed. (Prior code § 17.48.040)

17.32.050 Standards and requirements.

All PUD applications shall implement the purposes of this chapter and in addition meet the following standards and requirements:

A. In cases of conflict between standards of any other provisions of this title and standards of this chapter, the standards of this chapter shall apply;

B. Demonstrate that the PUD is consistent with the purposes and objectives of the city comprehensive plan and any other officially adopted plan;

C. The PUD's relationship to its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation building bulk, insufficient screening, noise, dust or other common nuisances;

D. If a PUD is proposed to be con-

structed or developed in phases, it must be demonstrated that each phase is independent of the other phases and contains sufficient parking, open space and other facilities to provide for the needs of the projected population of that phase;

E. The minimum acreage for a PUD shall be five acres. (Prior code § 17.48.050)

17.32.060 Residential use requirements.

The maximum allowable density in each planned unit development shall be as approved by the city council. (Prior code § 17.48.060)

17.32.070 Minimum usable open space and common park areas defined—Required.

A. Minimum useable open space and common park areas are lands used for scenic, recreational, landscaping or conservation purposes, and shall not include road easements, dedicated or private road right-of-ways, driveways, parking areas, or required screening or other buffering between residential and nonresidential land uses.

B. Not less than twenty percent of the net land area shall be developed and maintained as common open space and shall be evenly distributed throughout the development. (Prior code § 17.48.070)

17.32.080 Nonresidential land uses—Terms and conditions.

A. Nonresidential land uses may be permitted in a PUD district but such land must be for the express service and convenience of the residents of the PUD. Com-

mercial uses allowed in a PUD shall be limited to the uses permitted as a matter of right in the neighborhood commercial limited (NCL) zone.

B. No building permit for a PUD district may be issued for any nonresidential uses except those permitted as a matter of right in a NCL zone, until at least twenty-five percent of the total number of approved dwelling units have been constructed. A minimum of twenty-five gross acres must be reserved for residential land uses before any commercial uses allowed outright in a NCL zone may be incorporated into a PUD.

C. The planning board and zoning commission must be satisfied that the site plan for a PUD has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:

1. That there is an appropriate relationship to the surrounding area. The buffer zone must be kept free of buildings, obstructions, and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized;

2. Circulation, in terms of an internal street circulation system designed for the type of traffic generated, is safely separated from living areas. Private internal streets may be permitted if they can be used by police, fire department vehicles for emergency purposes, and by other city and county departments to provide basic services. Bicycle traffic shall be considered and provided for when the site is used for an area for living purposes. Proper circulation in parking areas in terms of safety, convenience, separation and screening;

3. Usable open space in terms of: preservation of natural features including trees, drainage areas, recreation, views, density, relief, convenience and function;

4. Variety in terms of: housing type, densities, facilities, and open spaces;

5. Privacy in terms of the needs of: individuals, families, and adjacent properties;

6. Pedestrian traffic in terms of: safety, separation, convenience, access to points of destination and attractiveness;

7. Building types in terms of: appropriateness of density, site relationship and bulk; and

8. Building design in terms of: orientation, spacing, materials, color and texture, storage, signs and lighting. (Prior code § 17.48.080)

17.32.090 Application approval or denial—Authority and procedure.

A. The city council shall approve or deny all PUD applications referred to it by the planning board and zoning commission. The council may approve the application in whole or in part, with or without modifications and conditions, or deny the application.

B. All approved site plans, special agreements, restrictions, covenants, including any modifications, or conditions shall be endorsed by the city clerk-treasurer. The applicant shall file the approved PUD site plan and such other agreements with the county clerk and recorder. Thereafter, no building or structure shall be erected, and no land shall be used for any purpose other than shown on the officially recorded PUD site plan or in accordance with any conditions required thereon.

C. Once approved the planning director shall indicate on the official map that an amendment for a PUD has been granted for the tracts included in the site plan. (Ord. 97-2 § 4 (part), 1997; prior code § 17.48.090)

**17.32.100 Changes in development—
Procedure.**

A. Major changes in the plan of development or other documents similarly approved and recorded shall be considered the same as a new petition and reapplication shall be made in accordance with the procedures for a new application.

B. Minor changes in the development may be approved by the planning director; provided, that such changes: do not increase densities, heights of buildings, structural materials, other boundaries, land uses, or the location and/or amount of land devoted to open space, parks or other common facilities. (Prior code § 17.48.100)

**17.32.110 Development schedule—
Requirements.**

A PUD shall be started within twelve months following approval of the development of the city council, and must be substantially complete within five years from the starting date. A PUD shall be reviewed annually by the planning director and an oral report made to the city council. (Prior code § 17.48.110)

Chapter 17.36**SOIL EROSION CONTROL****Sections:**

- 17.36.010** **Applicability of provisions.**
- 17.36.020** **Plan and permit prior to subdivision required.**
- 17.36.030** **Approval and compliance required.**
- 17.36.040** **City engineer authority.**
- 17.36.050** **Control measures to be observed during development—Designated.**

17.36.010 **Applicability of provisions.**

In all zoning districts, the regulations set out in Sections 17.36.020 through 17.36.050 shall apply. (Prior code § 17.72.010 (part))

17.36.020 **Plan and permit prior to subdivision required.**

Before any developer or other firm, person or agency changes or alters the contour of any land proposed to be subdivided, developed or changed in use by grading, excavating or the removal of the natural topsoil, trees, or other vegetative covering thereon for the purpose of development, construction or other purposes, he or his agent shall submit to the city engineer a plan to control erosion and sedimentation which can be expected to occur if appropriate precautions are not taken to arrest such waste and soil depletion. No such grading, excavating or removal of trees and related vegetation shall be undertaken until after a permit for such

work shall have been issued by the city engineer, or his designated assistant. (Prior code § 17.72.010 (A))

17.36.030 **Approval and compliance required.**

The city engineer, or his designated assistant shall review the erosion control plans as submitted, make suggestions and changes necessary to reasonably control soil erosion, and shall take the necessary steps to ensure compliance by the developer or other responsible person with the erosion control plans as finally approved. Erosion and sedimentation control shall be exercised throughout the time of excavation, landfill and/or construction. No such work shall be finally approved until after appropriate seeding, sodding, plantings, mulching or other appropriate erosion control measures have been taken. Approval of plans by the city engineer shall in no way make the city liable. (Prior code § 17.72.010 (B))

17.36.040 **City engineer authority.**

The city engineer is hereby granted authority to require the posting of a performance bond by any such persons who desire to change the contour of the land. Such bond shall be in the amount he reasonably expects the cost would be to the city to enter upon the property for the purpose of taking corrective action where such developer or other person has failed to satisfactorily control either erosion or sedimentation. (Prior code § 17.72.010 (C))

17.36.050 Control measures to be observed during development—Designated.

The following control measures shall be observed during the development of property or when changing the contour of the land:

- A. The smallest practical area of land will be exposed at any time during development;
- B. When land is exposed during development, the exposure will be kept to the shortest practical period of time;
- C. Where necessary, temporary vegetation and/or mulching will be used to protect areas exposed during development;
- D. Sediment basins will be installed

and maintained to remove sediment from runoff waters from land undergoing development or substantial change of grade;

E. Provisions are to be made to effectively accommodate the increased runoff caused by changes of soil and surface conditions during and after development;

F. Permanent final vegetation and structural development are to be installed as soon as practical in the development;

G. The development plan is to be adapted to the topography and soils so as to create the least erosion potential;

H. Wherever feasible, trees, shrubs and natural vegetation are to be retained and protected to control erosion. (Prior code § 17.72.010 (D))

Chapter 17.40

OFF-STREET PARKING REQUIREMENTS

Sections:

- 17.40.010** **Applicability of provisions.**
- 17.40.020** **Location specified.**
- 17.40.030** **Expansion and enlargement to be provided for.**
- 17.40.040** **Nonconforming uses allowed.**
- 17.40.050** **Mixed occupancy requirements computed separately.**
- 17.40.060** **Use not specified—Determination dependent on requirements.**
- 17.40.070** **Joint use authorized when.**
- 17.40.080** **Conditions required for joint use.**
- 17.40.090** **Off-street parking requirements—Procedure—Specifications.**
- 17.40.100** **Retail and commercial off-street loading.**
- 17.40.110** **Warehouse and wholesale off-street loading.**
- 17.40.120** **Screening around parking facility required when.**
- 17.40.130** **Landscaping requirements.**
- 17.40.140** **Construction permit—Requirements—Procedure.**
- 17.40.150** **Cash in lieu of required parking spaces.**

17.40.010 **Applicability of provisions.**

There shall be provided at the time of erection of any building or structure minimum off-street parking accommodations meeting the provisions of this chapter. (Ord. 800 (part), 1985; prior code § 17.76.010 (part))

17.40.020 **Location specified.**

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.

