

ORDINANCE NO. 024-02

**AN ORDINANCE REPEALING AND REPLACING CERTAIN SECTIONS OF
TITLE 17 OF THE LAUREL MUNICIPAL CODE RELATED TO ZONING.**

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating Chapters, Sections, and Subsections to address situations and problems within the City and to remain in accordance with Montana law;

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing LMC Title 17, as noted herein and on the attached, and hereby recommends the same to the City Council for its full approval;

WHEREAS, the attached LMC Title 17 changes fully replace, amend, and supersede the existing Title 17 of the Laurel Municipal Code, except to the extent that certain Sections of Title 17 are not addressed in the attachment hereto;

WHEREAS, the proposed changes to the existing LMC Title 17 are attached hereto and hereby fully incorporated herein (*see* attached revised LMC Title 17 changes, which repeal and replace certain Sections of Title 17 of the LMC); and

WHEREAS, to the extent that the attachment hereto does not repeal and replace certain Sections of Title 17, those Sections not addressed in the attachment hereto remain in full force of law as presently codified.


This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on the 14th day of May 2024, upon Motion by Council Member Klose.

PASSED and ADOPTED by the Laurel City Council on second reading on the 28th day of May 2024, upon Motion by Council Member Wheeler.

APPROVED BY THE MAYOR on the 28th day of May 2024.

CITY OF LAUREL


Dave Waggoner, Mayor

ATTEST:


Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:


Michele L. Braukmann, Civil City Attorney

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ZONING COMMISSION RECOMMENDATION ZC-24-01
2024 Laurel Zoning Regulations
March 4, 2024

BACKGROUND:

The City of Laurel is an incorporated City within the State of Montana with powers established under the Constitution of Montana XI.4. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

Starting in early 2023 the City Council charged its Zoning Commission to update the existing zoning regulations to reflect changes to the City Growth Policy and the community in general.

After extensive discussion and consideration, the Zoning Commission drafted revised Zoning Regulations but there were a number of technical issues in need of resolution. To resolve these issues the City applied for and was awarded a Planning Grant to hire a consultant to help the Zoning Commission refine the document resolve the technical issues and prepare the draft regulations and a new zoning map that would implement the Growth Policy. The Zoning Commission will conduct a public hearing on the draft Zoning Regulations and Zoning Map, which is scheduled for Wednesday, December 20, 2023. Following the hearing it is expected that the Zoning Commission will recommend the Zoning Regulations and Map as the prevailing zoning for the City of Laurel.

The draft regulations incorporated the changes made during the 2023 Legislative session, several of which were not viewed favorably by the Zoning Commission but were incorporated as they were passed during the session. On December 29, 2023, Judge Salvagni of the 18th Judicial District (Gallatin County) issued a preliminary injunction on the implementation of Senate Bill 323 and 528 with a provision that communities could unless they were otherwise inclined to implement the changes they could be repealed. SB 245 and 382 were part of the litigation but were not set aside by the injunction but are still subject to potential repeal.

At the January 17, 2024, Zoning Commission meeting, the Zoning Commission recommended that those section of the draft Regulations that were included but had been enjoined, be removed from the document. It was also noted that the revised Growth Policy was nearing completion and a decision on the Northwestern Energy site and zoning authority was approaching. Given this, it was decided to slow down the Zoning adoption until some additional answers were available.

LEGAL DESCRIPTION:

The City of Laurel, Montana, an incorporated City located in Yellowstone County, Montana.

EXISTING CONDITION:

Currently, all property within the City of Laurel is covered by the Laurel Zoning Regulations which date back to the late 1970's with minor revisions and updates over roughly 40 years. The Zoning Regulations were updated and recodified in 1996 via Ordinance 96-5. The zoning code is lacking in several aspects related to compliance with the Growth Policy, statutory changes, and administrative processes. When coupled with the fact that the conditions have radically changed over the past 30 to 40 years, it is time to consider new zoning regulations that are easier to administer, clearly define roles and responsibilities and address new/expanded uses in the city. While State Law speaks to implementation of the Growth Policy via Subdivision Regulations, the city recognizes that the major tool necessary to implement large sections of the Growth Policy is a zoning ordinance.

As discussed in the following sections and in the answers to the Lowe Test, the City Council will see the sections of the Growth Policy that are slated for implementation via the proposed Zoning Regulations and Zoning Map for the City of Laurel.

PROCESS:

- The Zoning Commission with the assistance of City Staff and a Consultant has prepared draft zoning regulations and a zoning map.
- The Zoning Commission conducts a duly noticed Public Hearing on the proposed regulations and map on December 20, 2023.
- The Zoning Commission following the Public Hearing may make changes to both the regulations and map to reflect the comments received on the draft.
- Those changes coupled with findings of fact to support the adoption of the draft regulations and map will need to be submitted to the City Council for consideration.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation and an Ordinance of the City Council on First Reading.
- Should the recommendation or the recommendation with amendments pass on First Reading, another public hearing and Second Reading and adoption will be scheduled.
- If passed on Second Reading, the regulations and map would become effective 30-days post Second Reading.

RECOMMENDED ZONES:

The Zoning Commission is recommending the creation of the following zones:

- R-7500 - Residential 7500 District.
 - The residential-7500 zone is intended to provide an area for low to medium urban-density, single-family residential environment on lots that are served by a public sewer and sewer system.
- R-6000 - Residential 6000 District.

- The residential-6000 zone is intended to promote an area for medium urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.
- RLMF - Residential Light Multifamily District.
 - The residential light multifamily zone is intended to provide a suitable residential environment for medium to high density (up to a fourplex) residential dwellings. The area is usually served by a public water and sewer system.
- RMF – Residential Multifamily District.
 - The residential multifamily zone is intended to provide a suitable residential environment for high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.
- RMH - Residential Manufactured Home District
 - The residential manufactured home zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses.
- RP – Residential Professional District
 - The residential professional zone is intended to permit professional, and semiprofessional uses compatible with surrounding residential development.
- NC – Neighborhood Commercial District.
 - 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.
- CBD – Central Business District.
 - 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.
- CC – Community Commercial District.
 - 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 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.

- HC – Highway Commercial 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.

- LI - Light Industrial District.
 - 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.

- HI – Heavy Industrial 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.

- P - Public District.
 - 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.

- PUD Planned Unit Development.
 - 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.

RATIONAL BASIS OF ZONING:

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitute the rational nexus/legal basis for the adoption of a zoning district, zoning

regulations, or changes to zoning or zoning regulations. This rational nexus is called the “Lowe Test”.

- I. Is the zoning in accordance with the growth policy;
 - The proposed zoning regulations and map are based on the Growth Policy. A simple look at the Growth Policy and future land use map will verify that the zone assignments with few exceptions will verify that the proposed zoning assignments are consistent with the text and mapping components of the Growth Policy.
 - Several strategies from the Growth Policy pertaining to the commercial and Business development are met with the new zoning. Most notably, the regulations are designed to provide easier conversion, reuse and restoration of existing structures; The sign code has not been modified in terms of advertising up to the permitted maximum limits but the entryway overlay, multiple categories and tables that existed in previous regulations have been eliminated. Opportunities for internally illuminated signs and signs incorporating neon elements are contemplated in some commercial districts; and the regulations encourage infill development and expanded use opportunities.
 - Several strategies from the Growth Policy are implemented in the administrative sections and individual District Standards. The items include but are not limited to walkability, pedestrian sidewalks are required for all new development and major renovations; concerns centered on nuisances and noise, the regulations impose limits on noise and potentially offensive activity in the standards of general applicability; and the regulations address concerns about the pace and quality of development that the citizens of Laurel expect to see as we move forward.
 - Several residential neighborhood goals and strategies are implemented. Diversity of Neighborhoods, historic to modern; accommodation of a diverse population both age and economic condition; Creation of zones where manufactured homes and manufactured home parks are contemplated; expansion of non-motorized routes and access to the core of the community. and Residential districts protected from excessive noise and commercial impacts the conversion of structures to new uses is encouraged.
 - The concept of residential Planned Unit Developments with increased density, lot coverage and modified use regimens is contemplated in all Zoning Districts.

Finding: The recommended zoning regulations and zoning map is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

- II. Is the zoning designed to lessen congestion in the streets;
 - The regulations encourage compact walkable development in most every district as well as expand opportunities for new uses beyond the 1996 code. By following this line of logic residents would be able to walk or bicycle to essential services which would by default reduce the vehicular traffic on the streets.

- The regulations encourage compact urban development as such the need for vehicular travel is limited.
- The expanded use opportunities in many of the commercial and residential districts will encourage compatible higher density residential development near the city core. Implementation of these regulations will further reduce the dependency or need for vehicular travel.
- The zoning regulations in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The recommended zone will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the proposed zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The recommended zoning regulations and zoning map will provide for consistency in development along with provision of police and fire protection.
- The recommended zoning regulations and zoning map will incorporate enforcement of development standards, setbacks and compliance with the other development standards adopted by the City of Laurel.
- The recommended zoning regulations and zoning map have restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the city from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The recommended zoning imposes setbacks, height limits and building restrictions.
- The recommended zoning groups together like and consistent uses within existing neighborhoods.
- The recommended regulations restrict development in hazardous areas.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the recommended zoning is substantially consistent with the land use in our existing neighborhoods.

V. Is the zoning designed to provide adequate light and air;

- The recommended zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The regulations implement the concept that the City of Laurel was developed historically on a gridded network. The draft zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The recommended zoning will insure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- While the minimum lot sizes proposed with these regulations remains substantially consistent with the historic pattern of development within the City of Laurel.
 - The major change is in the clarification of additional permitted residential uses in the R-7500 and commercial districts mandated in the 2023 legislative session. These proposed new standards are easy to interpret and by default administer.
 - The range of allowable lot sizes provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.

Finding: The existing standards of the recommended zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The recommended zoning is a holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The recommended zoning establishes areas that are suitable for exclusive residential, commercial, and mixed uses.
- The recommended regulations create four residential zoning districts that provide a continuum of residential densities and manage development to create land use compatibility.
- The recommended zoning imposes minimum lot sizes, maximum number of residences on a single parcel and setback standards.

Finding: The existing standards of the recommended zoning will prevent the undue concentration of population by encouraging the most appropriate use and residential density at any given location within the jurisdiction.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The recommended zoning establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The recommended zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the recommended zoning will insure the adequate provision of transportation, water, sewerage, school, parks, and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The recommended zoning creates four residential districts that provide a continuum of residential densities and uses that are compatible with existing neighborhoods and ensures proper transitions between districts. The recommended zoning also creates three commercial zoning districts that are designed to provide for various land uses that are compatible with existing uses and neighborhood characteristics.
- The recommended zones impose setbacks, height limits and building restrictions. These restrictions insure compatible development in the residential, commercial, and industrial zones.
- The recommended zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
- The recommended zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods.

- The regulations create eight zoning districts each with the opportunity to create overlays in the form of a Planned Unit Development that represent new opportunities for development and redevelopment within the City of Laurel.

Finding: The recommended zoning gives due consideration to the character of the existing neighborhoods, within the city as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The recommended zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhood.
- The recommended zoning creates four residential districts that provide a continuum of residential densities and uses that are compatible with existing neighborhoods and ensures proper transitions between districts. The recommended zoning also creates three commercial and one industrial zoning districts that are designed to provide for various land uses that are compatible with existing uses and neighborhood characteristics.
- The recommended zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
- The recommended zoning implements all of the significant outstanding sections of the Growth Policy. While the Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction. The proposed zoning regulations and map reflect this change.

Finding: The recommended zone gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The recommended zone groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The proposed zoning reinforces that commercial buildings will continue to have commercial potential.
- The proposed zoning reinforces that residential buildings will continue to be used for equal or greater potential residential purposes.
- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.

Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

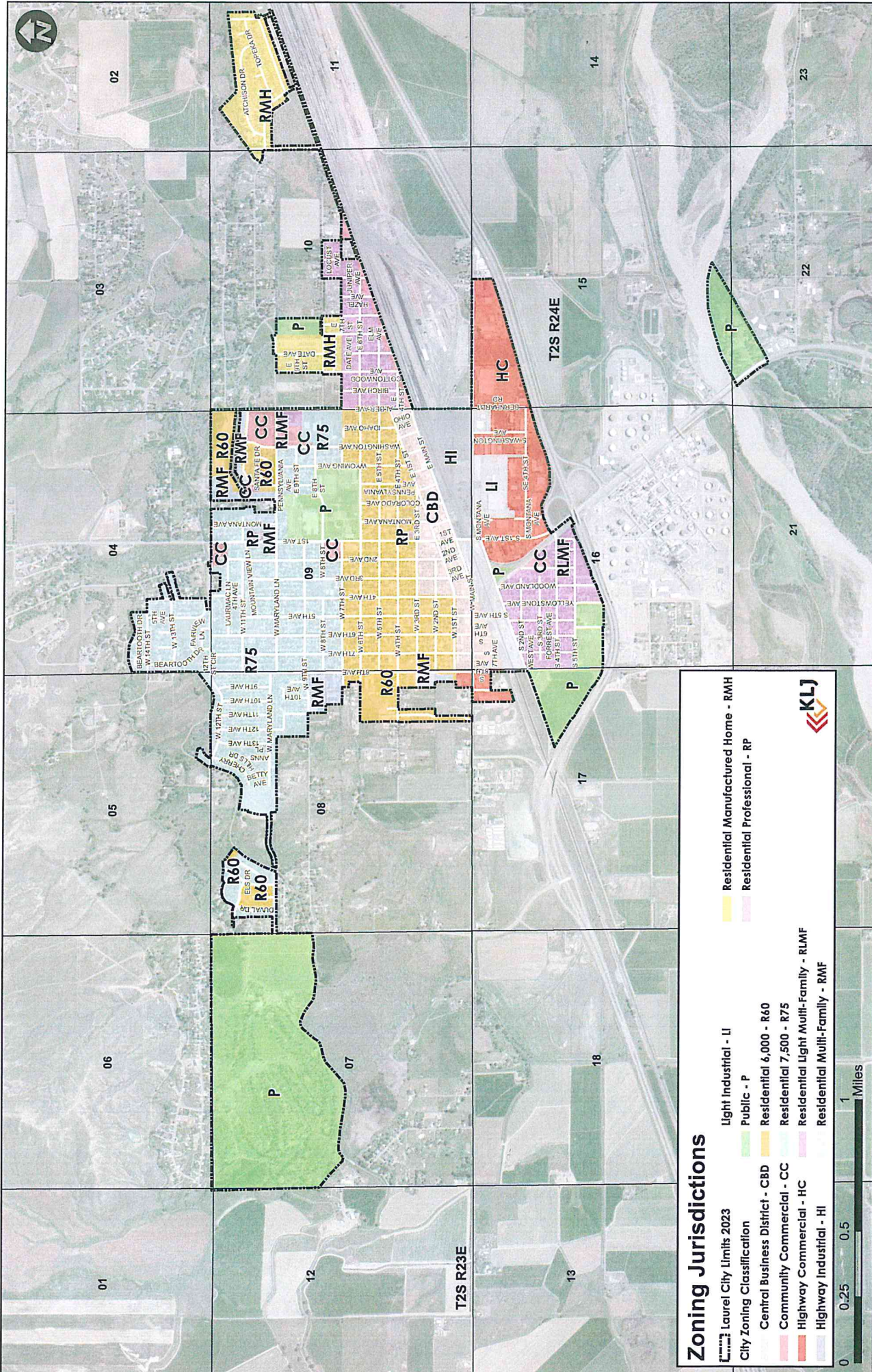
XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The proposed zoning and zoning map provide for use districts that group like and compatible uses.
- The proposed zoning and zoning map provide for transitional areas between uses that may be incompatible.
- The recommended zoning creates a new mixed-use district that is specifically intended to ease the transition between residential and commercial uses.
- The recommended zoning is consistent with the type of development that exists and is occurring in the neighborhoods within the City of Laurel.
- The proposed zoning recognizes that buildings that are located in transitional areas have options either to remain as they are or to be converted to uses that reflect the highest and best use, in the owner's opinion, for the subject property.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

RECOMMENDATION:

The Zoning Commission find that the proposed 2024 Zoning Regulations and Proposed Official Zoning Map reflects the Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed regulations; and that the citizens of Laurel have participated in the creation of the proposed Zoning Regulations and Zoning Map. Further, that the Zoning Commission recommends that the City Council adopt the 2024 Laurel Zoning Regulations and Official Zoning Map.



Zoning Jurisdictions

- Laurel City Limits 2023**
- Light Industrial - LI
 - Public - P
 - Central Business District - CBD
 - Community Commercial - CC
 - Highway Commercial - HC
 - Highway Industrial - HI
 - Residential Manufactured Home - RMH
 - Residential Professional - RP
 - Residential 6,000 - R60
 - Residential 7,500 - R75
 - Residential Light Multi-Family - RLMF
 - Residential Multi-Family - RMF



Chapter 17.04 - Title, Purpose and 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.

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.*

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.*

Chapter 17.08 – Definitions

17.08.010 - Purpose of provisions

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

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 discretionary. 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.

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."

17.08.080 – Alley

"Alley" means a public way which affords only secondary access to abutting property.

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.

17.08.100 - Auto wrecking

See "junkyard".

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.

17.08.120 – Billboard

See "Sign — Outdoor advertising."

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.

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.

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 people. "Boarding or lodging house" shall not be construed to mean rest or convalescent homes nor "Bed and breakfast inns".

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.

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.

17.08.160 - Building codes

"Building codes" means the current building code adopted by the city.

17.08.170 - Building inspector

"Building inspector" means the official designated by the mayor to enforce this title and building codes.

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.

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.

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.

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.

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.

17.08.230 - Child care facilities

"Daycare home" means a private residence in which supplemental parental care is provided for up to fifteen children, including the operator's children, from separate families on a regular basis. Such daycare home shall be registered with the Montana Department of Public Health and Human Services.

"Daycare center" means a place in which supplemental parental care and/or adult supervision is provided to sixteen 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 daycare center shall be license as required by the state, city, or county and conducted in accordance with applicable state and local requirements.

17.08.240 – City

"City" means the city of Laurel, Montana.

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.

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.

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 buildings and places, excluding groups organized primarily to render a service which is normally considered a business.

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.

17.08.285 - College or university

"College or university" means a post-secondary school as defined in this chapter.

17.08.290 - Commercial district

"Commercial district" means any NCL, NC, CBD, CC or HC district.

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 patients. 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.

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.

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.

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.

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.

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.

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 rooming house, 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."

17.08.370 - Dwelling, multifamily

"Multifamily dwelling" means a building containing three or more dwelling units.

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.

17.08.390 - Dwelling, single-family

"Single-family dwelling" means a building containing only one dwelling unit.

17.08.400 - Dwelling, two family

"Two family dwelling" means a building containing only two dwelling units.

17.08.410 - Dwelling unit

"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family.

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.

17.08.430 - Senior housing

"Senior housing" means housing designed specifically for occupancy with at least one resident domiciled in each living unit therein with an age of sixty-two years or older.

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.

17.08.450 – Family

"Family" means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

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.

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.

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.

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.

17.08.500 - Fraternity, sorority, or student cooperative

"Fraternity," "sorority," or "student cooperative" means a building occupied by and maintained exclusively by students.

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.

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.*

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.

17.08.540 - Group dwelling

See "Dwelling group."

17.08.550 - Height of building

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

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- A. *The street curb level; or*
 - 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.*

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.

17.08.570 - Hospital, animal

"Animal hospital" means a place where livestock or pets are given medical or surgical treatment. Use of a kennel shall be limited to short time boarding and shall only be incidental to such hospital use.

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.

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.

17.08.600 - Industrial district

"Industrial district" means any LI or HI district.

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.

17.08.620 - Jurisdictional area

"Jurisdictional area" means the area included within the incorporated areas of the City of Laurel.

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.

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).

17.08.670 – Lot

"Lot" when used alone, means, unless the context clearly indicates otherwise, "zoning lot" as defined in this title.

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."

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.

17.08.700 - Lot, interior

"Interior lot" means a zoning lot other than a corner lot.

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 curbed, parallel to the chord of the arc of the front street line.

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.

17.08.730 - Lot width

"Lot width" means the average width of the lot.

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, unobstructed 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.

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.

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 childcare 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.

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 of 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 childcare 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.

17.08.762 - Mobile home

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

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 June 15, 1976, 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 roof is finished with a type of shingle that is commonly used in standard residential construction; and
 - b. The standard siding consists of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction; and
 - c. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
 - d. 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 June 15, 1976, 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.

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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.

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.

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.

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.

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.

17.08.810 - Parking lot

"Parking lot" means any land legally used for the parking of motor vehicles.

17.08.820 - Residential district

"Residential district" means any RE, R-7500, R-6000, RLMF, PUD, RMH, or RP district.

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."

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.

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.

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 compromises 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.

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.

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 "Childcare facilities" of this chapter.

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.

17.08.890 - Public use zone

"Public use zone" means a separate zone intended to reserve land for public and semipublic uses.

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.

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.

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.

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.

17.08.960 - Salvage yards

See "motor vehicle parts salvage yards."

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.

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.

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.

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 exempt.

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:

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- 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 operations, 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.*

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 when 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.*

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.

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.

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.

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.

17.08.1080 – Street

"Street" means a public thoroughfare which affords principal means of access to abutting property.

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.

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.

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.

17.08.1120 - Trailer or mobile home

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

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.

17.08.1160 – International Building Code

"International 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.

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

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- C. The name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained, or occupied.

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.

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.

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.

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.

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.

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.

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.

Chapter 17.12 – Zoning Districts Established

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.

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. R-7500 — Residential-7500.
- B. R-6000 — Residential-6000.
- C. RLMF — Residential Light Multifamily.
- D. RMF — Residential Multifamily.
- E. RMH — Residential Manufactured Home.
- F. PUD — Planned Unit Development.
- G. RP — Residential Professional.
- H. NC — Neighborhood Commercial.
- I. CBD — Central Business District.
- J. CC — Community Commercial.
- K. HC — Highway Commercial.
- L. LI — Light Industrial.
- M. HI — Heavy Industrial.
- N. FP — Floodplain.
- O. P — Public.

17.12.050 - Residential-7500 District (R-7500)

The residential-7500 zone is intended to provide an area for medium, urban-density, single-family, and duplex residential environment on lots that are served by a public sewer and sewer system.

17.12.060 - Residential-6000 District (R-6000)

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.

17.12.070 - Residential Light Multifamily District (RLMF)

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.

17.12.080 - Residential Multifamily District (RMF)

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.

17.12.090 - Residential Manufactured Home District (RMH)

The residential manufactured home zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses.

17.12.100 - Planned Unit Development District (PUD)

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.

17.12.110 - Residential Professional District (RP)

The residential professional zone is intended to permit professional, and semiprofessional uses compatible with surrounding residential development.

17.12.120 - Neighborhood Commercial District (NC)

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.

17.12.130 - Central Business District (CBD)

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.

17.12.140 - Community Commercial District (CC)

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 within a one and one-half mile radius and are 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.

17.12.150 - Highway Commercial District (HC)

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.

17.12.160 - Light industrial District (LI)

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.

17.12.170 - Heavy industrial District (HI)

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.

17.12.200 - Public District (P)

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.

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.

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 re-subdivided 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.

Chapter 17.16 – Residential Districts

17.12.050 - Residential-7500 District (R-7500)

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.

17.12.051 - List of uses

The following Tables designate the Permitted, Conditional, and Dimensional Standards in the R-7500 District.

Allowed Uses R-7500		
Permitted		
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	Parks, playgrounds, playfields, and golf courses community center buildings— operated by public agency, neighborhood, or homeowners' associations	Automobile parking in connection with a permitted residential use
Animals (see zoning district description for specifics)	Day care homes	Dwellings Single-family
Community residential facilities serving eight or fewer persons	Kennels (noncommercial)	
Greenhouses for domestic uses	Home occupations	Post-secondary school
	Schools, public elementary, junior, and senior high schools	
Conditional		
Churches and other places of worship including parish house and Sunday school buildings	Boarding and lodging houses	Cemetery
Orphanages and charitable institutions	Convents and rectories	
Schools, commercial	Public service installations	Community residential facilities serving nine or more persons
Bed and breakfast inn	Preschool	Parking, public

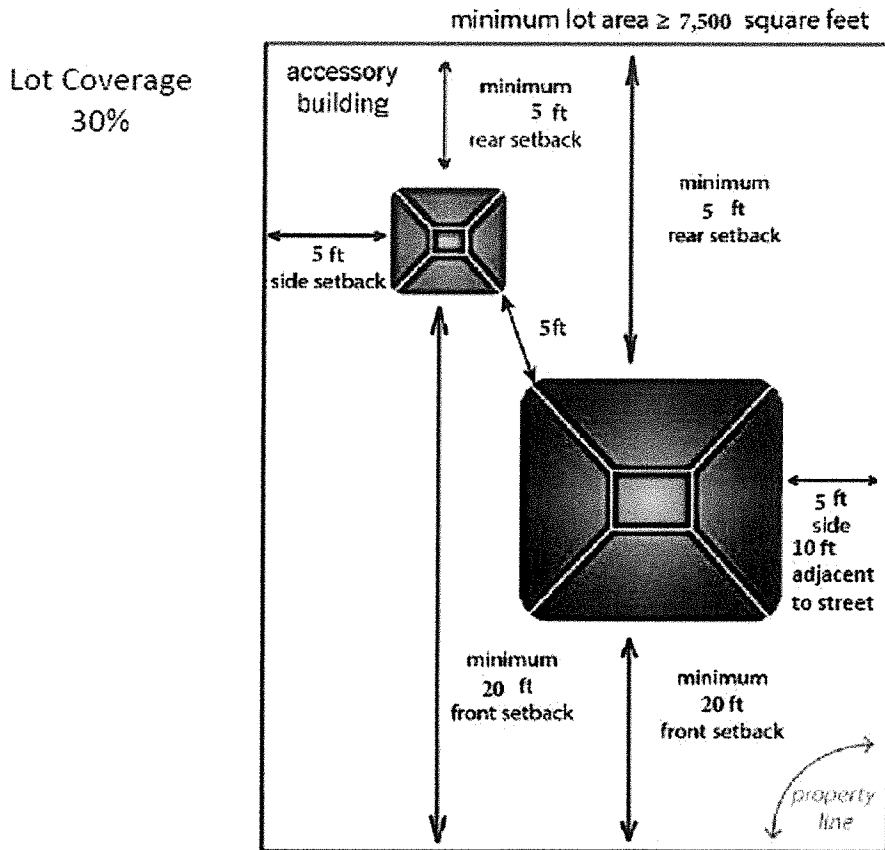
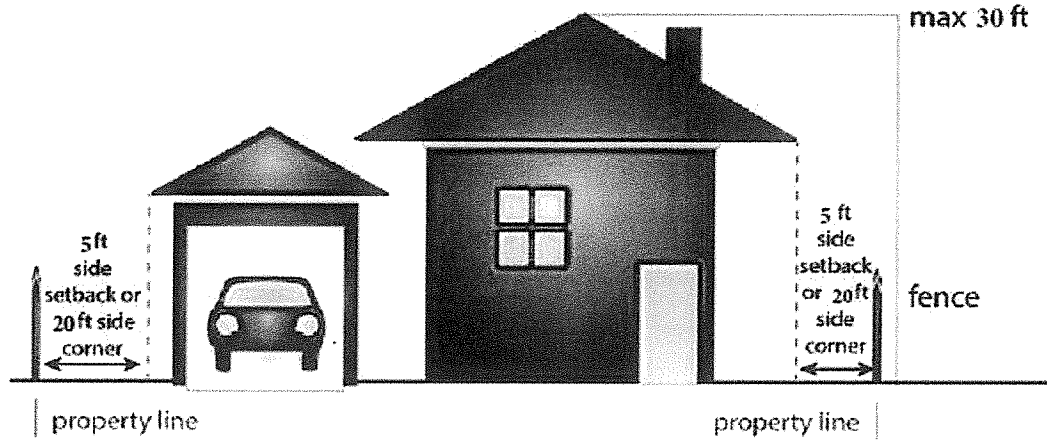
Dimensional Standards R-7500**Minimum lot area per dwelling unit in square feet**

One unit	7,500
Two unit	N/A
Three unit	N/A
Four unit	N/A
Five unit	N/A
Six units and more	N/A

Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way

Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	30
Maximum lot coverage (percentage)	30
Minimum district size (expressed in acres)	2.07

Zoning Requirements - R 7,500



17.12.060 - Residential-6000 District (R-6000)

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.

17.12.061 - List of uses

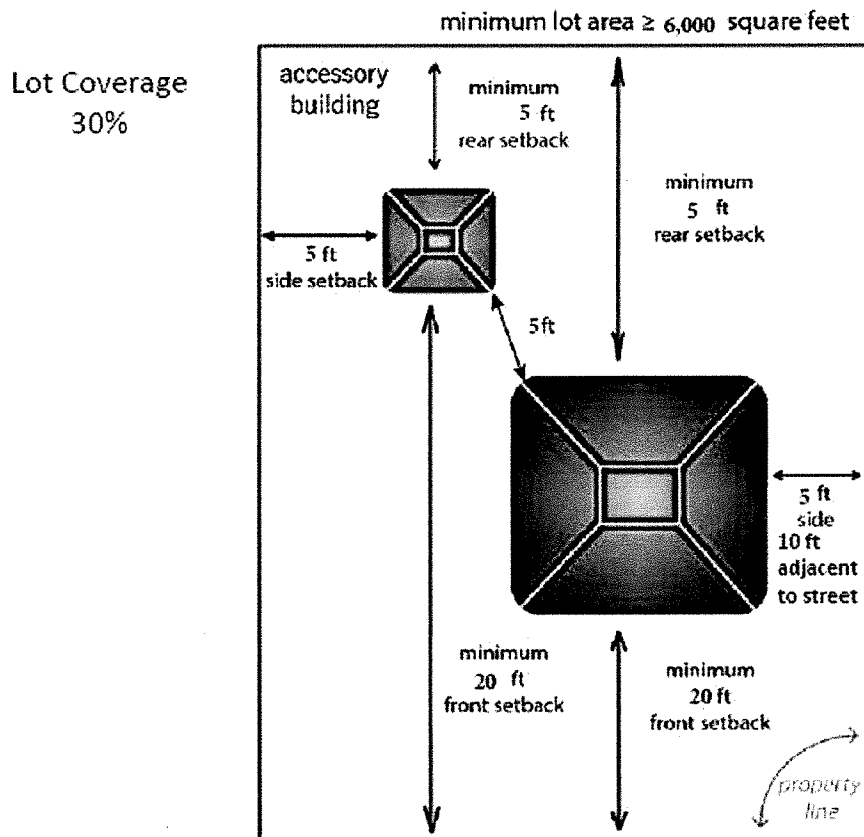
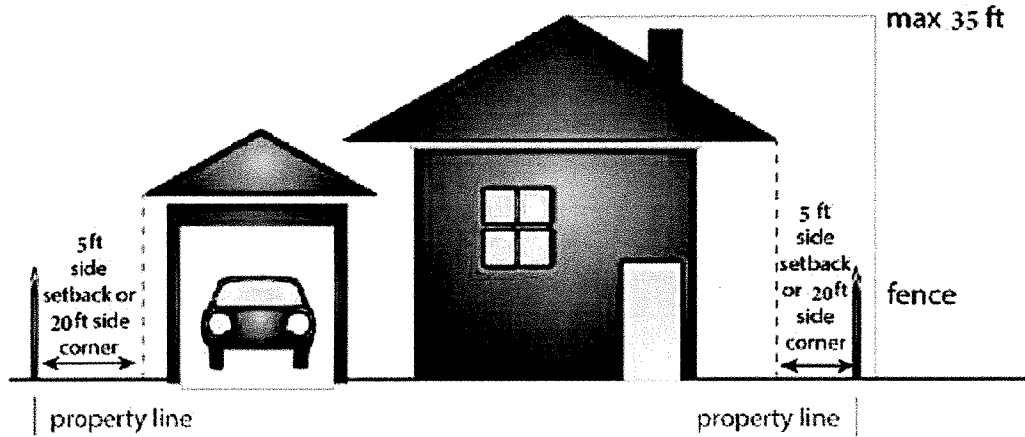
The following Tables designate the Permitted, Conditional, and Dimensional Standards in the R-6000 District.