B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.

C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.

D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.

E. For uses other than those specified above, off-street parking within four hundred feet is required. (Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

17.40.030 Expansion and enlargement to be provided for.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of this chapter; provided, however, that no parking space be provided in the case of enlargement or expansion, where the number of parking spaces required for such expansion or enlargement is less than ten percent of the parking spaces required for the enlarged facility as specified in this chapter. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing at the time of passage of the ordinance codified in this chapter. (Prior code § 17.76.010(B))

17.40.040 Nonconforming uses allowed.

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though nonconforming; provided, that all regulations herein governing the location, design, and operation of such facilities are adhered to. (Prior code § 17.76.010(C))

17.40.050 Mixed occupancy requirements computed separately.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements to be the sum of the area computed. Off-street parking facilities for one use shall not be considered as a substitute for joint use. (Prior code § 17.76.010(D))

**17.40.060 Use not specified—
Determination dependent on requirements.**

In the case of a use not specifically mentioned in the Table of Minimum Standards, the requirements for off-street parking facilities shall be determined by the building official. Such determination shall be based upon the requirements for the most comparable use listed. (Prior code § 17.76.010(E))

17.40.070 Joint use authorized when.

The building official may authorize the joint use of parking facilities for the following uses or activities under conditions specified.

A. Up to fifty percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants, and related uses herein referred to as daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.

B. Up to one hundred percent of the

parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature. (Prior code § 17.76.010(F))

17.40.080 Conditions required for joint use.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred feet of such parking facilities, in addition to which:

A. The applicant shall show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which joint use of off-street parking facilities is proposed;

B. The applicant shall present to the building official a legal agreement executed by the parties concerned for joint use of off-street parking facilities. (Prior code § 17.76.010(G))

17.40.090 Off-street parking requirements—Procedure—Specifications.

Except as provided elsewhere in this chapter, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building, improvement or use, a site plan showing the required open space designated as being reserved for off-street parking incidental to such building, improvement, or use, in accordance with this section. No certificate of occupancy shall be issued until the required off-street parking spaces have been provided. Each required off-street parking space should be of an area at least ten feet wide and twenty feet long, not including the re-

quired ingress and egress approaches and driveways also required by this code. However, at a minimum, each off-street parking space shall conform to the size and layout standards set forth in the Table of Parking Dimensions in Feet, attached to the ordinance codified in this chapter and on file in the office of the city clerk-treasurer and incorporated by reference as though set out in full. Off-street parking on the street side of properties shall be paved with an all-weatherproof surface of concrete or asphalt. Off-street parking on the alley side of properties shall also be paved with an all-weatherproof surface material unless the city street and alley committee and the building official gives approval in writing of a different surfacing material. The number of off-street parking spaces shall be provided according to the following minimum requirements:

A. Dwellings.

1. Single-family and two-family dwellings — Two spaces for each dwelling unit,
2. Multiple-family dwellings — One and one-half spaces for each dwelling unit,
3. Reserved.

B. Roominghouses. One space for each two sleeping rooms rented, plus one additional space for the owner or operator of the roominghouse;

C. Hotels, Including Clubs. One space for each two guest rooms; if, in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses;

D. Tourist Homes, Motel. One space for each guest room or cabin; off-street parking for auxiliary uses in the same building or on the same lot shall be provided in accordance with the regulations set forth in

this section for such uses. For tourist homes there must be provided in addition to off-street parking space for guests, one additional space for each family permanently residing in the building;

E. Hospitals. One space for each two patient beds; plus one additional space for each two regular employees, including nurses;

F. Restaurants, etc. Restaurants, including bars, taverns, nightclubs, lunch counters, diners and all other similar dining and drinking establishments — One space for each four seats provided for patron use, or one space for each one hundred square feet of floor area used for patron use whichever requirement is greater;

G. Theaters. One space for each five seats provided for patron use;

H. Places of Public Assembly. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dancehalls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus grounds, churches, funeral homes, and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly — One space for each ten seats provided for patron use, or one space for four hundred square feet of gross floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces;

I. Medical Facilities. Medical clinics, including the offices of doctors, dentists and drugless physicians — Three spaces for each doctor using the office or clinic, plus one additional space for each two regular employees, including nurses;

J. Retail Establishments. Retail establishments including personal service shops, equipment or repair shops:

1. In a NC, CBD and HC commercial district — One space for each two hundred square feet of floor area on the ground floor, plus one space for each four hundred square feet of floor area in the basement or any story above the ground floor,

2. In a CC commercial district: One space for each two hundred square feet of floor area;

K. Office Buildings. Office building, including commercial, governmental and professional building, except as otherwise provided for in this section: One space for each four hundred square feet of floor area;

L. Wholesale, Manufacturing and Industrial Plants. Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile or industrial pursuits — One space for each employee plus sufficient space to park all company-owned or leased vehicles including passenger cars, trucks, tractors, trailers, and similar motor vehicles, but in no case less than one off-street parking space for each one thousand square feet of gross floor area;

M. Terminal Facilities. Terminal facilities including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities — Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each two regular employ-

ees, plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles;

N. Schools. Schools, including colleges, elementary schools, junior and senior high schools, including public, private and parochial schools — One space for each two staff members or employees, plus one space for each classroom, plus additional space for any place of public assembly in accordance with the requirements set forth in this section for such use;

O. Miscellaneous Institutions. Sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and similar institutions — One space for each four patient beds, plus one additional space for each staff doctor, plus one additional space for each two regular employees including nurses. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 97-2 § 4 (part), 1997; Ord. 96-5 (part), 1996; Ord. 918, 1987; prior code § 17.76.010(H)) (Ord. No. O09-02, 3-17-09)

17.40.100 Retail and commercial off-street loading.

In any district, any building or part thereof having a gross floor area of ten thousand square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each twenty thousand feet or major fraction thereof of gross floor area. Each loading space shall be not less than twenty feet in width, twenty-five feet in length, and fourteen feet in height. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way. (Prior code § 17.76.010(I))

17.40.110 Warehouse and wholesale off-street loading.

Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way. (Prior code § 17.76.010(J))

17.40.120 Screening around parking facility required when.

Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where any parking facility has a common boundary with any residentially zoned property. (Prior code § 17.76.010(K))

17.40.130 Landscaping requirements.

In the neighborhood commercial limited (NCL), neighborhood commercial (NC), community commercial (CC), and highway commercial (HC) zoning districts, landscaping shall be provided according to the following schedules:

A. New Site Development:

Percentage of Landscaping Required:

Up to 22,000 sq. ft.	10% minimum
22,000 sq. ft. to 5 acres	8% minimum
5 acres to 10 acres	6% minimum
over 10 acres	4% minimum

B. Existing Site Development: Building additions in excess of fifty percent — Percentage of landscaping required one-half of new site development. Building additions less than twenty-five percent — No landscaping required.

The building official shall determine that existing site development does not substantially alter the use of the property before approving reduced landscaping requirements.

C. Landscaping area shall be based on the square footage of the lot or lots less the square footage of the building or buildings

on the site and may consist of outdoor plazas, deciduous plantings, aesthetic bufferings, benches, kiosks, public transit shelters, fountains, flower tubs or other environmental amenities approved by the building official. (Prior code § 17.76.010(L))

**17.40.140 Construction permit—
Requirements—Procedure.**

A. Construction. Plans for parking lots shall be submitted to the building official. After approval by the city engineer, the building official may issue a construction permit. A permit shall be obtained before construction of any parking facility is started.

B. Surfacing. Surfacing is required for all off-street parking, loading, storage, sales, rental or service areas for vehicles including service stations and used car lots. Surfacing shall be designed by accepted engineering methods and subject to the approval of the city engineer.

C. Drainage. Drainage is required for all surfaced areas as approved by the city engineer. Surface water shall not be drained across public sidewalks or alleys.

D. Walkway. Walkways four feet in width shall be provided between any building and an adjacent parking lot.

E. Lighting. Lighting shall be directed away from residential areas and public streets.

F. Bumper Curb. A raised bumper curb of concrete six inches high is required for all parking stalls adjacent to the property line and where necessary to ensure pedestrian access.

G. Traffic Control Devices. Parking stalls shall be designated by pavement markings:

1. All traffic control devices such as pavement markings, signs, rails, curbs, and other developments shall be installed and completed as shown on the approved plans.

H. Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of dirt, trash, and weeds, repair and maintenance of drain and repair of traffic control devices, signs, lights, standards, fences, walls, surfacing materials, curbs, sidewalks and railings. (Prior code § 17.76.010(M))

**17.40.150 Cash in lieu of required
parking spaces.**

If property subject to the off-street parking requirements of this section is not large enough to include the number of required spaces specified hereunder, or if the proposed location of the parking spaces, whether on-site or off-site, is undesirable in the opinion of the governing body, the city may accept a cash payment in lieu of some or all of the required number of parking spaces. Such payment shall be set by the city council by annual resolution after a public hearing for each required space not being provided. The payment shall be made at the time of application for the building permit to construct the building or improvement, and shall be deposited to the Laurel parking fund, to be used by the city for future acquisition, construction, maintenance and improvement of city-owned parking spaces. (Ord. 06-04 (part), 2006; Ord. 928, 1988; Ord. 893, 1986; prior code § 17.76.010(N))

Chapter 17.44

GENERAL REGULATIONS

Sections:

- 17.44.010 Authority of provisions.**
- 17.44.020 Permitted uses.**
- 17.44.030 Zoning lot.**
- 17.44.040 Height limitations.**
- 17.44.050 Area and yards.**

17.44.010 Authority of provisions.

In interpreting and applying the provisions contained in this chapter, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of this title. The provisions of this chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties so long as those agreements are not contrary to any laws or ordinances of the United States, the state of Montana, and the city of Laurel; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other articles, rules, regulations, or permits, or by easements, covenants or agreements, the provisions of this chapter shall prevail. Except as provided elsewhere in this title, the general regulations set out in Sections 17.44.020 through 17.44.050 shall apply. (Prior code § 17.36.010 (part))

17.44.020 Permitted uses.

No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged; nor shall any land, building or structure be used, designed or arranged for use for any purpose or

in any manner not included among the uses listed elsewhere in this title as permitted in the district in which such building, structure or land be located. (Prior code § 17.36.010 (A))

17.44.030 Zoning lot.

Every building hereafter erected shall be located on a zoning lot as defined in this title; and, except as provided elsewhere in this title, there shall be no more than one principal building on one lot. (Prior code § 17.36.010 (B))

17.44.040 Height limitations.

No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the district in which such building or structure is located. (Prior code § 17.36.010 (C))

17.44.050 Area and yards.

A. No building or structure shall be erected; nor shall any existing building or structure be altered, enlarged or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area, and building location regulations designated in this title for the district in which such building or open space is located.

B. No yard or other open space provided about any building, for the purpose of complying with the provisions of these regulations, shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.

C. All other yards required by these regulations shall be open and unobstructed to the sky, except as provided in this title. (Prior code § 17.36.010 (D))

Chapter 17.48

SUPPLEMENTARY REGULATIONS

Sections:

Article I. In General

- 17.48.010** **Applicability.**
- 17.48.020** **Structures exempt from height limits.**
- 17.48.030** **Allowed projection into yards.**
- 17.48.040** **Front yard depths.**
- 17.48.050** **Fence heights.**
- 17.48.060** **Accessory buildings.**
- 17.48.070** **Through lots.**
- 17.48.080** **Mixed uses.**

Article II. Specific Uses

- 17.48.090** **Bars and taverns.**
- 17.48.100** **Automobile service stations.**

Article I. In General

17.48.010 **Applicability.**

The regulations specified in this title shall be subject to the supplementary provisions and regulations set out in Sections 17.48.020 through 17.48.080. (Prior code § 17.40.010 (part))

17.48.020 **Structures exempt from height limits.**

A building height limit set forth in this title shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, spires, tanks, water towers, or similar structures; nor to bulkheads, elevators, water tanks or similar roof structures and mechanical appurtenances. No such structure shall have a total area of greater than twenty-five percent of the roof area of the building; nor

shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Nothing in this section nor in this chapter shall be interpreted to permit the erection of any structure in violation of any applicable provisions of Chapter 17.28 of this code. (Prior code § 17.40.010(A))

17.48.030 **Allowed projection into yards.**

Steps, terraces and uncovered porches may extend into the minimum front setback, but such feature shall not be less than five feet distant from any lot line; provided, the floor thereof is no higher than that of the first floor entrance to the building; and such feature on corner lots shall not impede the line of sight vision of traffic in the street. Fire escapes and outside open stairways may project not more than two feet into any minimum required yard. Chimneys may extend into any minimum yard not more than two feet. Civil defense shelters may extend into any required side yard to within two feet of the lot line; they may extend into a required front or rear yard not more than twelve feet. The roof of the shelter that extends into any required yard shall not extend over eight inches above outside grade or above existing basement height, whichever is the lesser. (Ord. 06-12 (part), 2006: Ord. 06-06 (part), 2006: prior code § 17.40.010(B))

17.48.040 **Front yard depths.**

When the majority of lots in a block have been lawfully occupied with the buildings having different front yard depth than required by regulations, no building hereafter erected or altered shall have a less front

yard depth than the average depth of the existing front yards. This regulation shall apply also to side yards, adjacent to a street, of a corner lot, but shall not be construed as to reduce the buildable width of a corner lot to less than twenty-four feet. No portion of any alley shall be considered a part of any yard. (Ord. 1083, 1993: prior code § 17.40.010(C))

17.48.050 Fence heights.

A. Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured as per Laurel Municipal Code Chapter 15.20. "Fence" for the purposes of this section means any fence, wall or hedge. No fence shall be erected or maintained in the public right-of-way, closer than one foot from a sidewalk. Fences shall be constructed on private property.

B. Height. Height for the purposes of this section shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.

C. Setbacks Required. Fences, walls and hedges of up to four feet may be erected or maintained in the required front yard and side yard adjacent to street setback. Fences, walls and hedges up to six feet may be erected or maintained in rear yard and side yard not adjacent to street, except as noted in section D. None of the above setback requirements shall apply to lands located in AG, CBD, CC, HC, LI, and HI zones.

D. Side Yard Adjacent to Street Fences. If the property abuts an alley, a fence may be erected along the side yard adjacent to the street and maintained up to six feet from the rear of the dwelling to the alley as well as along the alley. Clear vision at alley shall apply.

E. Setbacks for Clear Vision Areas. No fence, wall or hedge greater than thirty inches may be erected or maintained in any zoning district within a clear vision zone as defined by City of Laurel Resolution No. R03-63. Fences of chain link, woven wire or other similar type fence which provide no more than ten percent obstruction to visibility through the fence when constructed can extend to four feet in height may be constructed in this area.

F. Material Permitted. All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing. Commonly used fence materials include wood, brick, stone, split railing, wire, vinyl, chain link and ornamental iron work. In HI and LI zones fences may be constructed of finished or coated steel or aluminum building panels. Fences shall not be constructed from railroad ties, wooden pallets, tires, rubble or salvaged material. Materials not listed are subject to special review by the city planning group.

G. Material Exception—Barbed Wire and Electric fence. In the city limits no barbed wire or electrical fencing shall be permitted in residential zoning districts. Barbed wire and electrical fencing shall be allowed in AG and RT zoning districts. Electrically charged fencing along any public way shall be posted with warning signs or fluorescent marking at intervals not to exceed one hundred fifty feet.

H. Security Fences. In AG, CBD, CC, HC, LI, and HI zones security fences may maintain a barbed wire fence on top of a non-barbed wire fence as long as the lowest strand of barbed wire is eight feet above grade.

I. Miscellaneous Exceptions. These provisions shall not apply to fences required to surround and enclose existing junk

yards and public utility installations or to enclose school ground and public playgrounds.