Allowed Uses R-6000		
Permitted		
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	Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood, or homeowners' associations	Automobile parking in connection with a permitted residential use
Animals (see zoning district description for specifics)	Day care home	Community residential facilities serving eight or fewer persons
Dwellings Single-family	Kennels (noncommercial)	Dwellings Two-family
Home occupations	Greenhouses for domestic uses	Public service installations
Schools, public elementary, junior and senior high schools	Post-secondary school	
Conditional		
Churches and other places of worship including parish house and Sunday school buildings	Boarding and lodging houses	Cemetery
Orphanages and charitable institutions	Convents and rectories	
Bed and breakfast inn	Community residential facilities serving nine or more persons	Preschool
	Parking, public	Schools, commercial

Dimensional Standards R-6000	
Minimum lot area per dwelling unit in square feet	
One unit	6,000 ¹

Two unit	7,500
Three unit	N/A
Four unit	N/A
Five unit	N/A
Six units and more	N/A
<i>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</i>	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	35
Maximum lot coverage (percentage)	30
Minimum district size (expressed in acres)	2.07

Zoning Requirements - R 6,000



17.12.070 - Residential Light Multifamily District (RLMF)

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.

17.12.071 - List of uses

Allowed Uses RLMF		
Permitted		
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	Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood, or homeowners' associations	Community residential facilities serving eight or fewer persons
Animals (see zoning district description for specifics)	Automobile parking in connection with a permitted residential use	Dwellings Single-family
Day care home	Kennels (noncommercial)	Two-family
Greenhouses for domestic uses	Multifamily (limit 4-Plex)	Home occupations
Schools, public elementary, junior and senior high schools		Post-secondary school
Conditional		
Bed and breakfast inn	Boarding and lodging houses	Cemetery
Orphanages and charitable institutions	Convents and rectories	
Post-secondary school	Preschool	Schools, commercial
Churches and other places of worship including parish house and Sunday school buildings	Community residential facilities serving nine or more persons	Parking, public
Public service installations	Day care center	Row Housing

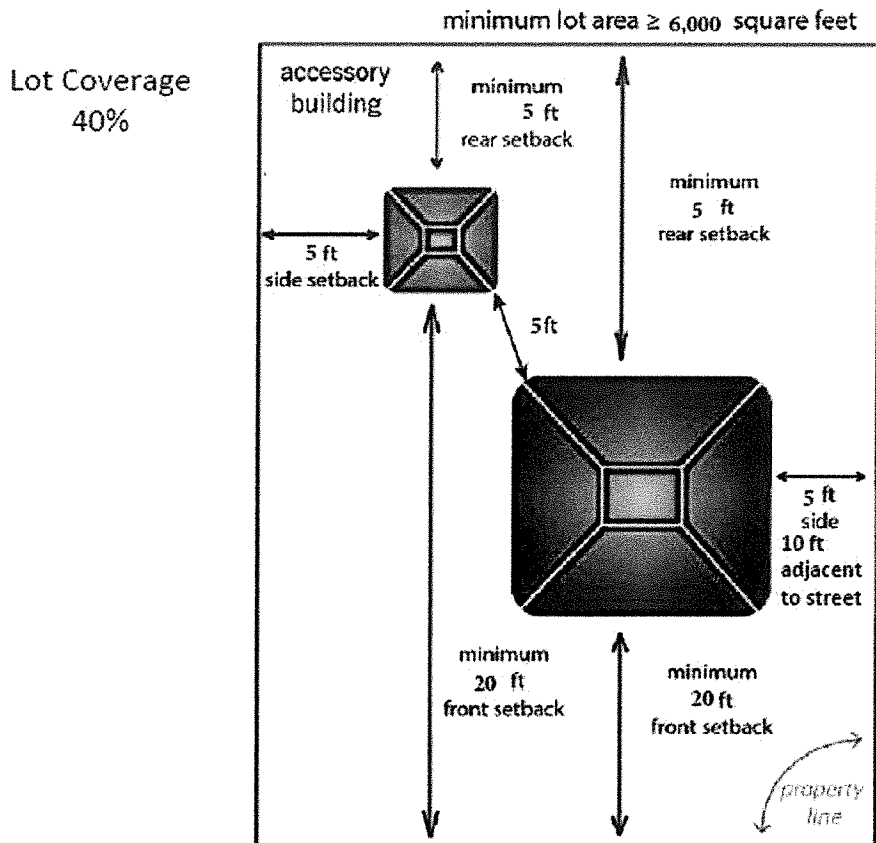
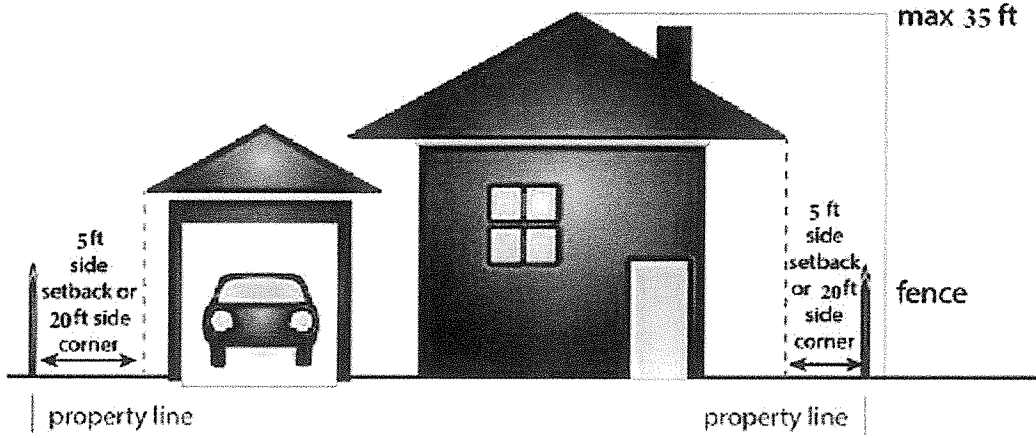
Dimensional Standards RLMF**Minimum lot area per dwelling unit in square feet**

One unit	6,000
Two unit	7,500
Three unit	8,500
Four unit	10,000
Five unit	N/A
Six units and more	N/A

Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way

Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	35
Maximum lot coverage (percentage)	40
Minimum district size (expressed in acres)	2.07

Zoning Requirements - RLMF



17.12.080 - Residential Multifamily District (RMF)

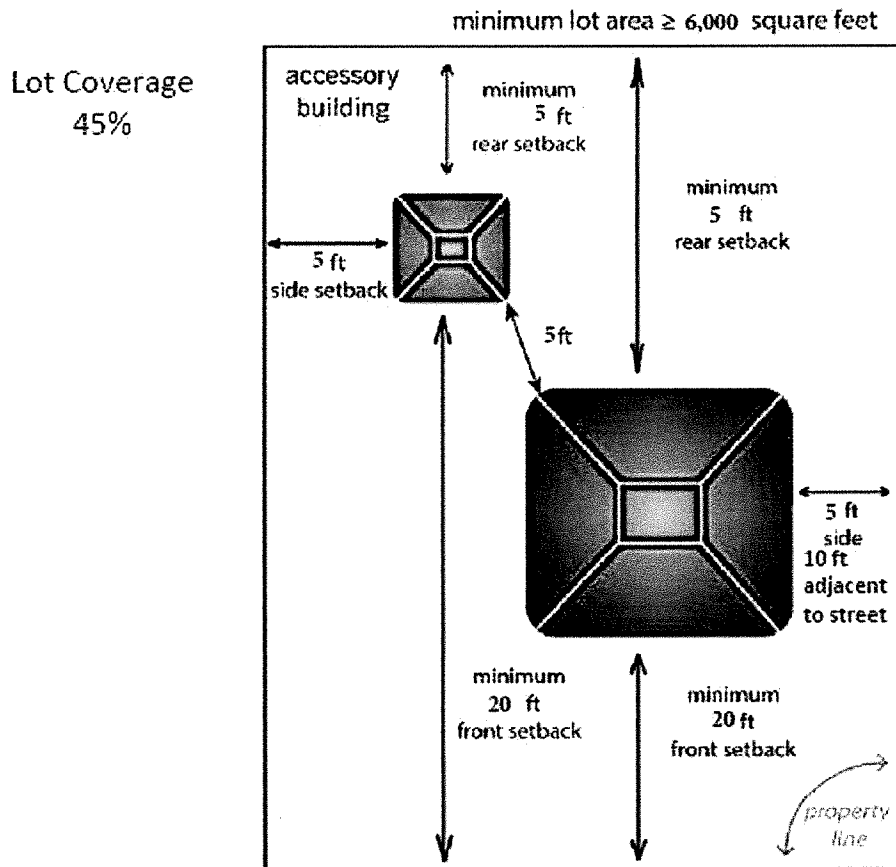
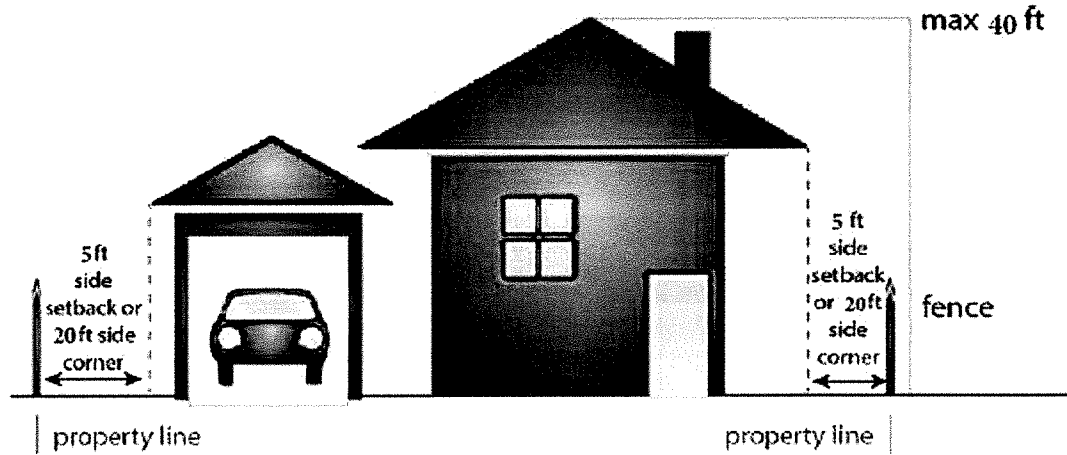
The residential multifamily zone is intended to provide a suitable residential environment for medium to high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.

17.12.081 - List of uses

Allowed Uses RMF		
Permitted		
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	Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood, or homeowners' associations	Schools, public elementary, junior, and senior high schools
Animals (see zoning district description for specifics)	Automobile parking in connection with a permitted residential use	Family day care home
Community residential facilities serving eight or fewer persons	Kennels (noncommercial)	Dwellings Single-family
Greenhouses for domestic uses	Day care homes	Multifamily
Post-secondary school		
Two-family	Home occupations	
Conditional		
Bed and breakfast inn	Boarding and lodging houses	Cemetery
Orphanages and charitable institutions	Convents and rectories	Day care Center
Public service installations	Schools, commercial	Community residential facilities serving nine or more persons
	Churches and other places of worship including parish house and Sunday school buildings	Preschool
Row Housing	Parking, public	

<i>Minimum lot area per dwelling unit in square feet</i>	
One unit	6,000
Two unit	7,750
Three unit	9,500
Four unit	11,250
Five unit	13,000
Six units and more	Add 2,500 for each additional unit
<i>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</i>	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	40
Maximum lot coverage (percentage)	45
Minimum district size (expressed in acres)	2.07

Zoning Requirements - RMF



17.12.090 - Residential Manufactured Home District (RMH)

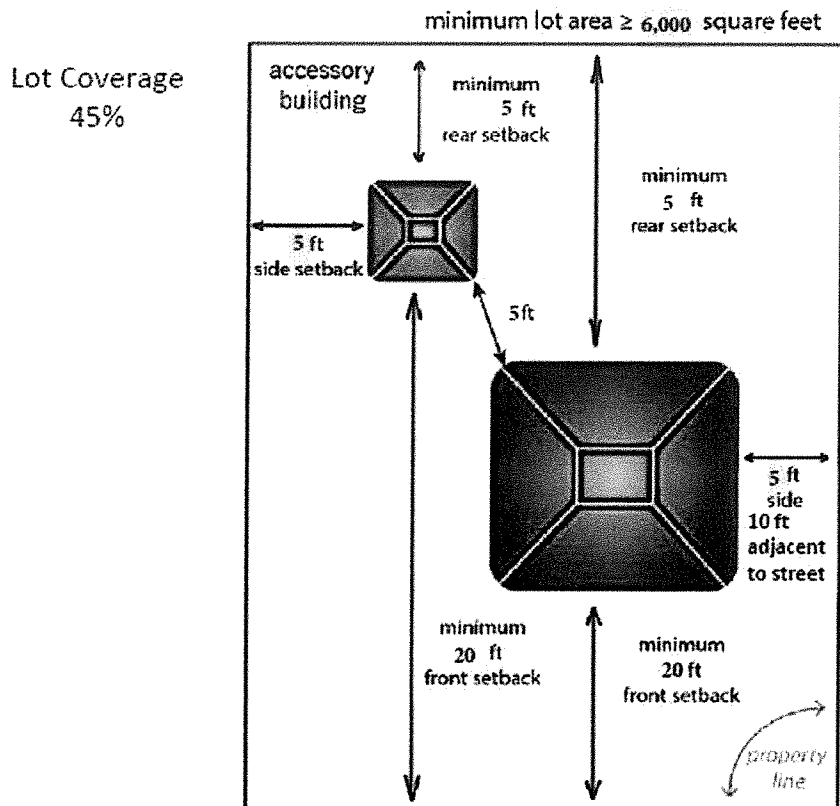
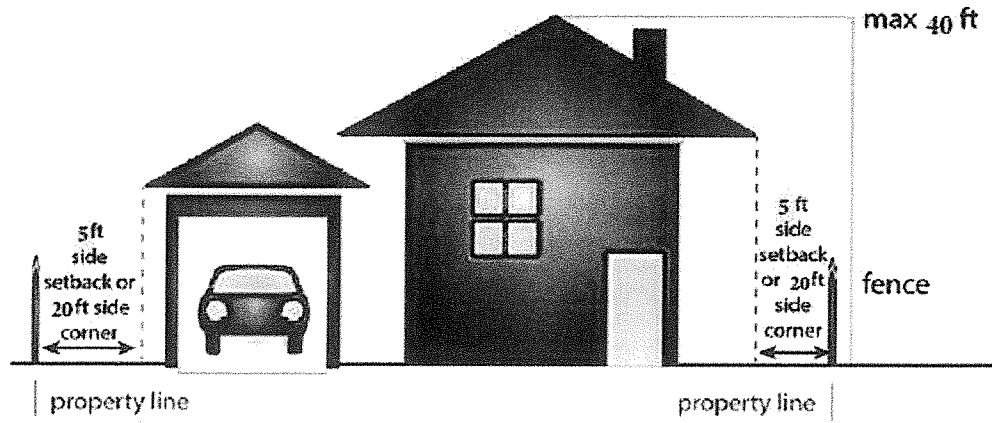
The residential manufactured home zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses.