J. Penalties. Any person violating a provision of this chapter may, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code. (Ord. 892, 1986: prior code § 17.40.010(D)) (O14-01, 5-6-2014)

17.48.060 Accessory buildings.

A. In any residential district all accessory buildings shall be located in the rear yard and shall be not less than two feet from the rear or side lot line nor less than two feet from the alley line. In the case of a corner lot in a residential district, with a side lot line parallel to a side street and a rear lot line abutting the side lot line of a lot having frontage on such side street, an accessory building shall be located in the rear yard of such corner lot maintaining a setback of not less than twenty feet from the side street. The side yard of the accessory building shall be the same minimum width required for the principal building located on the lot fronting the side street. If such accessory building is set back at least ten feet behind the rear of the principal building on the lot fronting such side street, such accessory building may be located not less than two feet from the rear and side lot lines of the corner lot.

B. In a residential district a detached garage on an inside lot may be located with the same setback from the street as required for the principal building; providing, that such detached garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building on the adjacent lots, having the greater setback from the front property line, such garage may be located not less than

two feet from the side lot line. In all instances, the measurements shall be made from the eaves.

C. An accessory building, or any enclosure, group or run, or any part thereof used for the housing, shelter, or sale of animals or fowl shall be located at least five feet from any rear or side lot line, and at least twenty feet from any building used for dwelling purposes on an adjoining lot. (Prior code § 17.40.010(E))

17.48.070 Through lots.

Any building constructed on any interior lot having a frontage on two streets shall be located so as to comply with the regulations governing front yards on both streets. (Prior code § 17.40.010(F))

17.48.080 Mixed uses.

Any building containing two or more dwelling units and space designed or used for commercial purposes shall comply with all requirements for multifamily dwellings in the district in which it is located. Provided, also, that no such building designed or used for mixed residential and other uses shall be permitted in any district in which a multifamily dwelling is not permitted. (Prior code § 17.40.010(G))

Article II Specific Uses

17.48.090 Bars and taverns.

A. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure for use as a bar, tavern, or any commercial establishment which serves alcoholic beverages as a primary or accessory use shall first make application for special review as regulated.

B. No building, structure or premises shall be used for retail alcoholic beverage sales unless:

1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;

2. A distance of six hundred feet between property lines measured in a straight line is maintained from any building that is primarily used as a church or school, or from a public park that contains a children's playground or playfield.

a. Properties or establishments which are located in the Central Business District zoning district are exempt from [sub]section 2.

b. Properties may be granted a waiver from the six-hundred-foot separation required in subsection 2. if the governing body finds that a physical barrier exists between the proposed use requiring the 600-foot separation. These barriers include, but are not limited to, the following:

i. An arterial street with no existing or proposed signalized pedestrian crossing;

ii. A building or buildings that entirely obstruct the view between the separated uses; and

iii. No direct physical access exists between the separated uses.

3. The applicant must provide the governing body with proof that the proposed property or establishment meets one of the above described physical barriers or that other types of physical barriers exist that warrant the waiving of the six-hundred-foot separation.

C. Exceptions to the terms of this section may be granted by the city council when upon recommendation by the zoning commission it is found that the strict application of the provisions of this section may result in undue hardship, and that granting of such exception shall be in the public interest. (Prior code § 17.80.010)

(Ord. No. O09-06, 6-2-09)

17.48.100 Automobile service stations.

A. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure for use as a

service station shall first make application for special review as regulated in this chapter.

B. No building, structure or premises shall be used for a service station unless:

1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;

2. The walls of every building or structure are set back at least five feet from every adjoining property line and at least twenty-five feet from any street right-of-way line;

3. There are adequate restroom facilities available in the premises;

4. No portion of any new service station or any portion of the premises upon which the same is situated or any driveway entrance to or exit from the same, shall be located within twelve hundred feet in a straight line of any lot upon which there is located any other service station;

5. On any premises upon which there is located a service station, all repairs to or for motor vehicles shall be conducted within the confines of a building. There is excepted from this provision the sale and supply of oil and gasoline, the inspection and filling of tires and batteries, and other services customarily incidental to the sale of gasoline, oil and automobile supplies and accessories, which do not include repairs, installations and replacements;

6. Exceptions to the terms of this section may be granted by the city council when upon recommendation by the zoning commission it is found that the strict application of the provisions of this section may result in undue hardship, and that the granting of such exception shall be in the public interest. (Prior code § 17.80.020)

Chapter 17.49**TEMPORARY USES AND
STRUCTURES****Sections:**

- 17.49.010 Intent.**
- 17.49.020 Temporary uses in nonresidential zoning districts.**
- 17.49.030 Christmas tree sales in residential and agricultural districts.**
- 17.49.040 Roadside stands.**
- 17.49.050 Fireworks stands.**
- 17.49.060 Construction or construction equipment sheds.**
- 17.49.070 Temporary use/structure permit required.**
- 17.49.080 Action by Laurel city council.**

17.49.010 Intent.

The definitions found in this chapter for temporary uses and structures shall be used to regulate same, and all uses contained in temporary structures shall be considered temporary uses and must comply with this section. All temporary uses or structures must also comply with the Uniform Fire Code, Laurel requirements for ingress and egress, and other applicable codes in existence at the time of the adoption of this chapter. This chapter shall not apply to sidewalk vendors. (Ord. 96-5 (part), 1996)

17.49.020 Temporary uses in nonresidential zoning districts.

A. Group 1 Temporary Uses. This group consists of temporary uses of property continuing for less than forty-eight hours. Such uses are exempt from this chapter.

B. Group 2 Temporary Uses. This group consists of temporary uses of property continuing for longer than forty-eight hours but less than thirty days.

1. The following are examples of Group 2 temporary uses: carnivals, circuses, Christmas tree sales, etc.

2. Supplemental Standards.

a. Two signs not to exceed thirty-two square feet in area and eight feet in height shall be allowed, excluding A-frame signs, and be removed along with the temporary use/structure when the approved time limit or temporary use/structure permit has expired.

b. Clear sight vision for ingress and egress shall be provided as approved by the public works department.

c. Access to any public right-of-way must be approved by the public works department.

d. Application for a temporary use/structure permit shall be made at the city public works department to the planning board at least one month ahead of the planning board's regularly scheduled meeting.

C. Group 3 Temporary Uses. This group consists of temporary uses of property continuing for longer than thirty days but less than one year.

1. The following temporary uses may be allowed in this group:

a. Uses, such as carryout espresso stands, less than one hundred twenty square feet in floor area and bearing a certification of a factory built building from the state of Montana as allowed in the appropriate zoning districts.

2. Location and Time Restrictions.

a. Any Group 3 temporary use/structure existing upon adoption of this chapter shall be deemed a legal nonconforming use. All existing legal Group 3 nonconforming temporary uses/structures, as of the effective date of this chapter or any amendment

hereto, shall be removed or become a permanent use by complying with the currently adopted Commercial Building Code, site development standards, and any other federal, state or local requirements within two years from the date of the enactment of this chapter or any amendment hereto.

b. All Group 3 temporary use/structures shall be removed no later than one year unless reapplied for and approved.

3. Supplemental Standards.

a. Two signs not to exceed thirty-two square feet in area and eight feet in height shall be allowed, excluding A-frame signs, and shall be removed along with the temporary use when the approved time limit or temporary use/structure permit has expired.

b. The temporary use must provide sufficient space to accommodate the structure and off-street parking for customer and use-related vehicles. The parking area, driving lanes, and egress/ingress shall be paved, drained and the site shall be approved by the public works department.

c. Clear sight vision for site ingress and egress shall be provided as per currently adopted applicable codes and as approved by the public works department.

d. Access to public right-of-way shall be approved by the public works department.

e. Application for a temporary use/structure permit shall be made at the city public works department to the planning board at least one month ahead of the planning board's regularly scheduled meeting. (Ord. 07-10 (part), 2007; Ord. 03-1 (part), 2003; Ord. 96-5 (part), 1996)

17.49.030 Christmas tree sales in residential and agricultural districts.

In any residential district and in the agricultural district, the temporary use of

land for Christmas tree sales may be allowed for a period not to exceed thirty days when all of the following restrictions are met:

A. The sale must be conducted on property owned by a nonprofit organization unless otherwise approved by city staff. The lot must provide sufficient space to accommodate the Christmas trees and off-street parking for customer and other sale-related vehicles.

B. One sign not to exceed thirty-two square feet in area shall be allowed for this temporary use, and such sign shall be removed along with the temporary use and structure when the approved time limit or temporary use/structure permit has expired.

C. A business license must be obtained by the operator if located within the Laurel city limits. (Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.040 Roadside stands.

The sale of flowers or produce at temporary stands shall be allowed when all of the following restrictions are met:

A. Only items produced on the premises may be sold on the premises;

B. Any structure used must be portable and removed after the temporary use/structure ceases to operate;

C. One sign not to exceed thirty-two square feet in area shall be allowed, and such sign shall be removed when the use ceases;

D. The use must provide sufficient space to accommodate the stand and off-street parking for customer and other sale-related vehicles off the public right-of-way; and

E. Clear vision ingress and egress to the area must be provided. (Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.050 Fireworks stands.

The erection of temporary fireworks stands may be permitted if such meet the following standards:

A. Located outside the city limits of Laurel and in nonresidential zones;

B. Two signs not to exceed thirty-two square feet in area each are allowed, and such signs must be removed along with the temporary use and structure when the approved time limit expires;

C. The stand must provide sufficient space to accommodate the stand and off-street parking for customer and sale-related vehicles off the public right-of-way; and

D. The appropriate permits are secured from and fees are paid to county departments and the local jurisdictional fire department. (Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.060 Construction or construction equipment sheds.

The temporary use of buildings or modular offices or equipment sheds during construction projects may be permitted in any zoning district. A temporary use/structure permit is not required if the structure is part of an approved construction project and used exclusively for the approved construction project it serves. Any such structure cannot be used for sleeping or living purposes and must be removed upon completion of the construction project. (Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.070 Temporary use/structure permit required.

All Group 2 and Group 3 temporary uses must conform to the currently adopted Sign Code. Before any Group 2 or Group 3 temporary use or structure is established, the property owner shall obtain a temporary use/structure permit, as delineated in this chapter. In addition, the property owner

shall post a three thousand dollar money order or cashier's check or an equivalent bond with the city to ensure timely removal of the use and/or structure. (Ord. 07-10 (part), 2007; Ord. 03-1 (part), 2003; Ord. 96-5 (part), 1996)

17.49.080 Action by Laurel city council.

After the planning board has reviewed an application for temporary use, it shall make a recommendation to the city council to approve, deny or approve with conditions. The city council shall approve, deny or approve with conditions the application. If approved or if approved with conditions, the application shall then obtain a city business license prior to operating the business. (Ord. 03-1 (part), 2003)

Chapter 17.52

INCIDENTAL USES

Sections:

17.52.010 Intent and purpose of provisions.

17.52.020 Accessory uses.

17.52.030 Home occupation.

17.52.010 Intent and purpose of provisions.

The uses of land and buildings permitted in the several districts established by this title are designated by listing the principal uses permitted. In addition to such principal uses, it is the intent of this title and this section to permit in each district those uses customarily incidental to any principal use permitted in the district. Such permitted incidental uses are specifically listed as set out in Section 17.52.020, and any listed use is permitted on the same lot with the principal use to which it is incidental. (Prior code § 17.44.010 (part))

17.52.020 Accessory uses.

A. Accessory uses for dwelling premises are as follows:

1. Private garages or off-street parking spaces incidental to a dwelling located in a residential district may not exceed the following capacity:

a. Single-family dwelling: Spaces or garages for four passenger vehicles,

b. Two-family dwelling: Spaces or garages for four passenger vehicles,

c. Multiple-family dwelling: Spaces or garages for three passenger vehicles per dwelling unit,

d. Group dwelling: Spaces or garages for one and one-half passenger vehicles per sleeping room;

2. Private greenhouse, vegetable, fruit, or flower garden from which no products are sold or offered for sale;

3. Children's playhouse, and playground equipment;

4. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chickenhouse, or other buildings to house agricultural livestock;

5. No more than two dogs or cats four months of age or older;

6. Private kennel;

7. Customary domestic use, but not including horses, poultry or agricultural livestock;

8. Private swimming pool and bathhouse;

9. Statuary, trellises, barbecue stove or similar ornamental or landscaping features;

10. Passenger vehicles as used herein shall mean and include automobiles, motorized campers, or pickup trucks licensed for a gross vehicle weight not to exceed ten thousand pounds;

11. Church:

a. Parish house, together with any use accessory to a dwelling as herein listed,

b. Religious education building,

c. Bulletin board not to exceed twenty square feet in area,

d. Off-street parking lot for the use without charge of members and visitors to the church. (Prior code § 17.44.010(A))

17.52.030 Home occupation.

A. Home occupation is permitted in a dwelling customarily incidental to the principal use as a dwelling subject to the following limitations:

1. No person other than a member of the immediate family occupying a dwelling is employed, except domestic help;

2. No stock in trade is displayed or sold upon the premises; 17.52.030

3. No alteration of the dwelling unit or accessory buildings that change the character thereof as residential. If the activity for which a home occupation is requested is conducted at the residence, it shall be conducted wholly within the dwelling or an accessory building.

4. No illuminated sign is used, and no sign other than one giving the name and occupation, and not more than one square foot in area, is displayed;

5. No more than twenty-five percent of the area of one story of the building is devoted to the home occupation;

6. No equipment shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;

7. The home occupation shall be deemed to be both site specific and owner specific; thus, the use of a portion of a structure as a home occupation will not permit a subsequent owner an automatic home occupation designation. The new owner will be required to meet all of the criteria contained in this section.

B. The following activities are prohibited from home occupation under this section:

1. Motor and motorized vehicle or boat repair of any kind, to include body and engine work, upholstery and glass repair, and audio system work;

2. Prefabrication of building construction components such as, but not limited to, cabinets and heating and cooling systems;

3. Furniture, electronics, and appliance sales, repair, renovation, and storage;

C. An applicant may apply for a home occupation permit by filling out the application available at the city's public works department at city hall. If the applicant's

home is within the city limits, the applicant must additionally apply for a city business license. The city's planning department shall approve/disapprove the applications within seven business days or receipt of the application(s) and payment of the required fee(s). An applicant may appeal an adverse decision or denial of his/her application(s) to the city council by delivering a written appeal to the city clerk within ten business days of the adverse decision. The city council's decision on the appeal is final.

D. The city council shall establish or set the application fees for this section by resolution.

E. Violation of the conditions and terms of the City's permit or approval for the home occupation by the applicant shall be grounds for cancellation or revocation of the permit or approval and, if within the city limits, revocation or non-renewal of the previously issued business license. An applicant may appeal the cancellation or revocation decision of the planning department to the city council. The city council's decision is final. (Ord. 00-2, 2000; Ord. 1064, 1993; Ord. 886, 1986; prior code § 17.44.010(B)) (Ord. No. O12-06, 11-6-12)

Chapter 17.56

NONCONFORMING USES

Sections:

- 17.56.010 Nonconforming use designated.**
- 17.56.020 Extension of.**
- 17.56.030 Additions, repairs and alteration allowed when.**
- 17.56.040 Applicability when building damaged or destroyed.**
- 17.56.050 Restrictions on moving building.**
- 17.56.060 Continuance and change.**
- 17.56.070 Discontinuance.**

17.56.010 Nonconforming use designated.

Any lawful use of the land or buildings existing at the date of passage of the ordinance codified in this chapter, and located in a district in which it would not be permitted as a new use under the regulations of this chapter, is declared to be a nonconforming use, and not in violation of this title at the date of adoption of the ordinance codified in this chapter; provided, however, a nonconforming use shall be subject to, and the owner shall comply with the regulations set out in Sections 17.56.020 through 17.56.070. (Prior code § 17.64.010 (part))

17.56.020 Extension of.

The nonconforming use of a building may be extended throughout any part of a building clearly designated for such use but not so used at the date of the adoption of this chapter. No nonconforming use may be extended to occupy any land outside the building nor any additional building not used for such nonconforming use at the date of adoption of the ordinance codified

in this chapter. The nonconforming use of land shall not be extended to any additional land not so used at the date of adoption of the ordinances codified in this title. (Prior code § 17.64.010(A))

17.56.030 Additions, repairs and alteration allowed when.

A. No building used for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of this chapter; provided, however, permits may be issued for the reconstruction of an existing building to be continued as a nonconforming use if the following conditions are complied with:

1. If a single- or two-family dwelling is presently a nonconforming use, and is located in a residential area, and is destroyed, the dwelling may be rebuilt. However, qualifying dwelling units located on arterial streets or roads must conform to the applicable setback standard;
2. New use would decrease the automobile parking congestion in the area;
3. New use would not increase the cubical contents of the structure, floor area ratio, if such would violate provisions of this chapter;
4. Such reconstruction would be one in accordance with the city building, plumbing, electrical codes and fire prevention code;
5. The issuance of such permit would not violate the provisions of Section 17.56.040 of this chapter. (Prior code § 17.64.010(B)(part)) (Ord. No. O08-05, 6-17-08)

17.56.040 Applicability when building damaged or destroyed.

A. If any building in which there is a nonconforming use is damaged by fire, flood, explosion, wind, war or other catastrophe, in an amount equal to or greater than fifty

percent of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this title in which it is located. This subsection specifically does not apply to nonconforming, one and two-family dwelling units.