17.12.091 - List of uses

Allowed Uses RMH		
<i>Permitted</i>		
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	Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood, or homeowners' associations	Schools, public elementary, junior, and senior high schools
Animals (see zoning district description for specifics)	Automobile parking in connection with a permitted residential use	Day care home
	Home Occupations	Post-secondary school
Community residential facilities serving eight or fewer persons	Kennels (noncommercial)	Dwellings Single-family
	Greenhouses for domestic uses	
Class A	Class B	Class C
<i>Conditional</i>		
Bed and breakfast inn	Boarding and lodging houses	Day care center
Churches and other places of worship including parish house and Sunday school buildings	Community residential facilities serving nine or more persons	Schools, commercial
Orphanages and charitable institutions	Convents and rectories	
Cemetery	Public service installations	Parking, public
Preschool		

<i>Minimum lot area per dwelling unit in square feet</i>	
One unit	6,000
Two unit	6,000
Three unit	6,000
Four unit	6,000
Five unit	6,000
Six units and more	6,000
<i>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</i>	
Front	10
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	30
Maximum lot coverage (percentage)	40
Minimum district size (expressed in acres)	2.07

Zoning Requirements - RMH



Chapter 17.20 – Commercial-Industrial Use Regulations

17.20.010 - Residential Professional District (RP)

The residential professional zone is intended to permit professional, and semiprofessional uses compatible with surrounding residential development.

17.20.011 - List of uses

The following Table designates the Permitted and Conditional uses as governed by commercial — industrial use regulations.

Allowed Uses Residential Professional RP		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Communication Towers	Dwelling single and two family
Class A, Class B Mobile Homes	Bed and breakfast inns	Hospital Animal
Home Occupation	Boarding and lodging houses	Day Care Home
Community residential facilities: Nursing, homes, convalescent homes, orphanages, and charitable institutions	Day Care Center	
Conditional		
Class C: Row housing	Preschool	Public utilities service installations
On premise signs.		
Ceramics Shop	Churches and other places of worship including parish houses and Sunday school building	Extractive Industries
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.	Parking Public.	Photographic studios

<i>Dimensional Standards RP*</i>	
<i>Zoning Requirements</i>	
Lot area requirements in square feet	NA
<i>Minimal Yard Requirements</i>	
Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	25
Maximum lot coverage in percent	50
Minimum district size (expressed in acres)	2.07
The lot area and lot coverage requirements for residential development in commercial districts shall be the same as RLMF	

17.20.020 - Neighborhood Commercial District (NC)

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.

17.20.021 - List of uses

The following Table designates the Permitted and Conditional uses as governed by commercial — industrial use regulations.

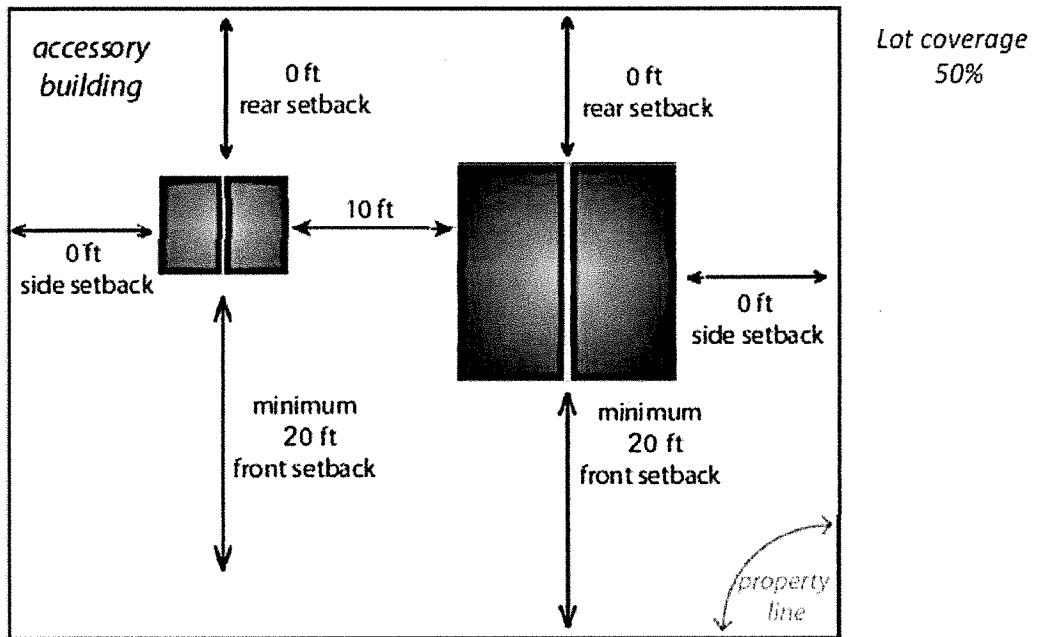
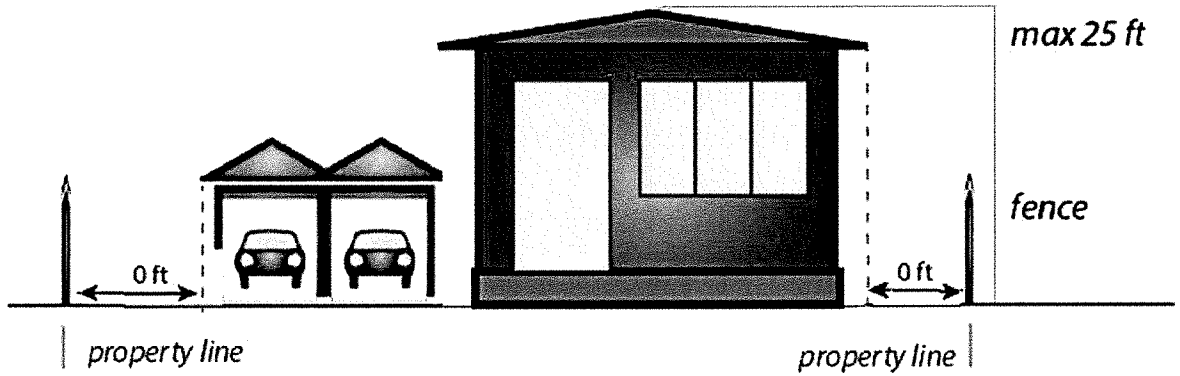
Allowed Uses Neighborhood Commercial NC		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Banks, savings and loan, commercial credit unions	Camera supply stores
Ambulance service	Bed and breakfast inns	Ceramics shop
Appliance - (household) sales and service	Bicycle sales and repair	Day Care Home
Automobile service station	Blueprinting and Photostatting	Churches and other places of worship including parish houses and Sunday school building
Bakery shops and confectioneries	Boarding and lodging houses	Clinic, animal
Barber and beauty shops	Book and stationery store	Clinics, medical and dental
Clothing and apparel stores	Colleges or universities	Day Care Center
Communication towers (commercial)	Construction contractors: Office	Furniture and home furnishings, retail sales
Community residential facilities: Nursing, homes, convalescent homes, orphanages, and charitable institutions		
Drug stores	Dwellings: single-family Manufactured home	Florist, retail sales

Two family	Multiple family	Food stores (retail only) - 3000 sq. ft.
Hobby and toy stores	Hospitals (for the care of human patients)	Hospital, animal
Jewelry and watch sales	Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size	Laundries, pick up stations
Laundries, self-service coin operated	Libraries, museums, and art galleries	Lock and gunsmiths
Mortuary	Music stores	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
Office equipment, supplies and service	Optician and optical supplies and sales	Paint and body shops
Paint and retail sales	Paint and retail sales	Pet shops
Photographic studios	Post-secondary school	Real estate office
School, commercial	Sign: On premises	Home Occupations
Conditional		
Class C: Row hosing	Preschool	Public utilities service installations
Commercial Recreation Area		

Dimensional Standards NC*	
Zoning Requirements	
Lot area requirements in square feet	NA
Minimal Yard Requirements	
Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	25
Maximum lot coverage in percent	50

Minimum district size (expressed in acres)	2.07
The lot area and lot coverage requirements for residential development in commercial districts shall be the same as RLMF	

C-NC Dimensional Standards Illustration



17.20.030 - Central Business District (CBD)

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.

17.20.031 - List of uses

Allowed Uses Central Business District - CBD		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. Less than 1,500-gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Retail Sales and Services	Wholesale Sales and Services
Automobile sales (new and used)	Automobile service station	Bus passenger terminal buildings local and cross country
Automobile - commercial parking enterprise	Automobile and truck repair garage	Gambling establishments
Car wash - coin operated	Churches and other places of worship including parish houses and Sunday school building	Hospitals (for the care of human patients)
Clinic, animal	Commercial recreation areas	Libraries, museums, and art galleries
Colleges or universities	Two family; Multiple family	Motorcycle sales and repair
Construction contractors: Office	Furriers, retail sales and storage	Pet shops
Dwellings: single-family	Laundries, self-service coin operated	Communication towers (commercial)
Manufactured home Class A, Class B,	Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain	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

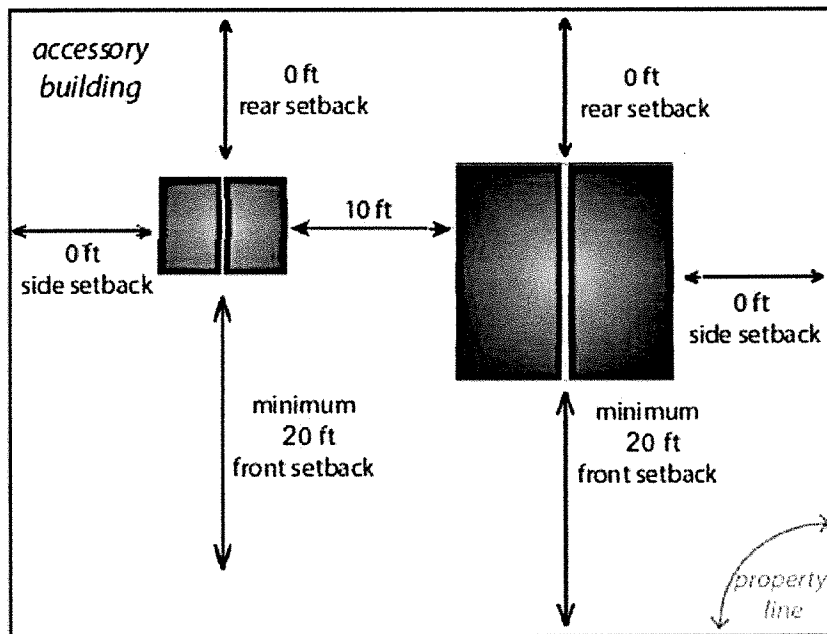
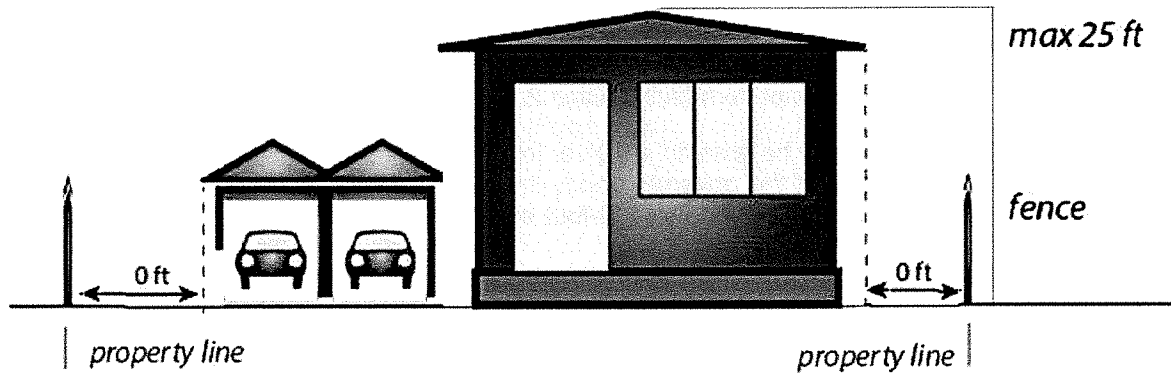
Laundry, Dry Cleaners	Motels and motor courts	Radio and TV broadcasting stations
Laundries, pick up stations	Office equipment, supplies and service	Post-secondary school
Mortuary	Public utilities service installations	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners
School, commercial	Storage associated with Existing Business in CBD.	Real estate office
Conditional		
Manufactured home Class C: Row hosing	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year	Cocktail lounge, restaurants, bars and taverns
Auction house	Restaurants (without the sale of alcoholic beverages)	Heliports
Preschool	Sign: Off premises	

Dimensional Standards CBD	
Zoning Requirements	
Lot area requirements in square feet.	NA
Minimal Yard Requirements	
Front (a)	NA
Side (b)	NA
Side adjacent to street	NA
Rear (b)	NA
Maximum height for all buildings (c)	NA
Maximum lot coverage in percent	NA
Minimum district size (expressed in acres)	2.07
The lot area and lot coverage requirements for residential development in commercial districts shall be the same as RLMF	

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 separate 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-CBC Dimensional Standards Illustration



17.20.040 - Community Commercial District (CC)

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 within a one and one-half mile radius and are 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.

17.20.041 - List of uses

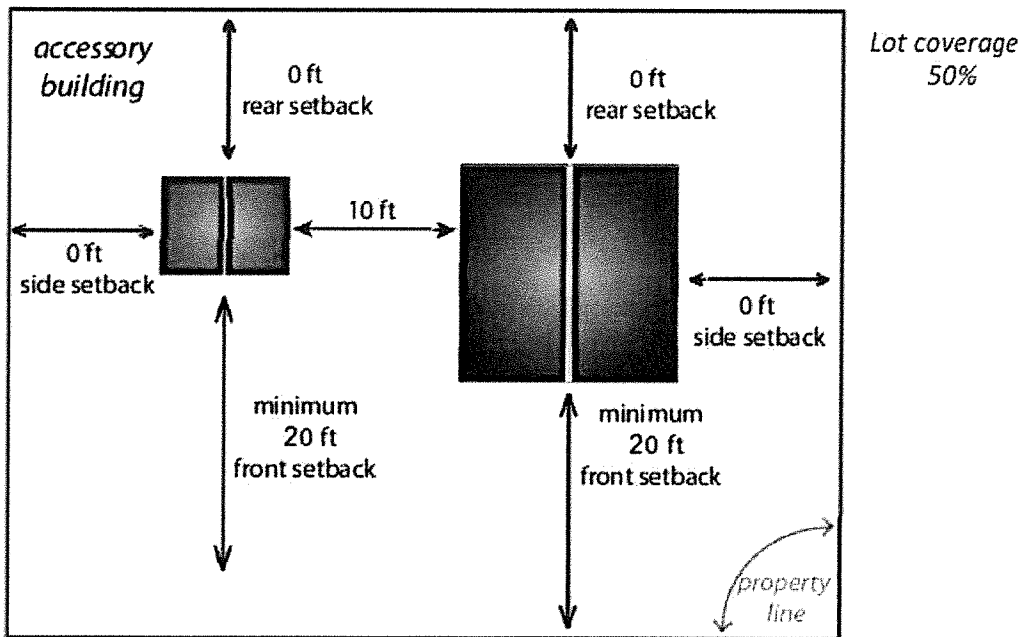
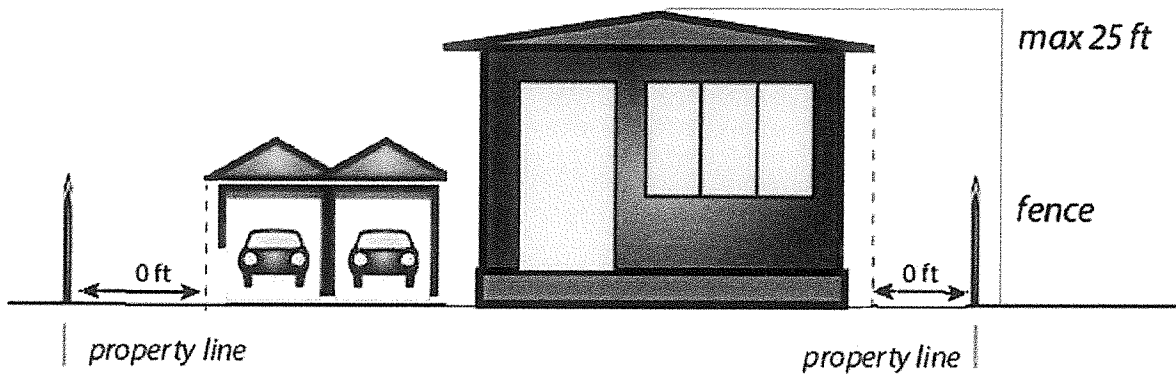
Allowed Uses Community Commercial - CC		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. Less than 1,500-gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Retail Sales and Services	Wholesale Sales and Services
Automobile sales (new and used)	Automobile service station	Bus passenger terminal buildings local and cross country
Automobile - commercial parking enterprise	Automobile and truck repair garage	Gambling establishments
Car wash - coin operated	Churches and other places of worship including parish houses and Sunday school building	Hospitals (for the care of human patients)
Clinic, animal	Commercial recreation areas	Libraries, museums, and art galleries
Colleges or universities	Two family; Multiple family	Motorcycle sales and repair
Construction contractors: Office	Furriers, retail sales and storage	Pet shops
Dwellings: single-family	Laundries, self-service coin operated	Communication towers (commercial)
Manufactured home Class A, Class B,	Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain	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
Laundry, Dry Cleaners	Motels and motor courts	Radio and TV broadcasting stations
Laundries, pick up stations	Office equipment, supplies and service	Post-secondary school
Mortuary	Public utilities service installations	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners
School, commercial	Storage associated with Existing Business.	Real estate office
Conditional		
Camps, public	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year	Cocktail lounge, restaurants, bars, and taverns
Assembly halls and stadium	Bakery products manufacturing	Drive-in restaurants
Auction house, excluding	Class A, Class B, Class C: Row hosing	Kennels - commercial
Hospital, animal	Sign: Off premises	