B. In addition, repairs and maintenance work may be carried out each year in an amount not to exceed twenty-five percent of the assessed value of the building for that year. Such repairs and maintenance work shall not increase the cubical content of the building, nor the floor area devoted to the nonconforming use. Nor shall it increase the number of dwelling units provided in a building.

C. Nothing in this chapter shall be deemed to prevent the strengthening nor repair of a building which may be necessary to restore the building to a safe condition or to improve the sanitary conditions of the building; provided, that such strengthening and repair may not be used to restore a building to the provisions of Section 17.56.040 of this chapter. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; prior code § 17.64.010(B) (part), (C))

17.56.050 Restrictions on moving building.

Any building in which there is a nonconforming use shall not be moved unless it is moved to a district in which the use for which the building was designed is permitted by this title. If any building in which there is a nonconforming use is moved any distance whatsoever, the building shall thereafter be used only in compliance with the provisions of this title for the district in which it is located. (Prior code § 17.64.010(D))

17.56.060 Continuance and change.

A nonconforming use may be continued in accordance with the provisions of

this chapter, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located. (Prior code § 17.64.010(E))

17.56.070 Discontinuance.

If for any reason a nonconforming use ceases for a period of six months any new use must conform to the provisions of this title for the district in which the use occurs, and the nonconforming use no longer allowed. (Ord. 04-5 (part), 2004; prior code § 17.64.010(F))

Chapter 17.60

ZONING COMMISSION

Sections:

17.60.010 Powers and duties.

**17.60.020 Land use variances issuance and denial—
Determination procedure.**

17.60.010 Powers and duties.

The city-county planning board shall act as a zoning commission whose duty it shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. (Prior code § 17.08.010)

17.60.020 Land use variances issuance and denial—Determination procedure.

A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.

B. The zoning commission shall not recommend that land use variances be granted:

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
3. Unless the basis is something more than a mere financial loss to the owner;

4. Unless the hardship was created by someone other than the owner;

5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;

6. Unless the variance would not affect adversely or injure or result in injustice to others; and

7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment. (Prior code § 17.08.015)

Chapter 17.62

CONDITIONAL LAND USES

Sections:

- 17.62.010 Purpose.**
17.62.020 Requirements.
17.62.030 Application process.

17.62.010 Purpose.

The purpose of conditional land uses is to provide for specific uses, other than those already allowed in each zoning district, which may be compatible uses in the district under certain safeguards or conditions. The conditional land use permitting process is intended to provide a detailed and comprehensive review of such proposed, compatible developments and to insure the interest of the public, the community, and the larger neighborhood area are protected. Conditional uses, once granted by the city, are sight specific and run with the land. Land use changes not specifically included in the approval of a conditional use are a violation of the city zoning ordinance. (Ord. 03-4 (part), 2003)

17.62.020 Requirements.

No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for conditional

use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:

A. Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;

B. Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;

C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;

D. Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and

E. Compatibility with adjacent and neighborhood land uses and Laurel's GMP. (Ord. 03-4 (part), 2003)

17.62.030 Application process.

Twelve copies of the conditional use application form and required review fee shall be submitted to the planning board secretary thirty working days prior to the regularly scheduled zoning commission/planning board meeting at which the application will be considered. The planning board secretary shall note the time of receipt, keep one copy, send one copy to the city planner, and forward the remainder to the members of the zoning commission.

A. The zoning commission shall publish notice of public hearing in the local newspaper at least fifteen days prior to the zoning commission meeting at which the application will be considered; adjacent property owners of record within one hundred fifty feet of the application property shall also be notified by mail by the zoning commission. The applicant

or the authorized agent must attend the public hearings before both the zoning commission and the city council.

B. The conditional use application shall include twelve copies of:

1. Conditional use application form;
2. Legal description of the property;
3. Address or general location of property;
4. Existing zoning;
5. Specific land use being requested;
6. Reason for request;
7. Scaled drawings of the subject property, proposed use, existing buildings and improvements, adjacent land use, fences, etc.;
8. Other information as may be needed by the zoning commission;
9. Name, address and telephone number of owner of record;
10. Name, address and telephone number of agent of owner of record;
11. List of current property owners adjacent to and within one hundred fifty feet of the parcel for which a conditional use permit is sought;
12. Review fee.

C. After the public hearing for the conditional use, the zoning commission shall delay its recommendation to city council no longer than thirty working days. The city council shall publish notice of and conduct a second public hearing before the council, consider the recommendation of the zoning commission and make its decision. (Ord. 03-4 (part), 2003)

Chapter 17.66

HISTORIC PRESERVATION

Sections:

- 17.66.010** Intent of chapter.
- 17.66.020** Definitions.
- 17.66.030** Historic preservation board—Membership and authority.
- 17.66.040** Historic preservation officer—Duties.
- 17.66.050** Surveys and research of sites and districts.
- 17.66.060** National register of historic places—Nomination review standards
- 17.66.070** Demolitions—Allowed when.

17.66.010 Intent of chapter.

The intent of this is to promote the educational, cultural, economic and general welfare of the community by:

A. Providing a mechanism to identify and preserve the distinctive historic architectural characteristics of the city that represent elements of the city's cultural, social, economic, political, military and architectural history;

B. Fostering civic pride in the beauty and noble accomplishments of the past as represented in the city's prehistoric and historic sites and historic districts;

C. Conserving and improving the value of property designated as historic sites or within historic districts;

D. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors and shoppers, and thereby supporting and promoting business, commerce and

industry and providing economic benefit to they city;

E. Fostering and encouraging preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby preventing future urban blight. (Ord. 1071 (part), 1993)

17.66.020 Definitions.

As used in this chapter:

"Alteration" means any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

"Area" means a specific geographic division of the city.

"Construction" means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

"Council" means the city council of the city.

"Demolition" means any act or process that destroys in part or in whole a historic site or a structure within a historic district.

"Exterior architectural appearance" means the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

"Historic district" means an area designated as a historic district by ordinance of the city council which may contain within definable geographic boundaries one or more historic sites and which may have within its boundaries other properties or

structures that, while are not of such historic and/or architectural significance to be designated as historic sites, nevertheless contribute to the overall visual characteristics of the historic site or historic sites located within the historic district.

“Historic site” means a property or structure designated as a historic site by ordinance of the city council pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the city.

“National Register” means National Register of Historic Places. A list, maintained by the U.S. Department of Interior, of sites, properties, objects and districts having local, state or national historical, architectural or cultural significance.

“Preservation board” means The Yellowstone historic preservation board.

“Removal” means any relocation of a structure on its site or to another site.

“Repair” means any change not otherwise construed as an alteration, as herein defined, that constitutes replacing broken, worn or damaged materials with like, not necessarily identical, materials and is insignificant to the size and condition of the structure or property. Repainting and reroofing shall be included under this definition of repair.

“Structure” means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting, the generality of the foregoing, building, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools. (Ord. 1071 (part), 1993)

17.66.030 Historic preservation board—Membership and authority.

A. Members.

1. The Yellowstone historic preservation board shall consist of nine members with a demonstrated interest, competence, and knowledge in historic preservation. The following five members shall be selected jointly by all signatories. In this selection process the simple majority vote will prevail. The board shall include at least three members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history or other historic preservation-related disciplines such as cultural geography or cultural anthropology. The board shall also include two additional members from the following:

- a. One member of the Yellowstone County board of planning;
- b. One member of the Laurel board of planning;
- c. Property owner either residing or owning a business in a historic district or who owns property listed on the National Register of Historic Places;
- d. One member of a city/county preservation society.

2. The four remaining board members shall be considered at-large and shall consist of:

- a. City of Billings resident appointed by the Billings city council;
- b. County resident appointed by the Yellowstone County commissioners;
- c. City of Laurel resident appointed by the Laurel city council;
- d. Crow Tribal member who lives within the Yellowstone County portion of the

Crow Reservation or elsewhere within Yellowstone County appointed by the Crow tribal council.