Dimensional Standards CC	
Zoning Requirements	
Lot area requirements in square feet, except as noted, 20 acres	NA
Minimal Yard Requirements	
Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	25
Maximum lot coverage in percent	50
Minimum district size (expressed in acres)	2.07
The lot area and lot coverage requirements for residential	

development in commercial districts shall be the same as RLMF

C-CC Dimensional Standards Illustration



17.20.050 - Highway Commercial District (HC)

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.

17.20.051 - List of uses

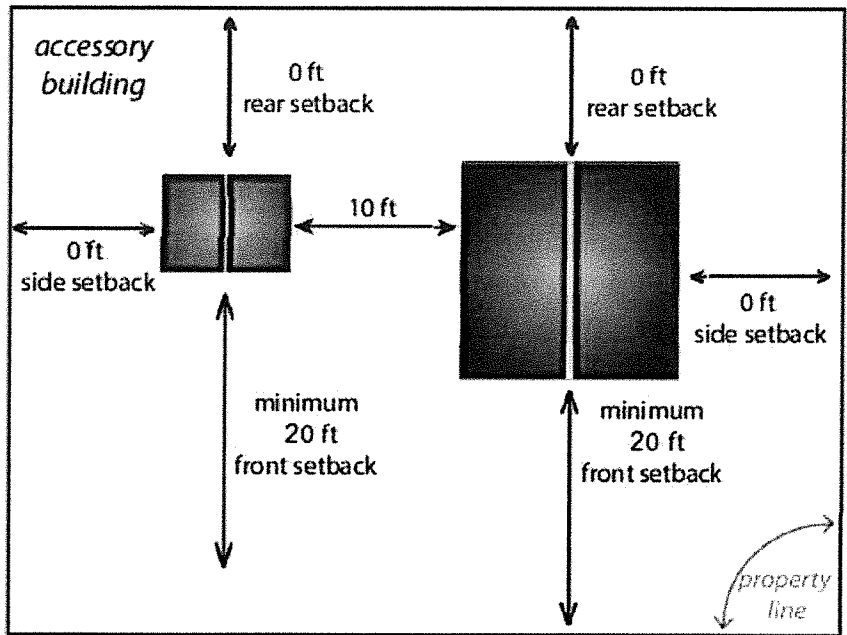
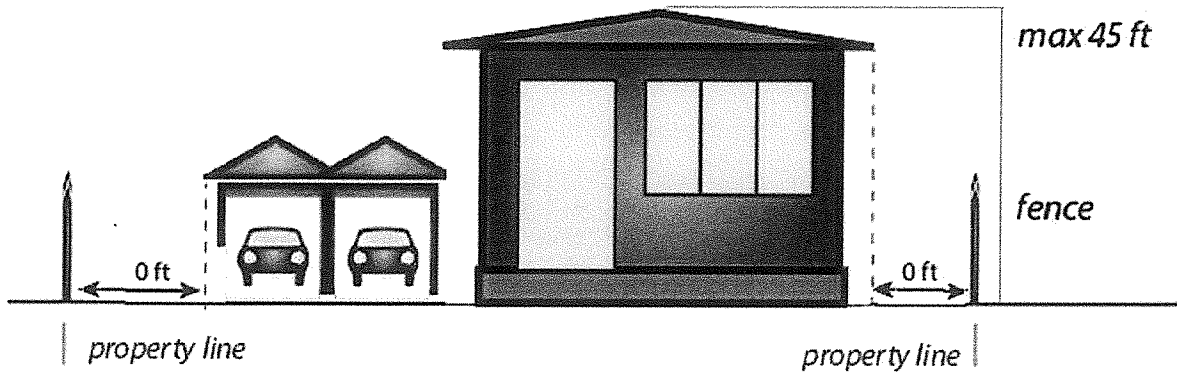
Allowed Uses Highway Commercial - HC		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. Less than 1,500-gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Retail Sales and Services	Wholesale Sales and Services
Automobile sales (new and used)	Automobile service station	Bus passenger terminal buildings local and cross country
Automobile - commercial parking enterprise	Automobile and truck repair garage	Gambling establishments
Car wash - coin operated	Churches and other places of worship including parish houses and Sunday school building	Hospitals (for the care of human patients)
Clinic, animal	Commercial recreation areas	Libraries, museums, and art galleries
Colleges or universities	Two family; Multiple family	Motorcycle sales and repair
Construction contractors: Office	Furriers, retail sales and storage	Pet shops
Dwellings: single-family	Laundries, self-service coin operated	Communication towers (commercial)

Manufactured home Class A, Class B,	Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain	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
Laundry, Dry Cleaners	Motels and motor courts	Radio and TV broadcasting stations
Laundries, pick up stations	Office equipment, supplies, and service	Post-secondary school
Mortuary	Public utilities service installations	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners
School, commercial	Storage associated with Existing Business.	Real estate office
Fuel oil, gasoline and petroleum products bulk storage or sale	Boat building and repair	Boat sales new and used
Paint and body shops	Truck terminals, repair shops, hauling and storage yards	Gases or liquified petroleum gases in approved portable metal containers for storage or sale
Tire recapping and retreading	Trailer and recreational vehicle sales area	
Conditional		
Commercial food products, storage, and packaging	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year	Construction contractors: Open storage of construction materials or equipment
Assembly halls and stadium	Crematorium	Drive-in restaurants
Assembly of machines and appliances from previously prepared parts	Cocktail lounge, restaurants, bars and taverns	Fertilizer wholesale sales
Food products manufacturing, storage and processing	Grain elevators	Heliports
Hospital, animal	Laboratories for research and testing	Machine shops
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise, or dust is created	Heavy manufacturing not otherwise mentioned or blending or mixing plants	Meat processing - excluding slaughter plants

Meat processing - excluding slaughter plants	Metal fabrication	Prefabricated building materials assembly and manufactures
Billboards	Sign: Off premises	Drive-in theaters
Travel trailer park (transient)	Wholesale and jobbing establishments	Woodworking shops, millwork

Dimensional Standards HC	
Zoning Requirements	
Lot area requirements in square feet, except as noted, 20 acres	NA
Minimal Yard Requirements	
Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	45
Maximum lot coverage in percent	75
Minimum district size (expressed in acres)	2.07

C-HC Dimensional Standards Illustration



Lot coverage
75%

17.20.060 - Light Industrial District (LI)

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.

17.20.061 - List of uses

Allowed Uses Light-Industrial - LI		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year.	Banks, savings and loan, commercial credit unions
Ambulance service	Auction house, excluding	Barber and beauty shops
Antique store	Bakery products manufacturing	Bicycle sales and repair
Appliance - (household) sales and service	Bakery shops and confectioneries	Blueprinting and photo stating
Automobile sales (new and used)	Automobile service station	Boat building and repair
Automobile - commercial parking enterprise	Automobile and truck repair garage	Boat sales new and used
Boiler works (repair and servicing)	Book and stationery store	Bottling works
Bowling alleys	Bus passenger terminal buildings local and cross country	Bus repair and storage terminals
Camera supply stores	Car washing and waxing	Car wash - coin operated
Ceramics shop	Churches and other places of worship including parish houses and Sunday school building	Clinic, animal
Clinics, medical and dental	Clothing and apparel stores	Cold storage
Commercial food products, storage, and packaging	Communication towers (commercial)	Concrete mixing plants and manufacturing of concrete products
Construction contractors: Office	Construction contractors: Open storage of construction materials or equipment	Crematorium

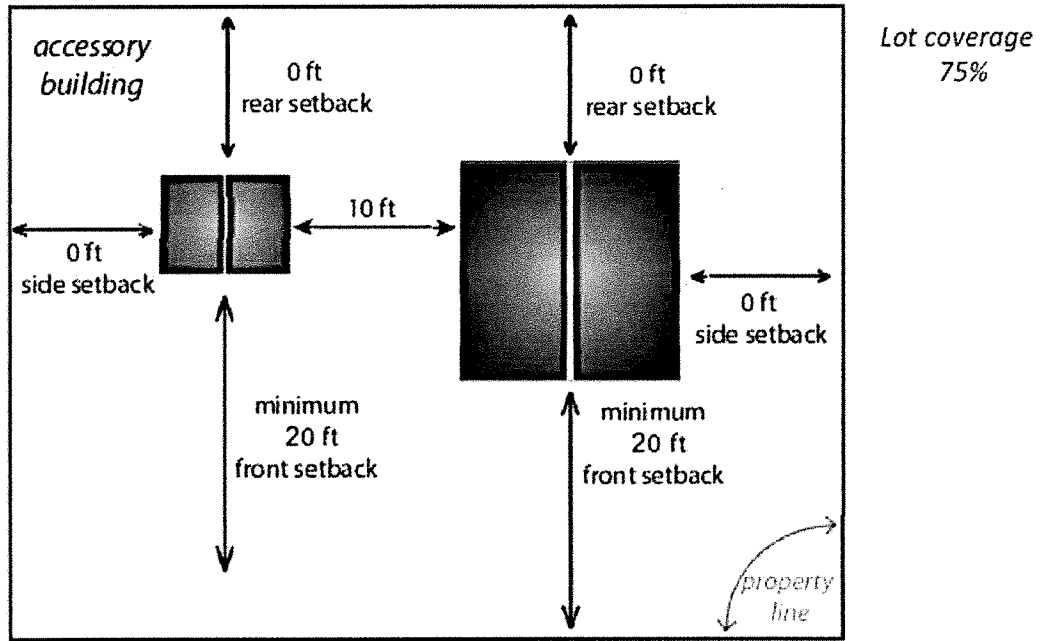
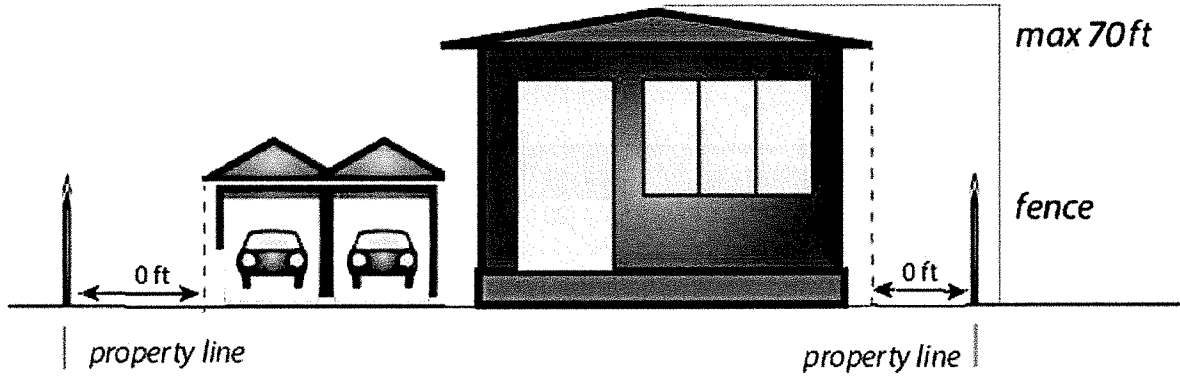
Creameries, dairy products manufacturing	Department stores	Drug stores
Restaurants (without the sale of alcoholic beverages)	Farm implements, sales and service	Feed and seed - farm and garden retail sales
Fertilizer retail sales	Florist, wholesale sales	Florist, retail sales
Food stores (retail only)	Food stores (retail only) - 3000 sq. ft.	Frozen food lockers
Fuel oil, gasoline and petroleum products bulk storage or sale	Furnace repair and cleaning	Furniture and home furnishings, retail sales
Furriers, retail sales and storage	Gambling establishments	Gases or liquified petroleum gases in approved portable metal containers for storage or sale
Greenhouses	Hardware, appliance and electrical supplies, retail sales	Hobby and toy stores
Hospital, animal	Hotels	Irrigation equipment sales and service
Janitor service	Jewelry and watch sales	Kennels - commercial
Laboratories for research and testing	Laundries, steam and drycleaning plants	Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size
Laundries, pick up stations	Laundries, self-service coin operated	Libraries, museums, and art galleries
Lock and gunsmiths	Machine shops	Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created
Meat processing - excluding slaughter plants	Meat processing - excluding slaughter plants	Medical marijuana cultivation facility or cultivation facility
Medical marijuana dispensary or dispensary	Motorcycle sales and repair	Mortuary
Music storés	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	Office equipment, supplies and service

Optician and optical supplies and sales	Paint and body shops	Paint and retail sales
Paint and retail sales	Pawn shops	Pet shops
Photographic studios	Prefabricated building materials assembly and manufactures	Printing, publishing, reproduction and lithography
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners	Public utilities service installations	Public utilities storage yard
Radio and TV broadcasting stations	Radio and TV tower	Railroad yard
Real estate office	Rental service store and yard	Repair and servicing of industrial equipment and machinery
Secondhand stores and/or antique store	Sheet metal shops and processing	Shoe repair
Sign manufacturing, painting and maintenance	Sign: On premises	Sporting goods sales
Taxi stands	Theaters, cinema, opera houses	Tire recapping and retreading
Trailer and recreational vehicle sales area	Truck terminals, repair shops, hauling and storage yards	Wholesale and jobbing establishments
Woodworking shops, millwork		
Conditional		
Assembly halls and stadium	Cocktail lounge, restaurants, bars, and taverns	Drive-in restaurants
Assembly of machines and appliances from previously prepared parts	Extractive industries - excavations of sand and gravel	Fertilizer wholesale sales
Flour mills	Food products manufacturing, storage, and processing	Garbage, offal and animal reduction or processing
Grain elevators	Hatcheries	Heliports
Heavy manufacturing otherwise mentioned or blending or mixing plants	Lumber yards, building materials, storage and sales	Metal fabrication
Billboards	Sign: Off premises	Storage, compartmentalized storage for commercial rent

Storage and warehouse and yards	Stone cutting, monuments manufacturing and sales	
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<i>Dimensional Standards LI</i>	
<i>Zoning Requirements</i>	
Lot area requirements in square feet, except as noted, 20 acres	NA
<i>Minimal Yard Requirements</i>	
Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	70
Maximum lot coverage in percent	75
Minimum district size (expressed in acres)	2.07

C-LI Dimensional Standards Illustration



17.20.070 - Heavy Industrial District (HI)

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.