B. Appointment and Terms. Terms of office for the historic preservation board members shall be for two-year terms and shall be staggered. Upon enactment of the ordinance codified in this chapter, three members shall be appointed to one-year terms. The following year, all terms shall be for two years.

C. Absences and Removal.

1. Each member shall inform the preservation officer at least one day before the meeting of the inability to attend a board or committee meeting. Such an absence shall be considered an excused absence.

2. If any member accrues three or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residences, or by announcement at a meeting attended by him/her, the president may call such absences to the attention of the board which may then recommend to the appointing authority that such member be asked to resign and then another person be appointed to serve out the unexpired term.

D. Vacancies. Vacancies occurring on the board shall be filled within sixty days by the governing body having appointed them for the unexpired term.

E. Meetings. The historic preservation board shall conduct a minimum of one regularly scheduled meeting each month, except that the chairperson may cancel any meeting or schedule special meetings when such meetings are necessary to carry out the provisions of this chapter.

2. Special meetings of the board may be called by the chairperson or by two members, upon request to the preservation offi-

cer. The preservation officer shall notify all members at least two days in advance of the special meeting.

3. Meetings shall be open to the public in accordance with the state of Montana Open Meeting Use Law, and all written or taped minutes, reports and case decisions shall be available to the public.

4. The historic preservation board shall establish by-laws conforming to the guidelines set forth in the "Certified Local Government Program in Montana."

F. Powers and Duties. Yellowstone historic preservation board shall:

1. Maintain a system for the survey and inventory of historic and prehistoric properties. The information shall be available to the public;

2. Review and participate in all proposed National Register nominations within the city of Laurel, the city of Billings, the Crow Reservation and/or Yellowstone County;

3. Encourage public participation while assisting with the enforcement of appropriate and local legislation concerning historic preservation;

4. Submit an annual report to the State Historic Preservation Office describing projects, activities, recommendations and decisions made, projects reviewed, recommendations to the National Register of Historic Places, revised resumes historic preservation board members and member attendance records, and indexed copies of typewritten or tape recorded minutes of all historic preservation board meetings. Copies of the following will be attached to the annual report: inventory forms, survey reports, maps, photographs and other survey materials or planning documents generated during the preceding year;

5. At least one member shall attend at least one training session each year and review any orientation materials provided by the State Historic Preservation Office;

6. Review and comment on land use proposals and planning programs related to historic resources, such as municipal improvements, housing and other public programs;

7. Consult with city, county, tribal, state, and federal agencies on all applications, environmental assessment, environmental impact statements, and other similar documents pertaining to historic districts, historic sites and landmarks or neighboring properties within the city of Billings, the city of Laurel and/or Yellowstone County. Comments and recommendations by the historic preservation board will be sent to the Laurel city council and the Yellowstone commissioners;

8. Review the local zoning regulations for their applicability to the characteristics of the proposed historic districts, and make appropriate recommendations to the zoning commissions and the boards of adjustment concerning any changes or modifications to the zoning regulations, zoning boundaries, zone change applications, special review application or variance applications;

9. Make recommendations to the boards of adjustments regarding variance change applications within any historic district;

10. Assist with the preparation and adoption of a comprehensive historic preservation plan and assist with the annual updates of such plan;

11. Provide information, advice and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping or maintenance of potentially historic buildings or structures. The historic pres-

ervation board may recommend voluntary design guidelines which will be made available to the public for assistance in preservation projects;

12. Participate in, promote and conduct public information, education and interpretive programs pertaining to historic preservation, including potential tax incentives and federal and/or state grants that might be available;

13. The historic preservation board may provide quarterly reports to all governing bodies to discuss their activity for the past quarter. Minutes of board meetings and any other information deemed necessary may be appended to the quarterly reports. A copy of the annual report to the State Historic Preservation Office shall be provided to each of the governing bodies;

14. Undertake any actions necessary to assure compliance of the preservation board with certified local government requirements. (Ord. 1071 (part), 1993)

17.66.040 Historic preservation officer— Duties.

Duties.

A. The historic preservation officer shall serve as staff to the historic preservation board.

B. The historic preservation officer must have demonstrated interest, competence or knowledge in historic preservation.

C. The historic preservation officer will assist with coordinating the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the historic preservation board, government agencies and the public, and ensure, to the extent practicable,

that the duties and responsibilities delegated by this chapter are carried out.

D. The historic preservation officer shall be appointed by mutual agreement of the Laurel city council, the Billings city council, the Crow Tribal council and the Yellowstone County commissioners. (Ord. 1071 (part), 1993)

17.66.050 Surveys and research of sites and districts.

A. The preservation board shall assist in developing an ongoing survey and research effort in the city to identify neighborhoods, areas, sites, structures and objects that have historic, community, architectural or aesthetic importance, interest or value. As part of the survey, the historic preservation board shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. Before the preservation board shall on its own initiative nominate any landmark for historic designation, it shall first develop a plan and schedule for completion of a survey of the city to identify potential landmarks. The preservation board shall then systematically identify potential landmarks and adopt procedures to nominate based upon the following criteria.

B. To qualify as a historic site or historic district, the individual properties, structures, sites or buildings or groups of properties, structures, sites or buildings must have significant character, interest or value as part of the historical, cultural, aesthetic and architectural heritage of the city, county, state or nation. To qualify as a historic site or district, the property or properties must fulfill one or more of the criteria set forth in subsection (B)(1) below and meet the

criteria set forth in subsections (B)(2)(a) and (B)(2)(d) below.

1. A building, structure, site, interior or district will be deemed to have historical or cultural significance if it meets one or more of the following criteria:

a. Is associated in a significant way with the life or activities of a major person important in city, county, state or national history (for example, the homestead of a local founding family);

b. Is the site of a historic event with significant effect upon the city, county, state or nation;

c. Is associated in a significant way with a major historic event, whether cultural, economic, social, military or political;

d. Exemplifies the historical, political, cultural, economic or social trends of the community in history; or

e. Is associated in a significant way with a past or a continuing institution which has contributed substantially to the life of the city and/or county.

2. A building, structure, site or district is deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria; except that to qualify as a historic interior, the interior must meet the criteria contained within subsections (B)(2)(b) and (B)(2)(d):

a. Portrays the environment in an era of history characterized by one or more distinctive architectural styles;

b. Embodies those distinguishing characteristics of an architectural style, period or method of construction;

c. Is a historic or outstanding work of a prominent architect, designer, landscape architect or builder; or

d. Contains elements of design, detail, material, or craftsmanship of outstanding

quality or which represented, in its time, a significant innovation or adoption to the environment.

3. A building, structure, site, interior or district will be deemed to have historic significance if, in addition to or in the place of the previously mentioned criteria, the building, structure, site or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places as prepared by the United States Department of the Interior under the Historic Preservation Act of 1966, as amended. Said regulations, as amended from time to time, are made part of this chapter as if fully set forth herein.

4. **Classifications of Structures and Buildings.** All historic buildings, structures, archaeological sites, districts, neighborhoods and the like, will be classified and designated on the city historic preservation survey, which will be approved by the city council and be made an overlay to the city and county zoning maps and land use plans. Such buildings, structures, districts, neighborhoods, and the like will be divided into two classes:

a. **Contributing.** Those buildings, structures, archaeological sites or districts classified as historic shall possess identified historical and architectural merit of a degree warranting their preservation. All buildings, structures, archaeological sites and the like, listed in the city historic survey, as adopted and approved by the city council and county commission, will be considered worthy of preservation and may be designated as a historic site or a historic district.

b. **Noncontributing.** Those buildings and structures within a historic district not listed in the city historic preservation survey, and

those buildings and structures determined by the preservation board to be of no contributing value. (Ord. 1071 (part), 1993)

17.66.060 National Register of Historic Places—Nomination review standards.

A. The preservation board shall review proposed nominations to the National Register of Historic Places submitted by the State Historic Preservation Officer or other sponsor qualified pursuant to United States Department of the Interior regulations. The preservation board will develop or receive the documentation necessary to nominate properties to the National Register of Historic Places. The preservation board shall evaluate, in a timely manner, nomination proposals received for completeness. Should a nomination proposal not be technically complete, the preservation board shall notify the proposal's sponsor, identifying the technical deficiencies in writing, within thirty days of receipt of the nomination proposal. If the nomination proposal is technically complete, the preservation board shall place the item on its agenda for the earliest possible regular meeting after notification procedures are complete.