17.20.071 - List of uses

Heavy-Industrial Uses Regulations HI		
<i>Permitted</i>		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year.	Boiler works (repair and servicing)
Ambulance service	Auction house, excluding	Bottling works
Automobile - commercial parking enterprise	Barber and beauty shops	Brick, tile or terra cotta manufacture
Automobile and truck repair garage	Boat building and repair	Bus repair and storage terminals
Automobile service station	Boat sales new and used	Cement, lime, and plastic manufacture
Bakery products manufacturing	Boiler works (manufacturing servicing)	Chemical and allied products manufacture
Churches and other places of worship including parish houses and Sunday school building	Coal or coke yard	Commercial food products, storage and packaging
Communication towers (commercial)	Concrete mixing plants and manufacturing of concrete products	Construction contractors: Office
Construction contractors: Open storage of construction materials or equipment	Crematorium	Creameries, dairy products manufacturing
Creosote manufacturing or treatment plants	Dry kiln	Farm implements, sales, and service
Fertilizer wholesale sales	Food products manufacturing, storage, and processing	Foundry
Fuel oil, gasoline and petroleum products bulk storage or sale	Furnace repair and cleaning	Gases or liquified petroleum gases in approved portable

		metal containers for storage or sale
Grain elevators	Greenhouses	Hospitals (for the care of human patients)
Hospital, animal	Irrigation equipment sales and service	Laboratories for research and testing
Laundries, steam and drycleaning plants	Lumber yards, building materials, storage and sales	Machine shops
Medical marijuana cultivation facility or cultivation facility	Metal fabrication	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
Optician and optical supplies and sales	Oxygen manufacturing and/or storage	Paint and body shops
Paint and retail sales	Sawmills, wood product milling	Prefabricated building materials assembly and manufacture
Printing, publishing, reproduction and lithography	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners	Public utilities service installations
Public utilities storage yard	Radio and TV broadcasting stations	Radio and TV tower
Railroad yard	Repair and servicing of industrial equipment and machinery	Scrap yards - storage and processing
Sheet metal shops and processing	Shoe repair	Sign manufacturing, painting and maintenance
Sign: On premises	Storage and warehouse and yards	Stone cutting, monuments manufacturing and sales
Tire recapping and retreading	Truck terminals, repair shops, hauling and storage yards	Wholesale and jobbing establishments
Woodworking shops, millwork		
Conditional		
Automobile wrecking yard	Fat rendering or production of fats and oils	Feedlots
Fertilizer manufacturing	Flour mills	Garbage and waste incineration
Gas storage	Hatcheries	Heliports

Industrial chemical manufacture except highly corrosive, flammable or toxic materials	Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created	Meat processing, packing and slaughter
Billboards	Sign: Off premises	Slaughterhouse
Storage, compartmentalized storage for commercial rent	Sugar and sugar beet refining	

Dimensional Standards HI

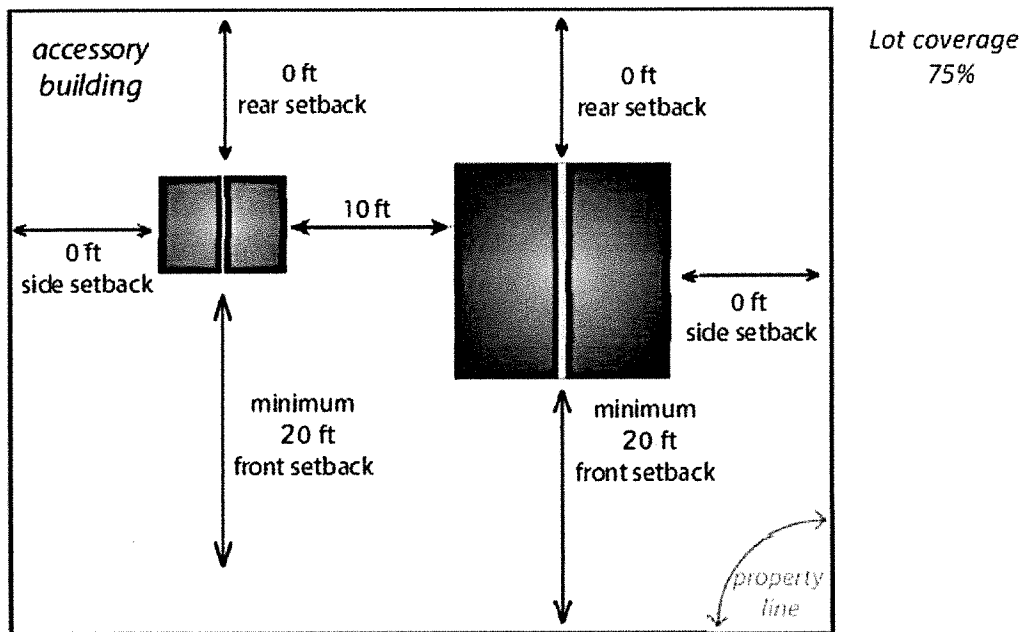
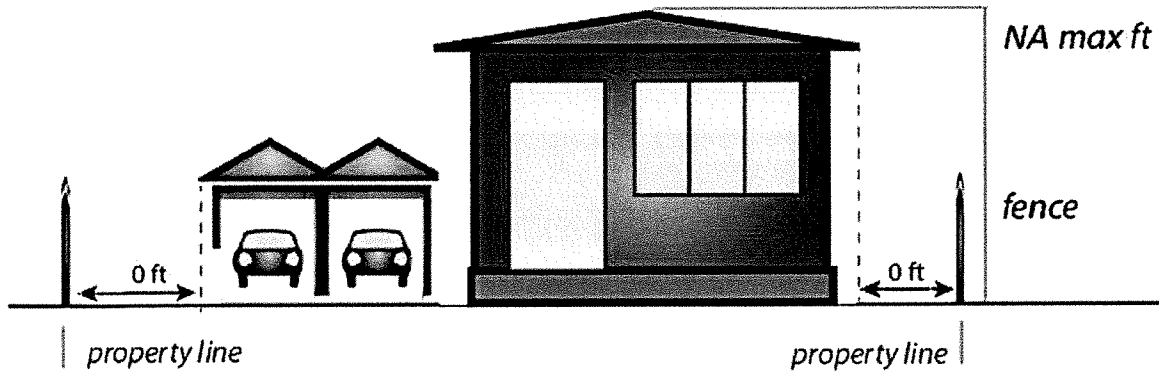
Zoning Requirements

Lot area requirements in square feet, except as noted, 20 acres	NA
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Minimal Yard Requirements

Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	NA
Maximum lot coverage in percent	75
Minimum district size (expressed in acres)	2.07

C-HI Dimensional Standards Illustration



17.20.080 - Public District (P)

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 public health, safety and general welfare.

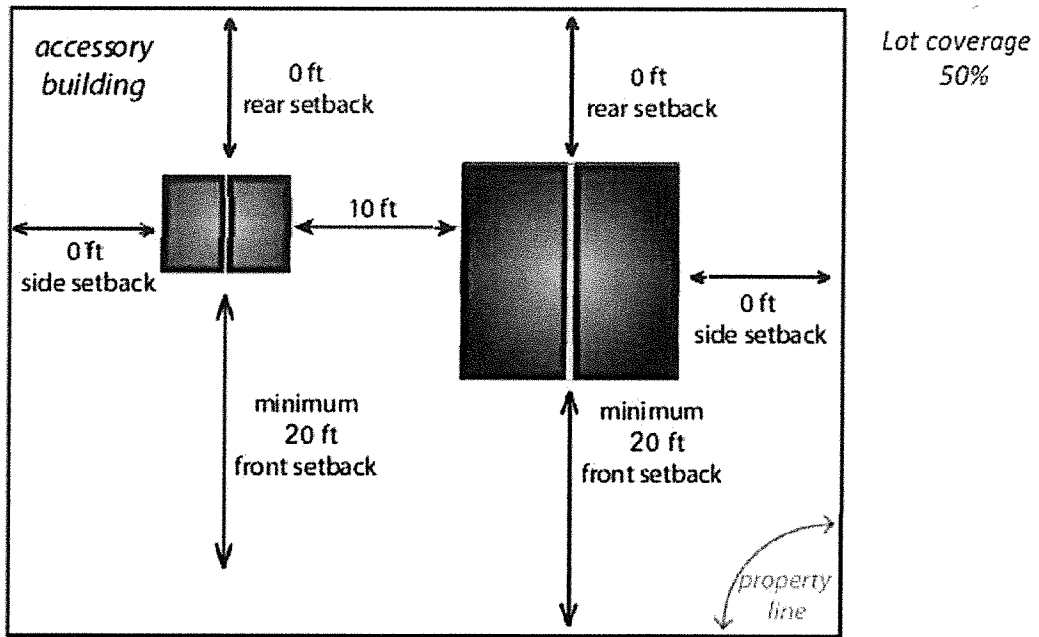
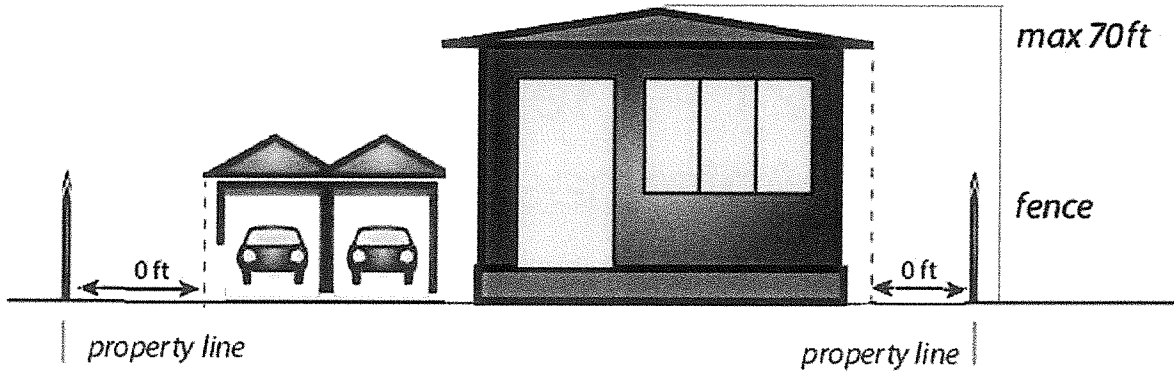
17.20.081 - List of uses

Allowed Uses Public - P		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Swimming pools or beaches, public	Landfills - reclamation or sanitary
Camps, public	Libraries, museums, and art galleries	Paint and retail sales
Colleges or universities	Post-secondary school	Jails and penal institutes
Commercial recreation areas	School, commercial	Water and sewage treatment plant
Zoo, arboretum		
Conditional		
Assembly halls and stadium	Crematorium	Heliports
Assembly of machines and appliances from previously prepared parts	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	Paint and retail sales
Communication towers (commercial)	Public utilities service installations	Public utilities storage yard
Radio and TV tower		

Dimensional Standards P	
Zoning Requirements	
Lot area requirements in square feet,	NA

except as noted, 20 acres	
<i>Minimal Yard Requirements</i>	
Front (a)	20
Side (b)	0
Side adjacent to street	10
Rear (b)	0
Maximum height for all buildings (c)	NA
Maximum lot coverage in percent	50
Minimum district size (expressed in acres)	NA

C-P Dimensional Standards Illustration



Chapter 17.21 – Telecommunications Towers and Antennae*

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).

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:*
- i. *"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).*
 - ii. *"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.*
 - iii. *"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.*

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- 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.*

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.*
- a. "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.*
 - b. "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.*
 - c. "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.*
 - d. "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. 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.*

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- e. "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.
 - f. "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.
 - g. "Co-location" means the use of a wireless communications facility by more than one wireless communications provider.
 - h. "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.
 - i. "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.
 - j. "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.
 - k. "FAA" means the Federal Aviation Administration.
 - l. "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 Conditional Use requirements of these zoning regulations. After the Conditional Use hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

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- 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, stairs, elevator towers, or other architectural elements. Only monopole antennae support structures with omnidirectional (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 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 Conditional Use 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 technically 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.*

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2. **Major Modifications.** Major modifications to antenna support structures permitted under these regulations shall be approved through a Conditional Use. 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. Conditional Use 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.
2. Area map showing the property boundaries of adjacent property and the location of existing buildings.
3. 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.

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4. *Documentation of minimum light requirements from the FAA or other local, state or federal agencies 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.*
 5. *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.*
 6. *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 structure for sharing are unreasonable. Costs below new tower development is 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.*
 7. *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.*
 8. *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. *Conditional Use Uses.*
1. *A request for a Conditional Use shall be initiated by application to the city-county planning board and handled in accordance with the Conditional Use procedure provided in Section 17.68 of this code. The Laurel city council may issue Conditional Use 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 Conditional Use 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 Conditional Use Approval.*

- a. *If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of Conditional Use approval. If located within the city of Laurel, a building permit must be applied for within six months of Conditional Use approval and the project shall be completed within one year from the date the Conditional Use 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 Conditional Use establish the period of time such Conditional Use 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 the 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:

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

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- c. *"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.*
- d. *"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.*
- e. *"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.*
- f. *"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.*
- g. *"FAA" means the Federal Aviation Administration.*
- h. *"FCC" means the Federal Communications Commission.*
- i. *"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.*

- a. *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:*

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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.*
 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.*

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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, stairs, 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, which 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.*

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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 Conditional Use. 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 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. *Conditional Use 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.
 3. Other pertinent features as determined by the city.

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4. *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.*
 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 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.*
 6. *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. Conditional Use uses.

1. *A request for a Conditional Use shall be initiated by application to the city-county planning board and handled in accordance with the Conditional Use procedure provided in Section 17.68 of this code. The city of Laurel may issue Conditional Use approval under these sections provided they have determined that the requirements of these regulations have been satisfied.*
2. *In granting Conditional Use 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 Conditional Use Approval.*
 - a. *If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of Conditional Use approval. Within the city limits, a building permit must be applied for within six months of a Conditional Use approval and the project shall be completed within one year from the date the Conditional Use 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 Conditional Use establish the period of time such Conditional Use may remain in effect.*
 - c. *Small increases in the height of existing antenna support structures approved by Conditional Use 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. *Conditional Use 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 the 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 Homes Districts

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.*

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.

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.

17.24.040 - Allowable density

The maximum allowable density for all mobile home parks shall be nine mobile homes per net acre.

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.*

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 the 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.*

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- 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.***

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 driveways 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 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.*

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.

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 homeowner'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.*

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. *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.*

Article 11.15.0 – Planned Unit
Development (PUD)

17.15.10 PURPOSE AND INTENT

The purpose and intent of the Planned Unit Development (PUD) is to create a procedure that allows flexibility to design and develop a site in a creative and unified approach rather than a traditional lot-by-lot approach. The flexibility and unified approach is intended to promote high quality open spaces that are created by clustering development, create a diversity of housing types, permit a compatible mix of land uses, and achieve context sensitive design that conforms to topography and minimizes impacts on natural resources. The flexibility of the PUD also is intended to accomplish the goals of the Laurel Growth Policy.

17.15.20 APPLICABILITY AND LOCATION

A PUD is a development approved pursuant to the standard and procedures of this Section and can be located on any site within the city that contains the following characteristics:

17.15.21 INFRASTRUCTURE

Water, wastewater roadway and storm water facilities with sufficient capacity to accommodate the PUD, or these facilities can be reasonably extended to create the required capacity and that conform to City of Laurel Public Works standards.

17.15.22 CONNECTIVITY

The opportunity for a PUD with extensive connectivity to the existing roadway, sidewalk, and trail systems.

17.15.23 NATURAL RESOURCES

Natural resources that can be better protected by the flexible design of a PUD than by a traditional lot-by-lot development and avoid construction in hazardous areas such as floodplains, steep slopes, or poor soils.

17.15.30 LAND USES

17.15.31 RESIDENTIAL UNDERLYING ZONING

When the underlying zoning is residential, the PUD may contain all types of residential structures and commercial uses, provided the mix of uses complies with the findings of Section 11.15.70, Required Findings. Industrial uses are not allowed in PUD when underlying zoning is residential.

17.15.32 NON-RESIDENTIAL UNDERLYING ZONING

When the underlying zoning is commercial, industrial or another non-residential classification, the PUD may contain all types of residential structures, commercial and industrial uses, provided the mix of uses complies with the standards of Section 11.15.70 Required Findings.

17.15.40 DIMENSIONAL STANDARDS

17.15.41 LOT SIZES, FRONTAGE, SETBACKS

Lot sizes, lot frontage and setbacks established for the underlying zoning district may be varied for the purpose of clustering buildings in a small footprint of development and setting aside open spaces or protecting natural resources.

17.15.42 DENSITY, IMPERVIOUS COVERAGE

The number of residential units and the amount of impervious coverage may exceed the limits established for the underlying zoning in portions of the PUD provided the total property covered by the PUD complies with these two standards in an overall calculation.

17.15.43 BUILDING HEIGHT

Building heights within the PUD may exceed the maximum height of the underlying zoning district for the purpose of clustering development in a small footprint of development and setting aside open spaces or protecting natural resources.

17.15.50 SITE DESIGN STANDARDS

PUD shall comply with the following site design standards:

17.15.51 BUILDING SITES

The configuration and arrangement of development shall provide each lot and building with a suitable site that minimizes disturbance of sloping hillsides, protects natural resources and is serviceable by adequate infrastructure.

17.15.52 ACCESS

Safe and adequate vehicular access shall be provided to all lots and building sites to accommodate routine and emergency accessibility.

17.15.53 NATURAL RESOURCES

Natural resources shall receive greater protection than is routinely provided by standards of the Ordinance or other state and federal regulations. Examples of compliance with this standard include but are not limited to:

A. SETBACKS

Providing greater setbacks from water bodies and wetlands than required by other sections of this Ordinance or by the state and federal regulations, or

B. HILLSIDES

Avoiding the disturbance of hillsides that is otherwise permitted by other sections of this Ordinance, or

C. WILDLIFE

Protecting wildlife habitats and migration corridors.

17.15.54 CONNECTIVITY, CIRCULATION

The roadway system shall maximize connectivity to the adjoining streets and promote efficient circulation within the PUD.

17.15.55 PEDESTRIAN SYSTEM

A safe and logical system of sidewalks, trails and pathways shall provide convenient pedestrian connections throughout the PUD and to adjoining neighborhoods.

17.15.56 INTEGRATION, COMPATIBILITY

Site design and the arrangement of land uses shall integrate the PUD with surrounding developments and maximize compatibility with neighboring properties. The PUD design shall blend with the existing development pattern and street network of the City.

17.15.57 HUMAN INTERACTION

Site design, arrangement of buildings and open spaces and the circulation system shall provide places for, and promote, interaction among the residents and workers occupying the PUD.

17.15.58 GROWTH POLICY

A PUD application shall demonstrate in a convincing and persuasive way that the proposed development will implement the goals and strategies of the Laurel Growth Policy.

17.15.60 STATEMENTS OF STANDARDS

Upon approval of a PUD, the owner shall prepare a Statement of Standards for review by the Zoning Administrator that describes the specific uses, development standards, deviations from the underlying zoning standards and conditions of approval. This Statement of Standards shall be approved as to form by the City Attorney and upon approval by the City Council, recorded in the land records of Yellowstone County.

17.15.70 REQUIRED FINDINGS

Approval of a PUD shall require the Planning Board/Planning Commission making the following findings of fact:

17.15.71 GROWTH POLICY

The PUD implements the goals and strategies of the Laurel Growth Policy.

17.15.72 CONSISTENT WITH PURPOSE, INTENT

The PUD is fully consistent with the stated purpose and intent of this Section and in no way contradicts the purpose and intent of this Section.

17.15.73 COMPLIES WITH STANDARDS

The PUD fully complies with all applicable standards of this Section and this Ordinance.

17.15.74 NO ADVERSE IMPACT

The PUD creates no significant adverse impact to neighboring property and does not negatively impact natural resources.

17.15.80 EXPIRATION

Approval of a PUD shall expire and become null and void one (1) year after the date of final approval if development has not commenced. Development of the PUD shall proceed with reasonable diligence to completion or proceed consistent with an approved phasing schedule. If development does not proceed with reasonable diligence to completion or in accordance with an approved phasing schedule, the Planning Board/Planning Commission may initiate a review of the partially completed PUD and determine if a specific schedule of development should be established for completion or if the PUD approval should be deemed expired. To render the decision about a completion schedule or expiration of approval, the Planning Board/Zoning Commission shall consider the following criteria:

17.15.81 FUNCTIONALITY

Does the partially complete PUD contain functional infrastructure, including but not limited to water, wastewater, streets, storm water management and pedestrian facilities?

17.15.82 VISUAL BLIGHT

Does the partially complete PUD create visual blight that deteriorates the aesthetic quality of the neighborhood or the city?

17.15.83 COMMUNITY CHANGES

Has the City of Laurel enacted changes to the policies, goals, strategies or ordinances that would cause the PUD to be denied approval if it were newly submitted for applicable Zoning Conformance Permits?

Article 17.17.0 – Standards for specific uses

17.17.10 CONDITIONAL USES

17.17.11 PURPOSE AND INTENT

This section establishes standards and requires Findings of Fact for Conditional Uses. The purpose of Conditional Uses is to allow uses that may be suitable in some but not all locations in the zoning district in which they are allowed or require special consideration because of unusual operational or physical characteristics or must be designed and developed with conditions to assure compatibility with adjoining uses.

A Conditional Use Permit (CUP) may be granted to allow a Conditional Use only for a use listed as a "Conditional" use in an Allowed Uses table and only after the Planning Board/Zoning Commission has made Findings of Fact that the Conditional Use complies with the following standards. The following standards apply in addition to standards of general applicability.

17.17.12 FINDINGS OF FACT

The Planning Board/Zoning Commission shall make Findings of Fact that a Conditional Use complies with the following standards as a prerequisite to the City Council granting a CUP.

A. CONSISTENT WITH GROWTH POLICY

The Conditional Use is consistent with the policies, goals, objectives, and strategies of the Laurel Growth Policy.

B. COMPATIBILITY

The Conditional Use is compatible with the character of the immediate vicinity including the bulk, scale, and general appearance of neighboring buildings and uses.

C. MINIMIZES ADVERSE IMPACT

The design, development, and operation of the Conditional Use minimizes and mitigate adverse effects, including visual impact of the proposed use on adjacent lands.

D. MINIMIZES ADVERSE ENVIRONMENTAL IMPACT

The development and operation of the proposed Conditional Use minimizes adverse environmental impacts. Environmental resources to be assessed include, but are not limited to wetlands, riparian areas, steep slopes, mature vegetation, and the floodplain.

E. IMPACT ON PUBLIC FACILITIES AND SERVICES

The Conditional Use does not have a significant adverse impact on public facilities and services, including, but not limited to, transportation systems, potable water and wastewater facilities, storm drainage, solid waste and recycling, parks, trails, sidewalks, schools, police, fire, and EMT facilities.

F. HAZARD, NUISANCE

The proposed Conditional Use will not create a hazard to persons or property and will not create a nuisance arising from, but not limited to traffic, noise, smoke, odors, dust, vibration or illumination.

G. OTHER CODES

The Conditional use complies with all applicable City codes and ordinances.

17.17.13 APPLICABILITY

An approved CUP shall run with the land and may be transferred to another owner but only for the approved timeframe. The City Council may place the following conditions to mitigate any adverse impact from the project: Special yards.

- A. OPEN SPACES; AND
- B. BUFFERS; AND
- C. FENCES; AND
- D. WALLS; AND
- E. REQUIRING INSTALLATION AND MAINTENANCE OF LANDSCAPING; AND
- F. REQUIRING STREET DEDICATIONS AND IMPROVEMENTS; AND
- G. REGULATING POINTS OF VEHICULAR INGRESS AND EGRESS; AND
- H. REGULATING TRAFFIC CIRCULATION; AND
- I. REGULATING SIGNS; AND
- J. REGULATING HOURS OF OPERATION AND METHODS OF OPERATIONS; AND
- K. CONTROLLING POTENTIAL NUISANCES; AND
- L. PRESCRIBING STANDARDS FOR MAINTENANCE OF BUILDINGS AND GROUNDS; AND
- M. PRESCRIBING DEVELOPMENT SCHEDULES AND DEVELOPMENT STANDARDS; AND
- N. SUCH OTHER CONDITIONS AS THE COUNCIL MAY DEEM NECESSARY TO ENSURE COMPATIBILITY OF THE USE WITH SURROUNDING DEVELOPMENTS AND USES AND TO PRESERVE THE PUBLIC HEALTH, SAFETY, AND WELFARE.

17.17.14 EXPIRATION, DISCONTINUANCE OR ABANDONMENT

An approved CUP shall expire on the one (1) year anniversary date of approval if the permit is not put to use, unless an alternate timeline is established in the development approval. If a Conditional Use is operationally discontinued or abandoned for a period of more than twelve (12) consecutive months, regardless of the removal or non-removal of furniture/equipment or any intention to resume such activity in the future, the Conditional Use may not be reestablished or resumed. Any subsequent use of the site shall conform to this Ordinance. A timeframe shall be established at approval for use of the conditional use permit.

17.17.20 USE SPECIFIC STANDARDS

17.17.21 PURPOSE AND INTENT

The purpose and intent of this Section is to establish certain standards that apply to specific uses. Some uses listed in the Allowed Uses tables are required to comply with use-specific standards. The Allowed Uses tables contain references to sub-sections below that establish the use-specific standards.

17.17.22 SPECIFIC USES

A. BED AND BREAKFAST

1. *Definition*

A Bed and Breakfast is a private residence occupied by the owner or manager that provides overnight lodging to paying guests.

2. *Maximum Number of Rooms*

A Bed and Breakfast shall not exceed five (5) rooms that are rented to guests in addition to the rooms dedicated to the owner/manager. More than five (5) rooms in a structure is considered a motel.

3. *Meals*

A Bed and Breakfast includes breakfast in the lodging rate. No other meals are served to guests and no meals are served to the general public.

4. *Duration of Stays*

Bed and Breakfasts provide short-term lodging and guests shall not stay more than fourteen (14) days in a thirty (30) day period.

5. *Residential, Historic Character*

Bed and Breakfast facilities shall be compatible to the bulk, scale, and appearance of the neighborhood in which it is located. When a Bed and Breakfast is located in an historic structure, the historically significant architectural elements of the structure shall be maintained.

6. *Parking*

One (1) parking space for the owner/manager and one (1) space for each room rented to guests shall be provided on-site. The Zoning Administrator may approve tandem parking for two (2) spaces if it does not create an unsafe condition.

7. *Signage*

Notwithstanding the standards of Article 11.19.0 Outdoor Advertising, a Bed and Breakfast shall be allowed one (1) sign, not to exceed twelve (12) square feet in sign area. This sign may be free-standing provided it is setback a minimum of ten (10) feet from the property line. A Bed and Breakfast located within a Commercial Zone falls entirely under Outdoor Advertising for sign requirements.

B. DAY CARE OR GROUP CARE CENTERS

1. *Definitions*

a. *Day Care Facility*

A commercial facility that provides care for more than two (2) children or adults on less than a 24-hour basis for someone other than a family member or a person who lives with the children or adult. Adult Day Care is the provision of services and assistance to help adults with daily living.

b. *Day Care Group, Day Care Center*

An out-of-home place in which care is provided to thirteen (13) or more children or adults or provides adult day care in conjunction with a Long-Term Care Facility or Health Care Facility.

c. *Day Care Family, Day Care Home*

A private residence or other structure in which day care services are provided to seven (7) to twelve (12) children or adults.

2. *License, Registration Certificates*

Day Care Centers shall be licensed, and day care home facilities shall be issued a registration certificate, by the Montana Department of Family Services.

3. *Compatible Appearance*

Day Care Centers in residential zoning districts shall maintain a residential appearance as viewed from the street.

4. *Centers for Children*

a. *Outdoor Play Area*

Day Care Centers for children shall provide at least seventy-five (75) square feet of outdoor play area per child.

b. *Fence*

Notwithstanding other standards of this Ordinance that regulate fences, Day Care Centers for children may be required to provide a six (6) foot high solid fence, or a minimum twenty (20) foot wide landscape buffer to separate outdoor play areas from adjoining residential dwellings.

5. *Signs*

Notwithstanding Article 11.19.0 Outdoor Advertising, a Day Care Center shall be permitted one (1) sign not to exceed twelve (12) square feet in sign area when in a residentially zoned district.

C. HOME OCCUPATIONS

1. *Purpose and Intent*

The purpose and intent of these standards are to provide for limited commercial uses on the site of a residential dwelling unit. Home occupations provide for businesses that are carried out by residents of the dwelling and are incidental and subordinate to the residential use. Home occupations provide a place for businesses to start but do not permit their continued existence once the business has grown beyond the size that can maintain the residential character and scale of the residential property. It also is the purpose of these standards to provide peace, quiet and tranquility in residential neighborhoods and to guarantee all residents freedom from excessive noise, traffic, nuisance, fire hazard and other deleterious effects of commercial uses.

2. *Standards*

Home Occupations on single-household sites shall comply with the following standards:

a. *One per Residence*

Not more than one (1) Home Occupation can be located on a single-household lot or property as an Accessory Use.

b. *Residents*

A Home Occupation shall employ at least one (1) resident of the home with which the Home Occupation is associated and may include one (1) non-resident employee.

c. *Character*

Home Occupations shall not diminish the residential character of the property.

d. *Inside Structure*

Except for agricultural activities, Home Occupations shall be carried out within the dwelling unit or accessory structure.

e. *Maximum Area*

Home Occupations shall not occupy more than thirty-three (33) percent of the total floor area of all dwelling units, including accessory buildings.

f. *Equipment*

Mechanical equipment used in connection with the Home Occupations shall be limited to equipment normally found in a dwelling unit, including accessory buildings.

g. *Outside Storage*

Outside storage of equipment, materials, merchandise, inventory, or heavy equipment that is associated with the Home Occupation shall be prohibited.

h. *Parking*

Off-street parking shall be provided pursuant to Section 11.18.40, Parking and Loading Standards.

i. *Signs*

Notwithstanding Article 11.19.0 Outdoor Advertising, each Home Occupation shall be limited to one (1) wall sign containing the name, title and occupation of the Home Occupation not exceeding twelve (12) square feet in sign area. Window areas shall not be used to display or advertise merchandise to the exterior of the dwelling unit or accessory building and no free-standing business sign is permitted. Home occupations in commercial districts are permitted twelve (12) square feet of sign area.

j. *Trucks Prohibited*

No trucks, vehicles with a manufacturer-rated capacity of two (2) tons or equipment shall be parked overnight on the street or on the premise unless totally enclosed in a building.

k. *Deliveries*

Delivery trucks shall not operate from the residential property. This standard does not prohibit infrequent deliveries in a truck or vehicle to/from the occupants of the dwelling unit.

l. *Nuisance Prohibited*

Home Occupations shall not create a fire hazard, adversely affect neighboring property values or constitute a nuisance or detrimental condition for neighboring property from excessive traffic, noise, odor, vibrations, electrical disturbance or other impact.

m. Hazardous Material Prohibited

The storage of flammable liquids in excess of ten (10) gallons or hazardous materials related to the Home Occupation is prohibited in the dwelling unit, accessory building or parked vehicles.