B. The preservation board shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least thirty days but not more than seventy-five days prior to the preservation meeting at which the nomination proposal will be considered:

1. **Owner(s) of Record of the Property.** The list of owners shall be obtained from official tax records and provided with the nomination application. Where there is more

than one owner on the list, each separate owner shall be notified;

2. The Mayor of the City of Laurel. Such officials shall have thirty days from receipt of notice within which to submit the preservation board a written recommendation supporting or opposing the nomination;

3. The State Historic Preservation Officer.

C. When the preservation board considers a nomination proposal that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the preservation board, the preservation board shall seek professional expertise in this area before rendering a decision, but failure to obtain such advice shall not invalidate its determination on the proposal.

D. Nomination proposals shall be considered by the preservation board at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the preservation board meeting. All nomination proposals shall be forwarded, with a record of official action taken by the preservation board and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within thirty days of the preservation board meeting at which they were considered.

E. Any person or organization supporting or opposing the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. Such comments shall be notarized where they contain factual assertions. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the

state historic preservation officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the state historic preservation officer.

F. Nomination proposals to be considered by the preservation board shall be on file at the Yellowstone County offices for at least thirty days but not more than seventy-five, prior to the meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local access, such as a local library, courthouse or other public place.

G. Any person may appeal the decision of the preservation board regarding a proposed nomination to the state historic preservation officer in writing within thirty days of the preservation board decision.

H. In reviewing national register of historic places nomination proposals, the preservation board shall follow the regulations found in 36 C.F.R. Part 60, and as amended from time to time, promulgated by the National Park Service, Department of the Interior under the Historic Preservation Act of 1966, as amended.

I. Standards for Review: In considering an application for a building or demolition permit, the preservation board shall be guided by the following general standards:

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or

to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment. (Ord. 1071 (part), 1993)

17.66.070 Demolitions—Allowed when.

A. The preservation board, upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for demolition of designated historic sites, or buildings, structures, or appurtenances within designated historic districts:

1. Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register;

2. Whether the structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty or economically nonviable expense;

3. Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city;

4. Whether retaining the structure would promote the general welfare of the city by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage;

5. Whether there are definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the character of the surrounding area.

B. Photographs by the City of Laurel Public Works Department prior to demolition.

1. Upon application to the Public Works Department of the City of Laurel by any person, entity, business, corporation or property owner for a permit to demolish any building located within the City limits of the City of Laurel, the City of Laurel Public Works Department has three business days to photograph the building(s) prior to demolition. The public works department shall forward, via email or by United States Mail, a copy of the photographs to a representative of the Yellowstone Historic Preservation Board.

2. Nothing herein shall preclude, hinder or delay the issuance of a demolition permit in accordance with its regulations and/or policies after the three-business-day waiting period has expired. (Ord. 1071 (part), 1993)

(Ord. No. 008-04, 6-17-08)

Chapter 17.68**SPECIAL REVIEW PROCEDURE****Sections:****17.68.010 Purpose of provisions.****17.68.020 Application requirements.****17.68.030 Evaluation
responsibility—
Consultation—
Notification.****17.68.040 Zoning commission action.****17.68.050 City council action.****17.68.010 Purpose of provisions.**

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process. (Prior code § 17.88.010)

17.68.020 Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

A. The application shall include, but not be limited to the following information:

1. A legal and general description of the tract(s) upon the special review use is sought;

2. A map showing the dimensions, acreage and location of the tract(s);

3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;

4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;

5. A time schedule for development;

6. Any other information the applicant believes will support his request.

B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m. (Ord. 94-15, 1994; prior code § 17.88.020)

**17.68.030 Evaluation responsibility—
Consultation—Notification.**

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;

B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;

C. Advertise twice in a newspaper of general circulation in the jurisdiction of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;

D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;

E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;

F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission. (Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 Zoning commission action.

A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:

1. Grant the application for special review;
2. Deny the application;
3. Delay action on the application for a period not to exceed thirty days; or
4. Grant the application subject to conditions and recommendations and give the reasons therefor.

B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):

1. Complies with all requirements of this section;

2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;

3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;

4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:

- a. Street and road capacity,
- b. Ingress and egress to adjoining streets,
- c. Off-street parking,
- d. Fencing, screening and landscaping,
- e. Building bulk and location,
- f. Usable open space,
- g. Signs and lighting,

h. Noise, vibration, air pollution and similar environmental influences. (Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 City council action.

A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.

B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing. (Ord. 94-18, 1994; prior code § 17.88.050)

Chapter 17.72**AMENDMENTS****Sections:**

- 17.72.010 Purpose of provisions.**
- 17.72.020 Amendment procedure.**
- 17.72.025 Amendment by private property owner.**
- 17.72.030 Preapplication conference required.**
- 17.72.040 Application requirements.**
- 17.72.050 Planning department evaluation responsibility.**
- 17.72.060 Zoning commission action.**
- 17.72.070 Public hearing—Notice required.**

17.72.010 Purpose of provisions.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter. (Prior code § 17.84.010)

17.72.020 Amendment procedure.

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing

thereon. (Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.025 Amendment by private property owner.

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application. (Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.030 Preapplication conference required.

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice. (Prior code § 17.84.030)

17.72.040 Application requirements.

A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The

zoning change application shall contain the following information:

1. Name of applicant;
2. Mailing address;
3. Telephone number;
4. Accurate legal description of location;
5. Nature of zoning change requested;
6. Description of present land uses;
7. Description of adjacent land uses;
8. Statement of intended land use;
9. Statement concerning any expected effect upon the adjacent neighborhood;
10. Date of preapplication conference;
11. Names and addresses of adjacent property owners, within three hundred feet;
12. Signature of applicant;
13. Payment of all applicable fees.

B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted. (Prior code § 17.84.040)

17.72.050 Planning department evaluation responsibility.

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;

B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;

C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;

D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;

E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;

F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;

G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record. (Ord. 01-4 (part), 2001; prior code § 17.84.050)

17.72.060 Zoning commission action.

A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

B. The zoning commission shall make a recommendation to the city council to:

1. Deny the application for amendment to the official map;
2. Grant action on the application for a period not to exceed thirty days;
3. Delay action on the application for a period not to exceed thirty days;
4. Give reasons for the recommendation.

C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly. (Prior code § 17.84.060)

17.72.070 Public hearing—Notice required.

A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.

B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such

notice, a final hearing shall be held at the next regular meeting of the city council.

C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.

D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council. (Ord. 01-4 (part), 2001; prior code § 17.84.070)

Chapter 17.76

ENFORCEMENT

Sections:

- 17.76.010 Purpose of provisions.**
- 17.76.020 Building official—Powers and duties.**
- 17.76.030 Planning director—Powers and duties.**
- 17.76.040 Abatement procedure.**
- 17.76.050 Violation—Penalty.**

17.76.010 Purpose of provisions.

The provisions of this title shall be enforced by the building inspector, subject to such variations or interpretations as may be made by the board of adjustment. (Prior code § 17.92.010)

17.76.020 Building official—Powers and duties.

The building official shall:

A. Issue building permits for all construction, alteration or movement of buildings or structures after first determining that all applicable provisions of this title are complied with.

B. Conduct inspections as are necessary to ensure compliance with the provisions of this chapter.

C. Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land. (Prior code § 17.92.020)

17.76.030 Planning director—Powers and duties.

A. The planning director shall supervise and facilitate the processing of applications for amendments to the official zoning map,

special review applications, and requests for variances. Further, it shall be his responsibility to present any applications or requests to the appropriate board or commission.

B. It shall further be the responsibility of the planning director to aid the various boards, commissions and departments in transmitting recommendations, records and reports to the city council and to otherwise promote procedural regularity in the administration of this title.

C. The planning director shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate board, commission or department. (Prior code § 17.92.030)

17.76.040 Abatement procedure.

If on any inspection the condition of a building or premises, or its use or occupancy is found not to conform to the provisions of this title, the building inspector shall issue written notice to the owner or tenant, specifying the manner in which the building or premises, or its use or occupancy fails to conform, and the owner or tenant shall take steps and make it conform as directed by the building inspector. (Ord. 01-4 (part), 2001; prior code § 17.92.040)

17.76.050 Violation—Penalty.

A. Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be

found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this title. (Prior code § 17.92.050)