3. Single Household Standards

The residence containing the Home Occupation shall comply with all applicable standards for single-household dwellings in the zoning district in which it is located.

D. MANUFACTURED HOME COMMUNITIES

Manufactured home communities are included in the state classification of land subdivisions by rent or lease. Lots can also be sold as individual units. Therefore, applicants for such developments shall apply for and be reviewed under both site plan and subdivision. When both review processes are required, they will be reviewed concurrently when appropriate. All standards of this chapter are applicable unless explicitly waived.

1. State requirements

All manufactured home communities developed under this section shall comply with the State Department of Public Health and Human Services, Department of Environmental Quality and any other applicable state regulations. Prior to final approval for a manufactured home community, copies of approval letters from relevant state agencies shall be submitted or compliance with all applicable regulations shall be certified by a professional civil engineer licensed by the State.

2. Lot improvements

The location of boundaries of each manufactured home lot for rent or lease shall be clearly and permanently marked on the ground with flush stakes, markers, or other suitable means. The location marked must be closely approximate to those depicted on the approved plans.

3. Utility Hookup

Every manufactured home shall be permanently connected to electric power, water supply, sewage disposal, and gas lines in compliance with applicable City codes, and all utility distribution and service lines shall be installed underground.

4. Permanent Foundations and Anchoring

All manufactured homes shall be required to be tied or otherwise physically anchored in accordance with HUD or the manufactured home builder's requirements. Building permits for foundations and anchoring, issued through the city building department in accordance with the adopted International Building Code, are required. The method of anchoring and foundations shall be specified as part of the required preliminary development review.

5. Skirting

Each manufactured home shall be skirted within sixty (60) days and be of a type designed specifically for manufactured homes. Hay bales, foam insulation such as blue board, lattice and other similar building materials are prohibited. Stamped foam insulation specifically made for manufactured homes is allowed through the building permit process.

6. Curb, Gutter and Sidewalks

Concrete curb, gutters and sidewalks shall be placed along the front lot line of any lot which is occupied. All shall be installed according to plans and specifications of the city and approved by the director of public works or the utilities manager.

7. Setbacks

Each manufactured home shall be set back from all adjacent structures a minimum of ten feet (10') to protect against fires and combustible items.

8. Offensive Activity

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become an annoyance or nuisance to the neighborhood.

9. Pre-1976 Units

Any manufactured home constructed prior to 1976 shall be prohibited in the district. Existing manufactured homes within manufactured home parks can remain but such structures cannot be moved into another park for use. Once removed, a pre-1976 unit cannot be placed within the park.

10. Sales

11. Manufactured home sales may occur within the park provided that the area used for sales is five (5) percent or less of the gross number of units within the park.

12. Maintenance

- a. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.*
- b. No manufactured home may be parked on a public or private street for more than 24 hours.*
- c. An abandoned, burned or wrecked manufactured home must be secured against entry as directed by the fire marshal and may not be kept on a lot for more than forty-five (45) days.*
- d. Each manufactured home must bear an insignia which attests that the construction of the manufactured home meets or be certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.*

e. *Within sixty (60) days of placement, standard manufactured home skirting of fire-resistive material that meets fire resistance ratings in the City's building code and is of similar character to that of the manufactured home must be provided around the entire perimeter of the manufactured home between the bottom of the body of the manufactured home and the ground, except where the running gear has been removed and the manufactured home itself is attached directly to the permanent foundation.*

f. *All private, commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sand boxes, etc., shall be landscaped.*

13. Manufactured Home Lots for Rent or Lease

All units shall be arranged to permit the practical placement and removal of manufactured homes. Every lot for rent or lease must front on a public or private street.

14. Permits and Inspections

a. Owner's and Agent's Responsibility

It shall be the responsibility of the individual property owners or, in the case of a rental community, the managers of the rental community, to see that all sections of this article are complied with, including requirements relative to placement of manufactured homes, and all required permits.

b. Building Permit Required

All manufactured homes moved into the city must be issued a building permit, pursuant to this section, and be inspected by the City Building Official, prior to gas and electric service being turned on by the servicing utility.

c. City Inspection Required

The required inspections for manufactured homes shall include on-site utilities requirements including gas, electric, sewer and water; setback requirements; and off-street parking requirements. It is unlawful for any person, firm, corporation, or agency to turn on, or allow to be turned on, any gas or electric service without an inspection and clearance from the appropriate official.

d. Non-manufactured Home Improvements Subject to the adopted International Building Code

Permits must be obtained for additions, alterations, canopies, carports, sheds, fences and similar structures.

15. The Preliminary and Final Plans Shall Accurately Depict:

a. All Proposed and Required Landscaping

b. Storage Areas

c. A Layout of Typical Lots

All lots for rent or lease, showing the location and dimensions of the lot, manufactured home stand, driveway and parking spaces, and maximum size of home allowed on each lot.

d. *Mail Delivery Area*

e. *Foundation and Anchoring Details.*

f. *Permanent Enclosure for Temporary Storage of Garbage*

A permanent enclosure for temporary storage of garbage, refuse and other waste material shall be provided for every manufactured home space. If trash dumpsters are to be used, they shall be centrally and conveniently located, shall not be located in any front yard, and shall otherwise comply with the requirements of this chapter.

g. *Landscaping Buffer*

Landscaping may be required by the review authority to provide a buffer between manufactured home communities and adjacent uses, and to enhance the appearance of the development. The landscaping may be interspersed with a fence or wall. Specific perimeter landscape/buffering treatments shall be determined on a case-by-case basis, with the city considering appropriate factors such as the nature of adjacent uses, noise, and proximity to busy streets.

E. RECREATIONAL VEHICLE PARK

Recreational vehicle parks are included in the state classification of land subdivisions by rent or lease. Therefore, applicants for such developments shall apply for and be reviewed under both site plan and subdivision. When both review processes are required, they will be reviewed concurrently when appropriate. All standards of this chapter are applicable unless explicitly waived.

1. *State requirements*

All recreational vehicle parks developed under this section shall comply with the State Department of Public Health and Human Services, Department of Environmental Quality, and any other applicable state regulations. Prior to final approval for a recreational vehicle park, copies of approval letters from relevant state agencies shall be submitted or compliance with all applicable regulations shall be certified by a professional civil engineer licensed by the State.

2. *Lot improvements*

The location of boundaries of each space for rent or lease shall be clearly and permanently marked on the ground with flush stakes, markers or other suitable means. The location marked must be closely approximate to those depicted on the approved plans.

3. *Utility Hookup*

Every space shall have connections to electric power, water supply, sewage disposal, and gas service lines in compliance with applicable City codes, and all utility distribution and service lines shall be installed underground. Once installed the utility lines must remain in place for the approved number of spaces.

4. *Skirting*

Skirting is not required for RV units, travel trailers, campers, or similar structures. If the owner of an RV unit, travel trailer, camper or similar structure does skirt their respective unit, then skirting shall be of a type designed specifically for recreational vehicles. Hay bales, foam insulation such as blue board, lattice and other similar building materials are prohibited.

5. Curb, Gutter, and Sidewalks

Concrete curb, gutters and sidewalks shall be placed along the front lot line of the entire park. Concrete curb and gutter shall be placed along the entire perimeter to control for storm water discharge. Individual spaces are not required to have sidewalks or curb and gutter. All improvements shall be installed according to plans and specifications of the city and approved by the director of public works or the utilities manager.

6. Setbacks

Each space shall ensure that units are set back from all adjacent structures in accordance with State Regulations.

7. Propane Tanks

Unless otherwise provided as a central propane system for the entire park, each space shall be limited to factory equipment propane tanks.

8. Offensive Activity

No noxious or offensive activity shall be carried on upon any space, nor shall anything be done thereon which may be, or may become an annoyance or nuisance to the neighborhood.

9. Pre-1976 Units

Existing manufactured homes within recreational vehicle parks can remain but such structures cannot be moved into another park for use. Once removed, a pre-1976 unit cannot be placed within the park. New manufactured homes are prohibited from the Recreational Vehicle Park.

10. Maintenance

- a. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.*
- b. No recreational vehicle may be parked on a public or private street for more than 24 hours.*
- c. An abandoned, burned or wrecked recreational vehicle must be secured against entry as directed by the fire marshal and may not be kept on a lot for more than forty-five (45) days.*
- d. All required yards of the entire park including those spaces that front a public street shall be fully landscaped.*
- e. All private, commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sand boxes, etc., shall be landscaped.*

11. Permits and Inspections

a. *Owner's and Agent's Responsibility*

It shall be the responsibility of the individual property owners or, in the case of a rental community, the managers of the rental community, to see that all sections of this article are complied with, including requirements relative to placement of recreational vehicles, and all required permits.

b. *City Inspection Required*

The required inspections for recreational vehicle parks shall include on-site utilities requirements including gas, electric, sewer and water; setback requirements; and off-street parking requirements. It is unlawful for any person, firm, corporation, or agency to turn on, or allow to be turned on, any gas or electric service without an inspection and clearance from the City Building Official prior to final plan approval.

12. *The Preliminary and Final Plans Shall Accurately Depict:*

a. *All Proposed and Required Landscaping*

b. *Storage Areas*

c. *Recreational vehicles storage and other chattels of the residents.*

d. *A Layout of Typical Lots*

All lots for rent or lease, showing the location and dimensions of the lot, driveway and parking spaces.

e. *Mail Delivery Area*

f. *Permanent Enclosure for Temporary Storage of Garbage*

A permanent enclosure for temporary storage of garbage, refuse and other waste material shall be provided. If trash dumpsters are to be used, they shall be centrally and conveniently located, shall not be located in any front yard, and shall otherwise comply with the requirements of this chapter.

g. *Landscaping Buffer*

Landscaping may be required by the review authority to provide a buffer between recreational vehicle parks and adjacent uses, and to enhance the appearance of the development. The landscaping may be interspersed with a fence or wall. Specific perimeter landscape/buffering treatments shall be determined on a case-by-case basis, with the city considering appropriate factors such as the nature of adjacent uses, noise and proximity to busy streets.

F. ACCESSORY DWELLING UNIT (GUEST HOUSE)

1. *Relationship to Principal Dwelling*

a. *Attached, Separate*

The Accessory Dwelling Unit (Guest House) may be attached to the principal dwelling with an independent access or in a separate building on the same lot as the principal building.

b. *Dimensional Standards*

The Guest House shall comply with all dimensional standards that are applicable to the principal building.

c. *Not Sold Separately*

A Guest House cannot be sold separately from the principal dwelling or property containing the principal dwelling.

d. *Permanent Structure*

A Guest House shall be on a permanent foundation. A manufactured home, travel trailer, RV or similar temporary or transportable vehicle or structure shall not be approved as a Guest House.

2. *Size*

A Guest House shall not exceed 1,200 square feet in gross floor area.

3. *One per Lot*

No more than one (1) Guest House can be located on a single lot, tract or parcel.

4. *No Home Occupation*

A Guest House shall not contain a Home Occupation.

5. *Parking*

A minimum of one (1) off-street parking space shall be provided for the Guest House.

G. TEMPORARY USES, BUILDING

1. *Definition*

Temporary Uses are allowed for a certain length of time that is determined by the Zoning Administrator and prescribed in the permit authorizing such use. The allowed duration of the use and any related structure shall reflect the purpose of the Temporary Use. Temporary Uses include Christmas tree sales, on-site construction office or construction equipment shed, community event, food and merchandise vendors, temporary real estate office, farm stand or a similar short-term activity.

2. *Administrative Approval*

The Zoning Administrator may approve a Temporary Use of a site or building provided the use complies with all applicable standards of this Ordinance.

3. *Duration*

An approval for a Temporary Use shall expire in six (6) months unless granted a one-time six (6) month extension by the Zoning Administrator for good cause. A Temporary Use must leave the City Jurisdiction for at least six (6) months in order to activate a new Temporary cycle.

H. SEXUALLY ORIENTED BUSINESS

Sexually Oriented Business shall comply with the following standards.

1. *Definition*

A Sexually Oriented Business is a commercial facility that includes but is not limited to adult bookstores, adult video centers, nude modeling studios, nude shows, adult motion picture theaters, sexual encounter businesses, or similar activities.

2. *Separation from Other Uses*

A building containing a Sexually Oriented Business shall be setback a minimum of 1,000 feet from the boundary of a lot or a parcel that contains a church, public or private school, Public Park, or a Medical Marijuana Dispensary.

3. *Separation from another Sexually Oriented Business*

A Sexually Oriented Business shall not be located, or an existing business expanded, within 1,000 feet from another Sexually Oriented Business.

4. *One per Building*

No more than one (1) Sexually Oriented Business can be located in the same structure or building.

5. *Measurement*

For the purpose of determining compliance with Subsection 11.17.22.H.2, Separation from Other Uses, above, measurement shall be made in a straight line measured from the lot line of the Sexually Oriented Business to the lot line containing a church, school, public park, Medical Marijuana Dispensary or another Sexually Oriented Business.

6. *Signs*

In addition to the standards of Article 11.19.0 Outdoor Advertising, signs visible from the exterior of the structure may state there is adult material inside, but no pictures or other advertising may be displayed that indicates a nude person is available for viewing.

7. *No Alcohol*

Alcohol sales, consumption and gambling are prohibited within a building containing or in conjunction with a Sexually Oriented Businesses.

I. MARIJUANA DISPENSARY

1. *Definition*

A Marijuana Dispensary is any building, premises, facility, or part thereof where marijuana is made available to consumers in accordance with Montana Law and all applicable Federal Rules and Regulations.

2. *Separation from Other Uses*

A building containing a Marijuana Dispensary shall be setback a minimum of 1,000 feet from the boundary of a lot or parcel that contains a church, public or private school, Public Park, another Marijuana Dispensary, or a Sexually Oriented Business.

3. *Separation from another Dispensary*

A Marijuana Dispensary allowing on-site consumption shall not be located within 1,000 feet from another Marijuana Dispensary that allows on-site consumption.

4. *Measurement*

For the purpose of determining compliance with Subsection 11.17.22.1.2, Separation from Other Uses, above, measurement shall be made in a straight line measured from the lot line of the Marijuana Dispensary to the lot line containing a church, school, public park, Sexually Oriented Business or another Marijuana Dispensary.

5. *Signs*

In addition to the standards of Article 11.19.0 Outdoor Advertising, signs visible from the exterior of the structure may state there is marijuana inside.

6. *Compliance with State and Federal Codes*

The operation of a Marijuana Dispensary shall comply with all applicable provisions of the Marijuana Act of the Montana Code and all applicable Federal Laws and Regulations.

J. PROPANE BULK STORAGE

Compliance with the applicable Fire Code as adopted by the City of Laurel and all subsequent referenced codes shall be required, such as the National Fire Protection Association standards titled 58 Liquefied Petroleum Gas Code. All proposed installations shall be reviewed by the Fire Department prior to and post Conditional Use public hearings.

17.17.23 OUTSIDE STORAGE

Commercial and industrial uses permitted to have outside storage of merchandise, material or equipment shall provide screening from neighboring properties and streets. Notwithstanding other standards of this Ordinance regulating fences and walls, stored material shall be screened by a sight obstructing fence or wall a minimum of eight (8) feet high that prevents visibility of the stored material from adjacent streets or properties. This requirement shall not apply to the storage of plant material associated with nurseries, the display for sale or rent of new and used automobiles in operational condition, recreational vehicles, boats, manufactured homes, or the use and sale of farm and construction equipment.

17.17.24 STORAGE UNITS AND CONTAINERS

A. NON-RESIDENTIAL DISTRICTS, SITES

Secure Storage Units, Cargo, Freight, or Overseas Containers, Pole Barns and Quonset Huts are permitted as accessory structures on non-residential sites in non-residential zoning districts in accordance with the following standards.

- 1. These units shall be located to the rear of the building they serve and screened from view from the street or match the architecture of the primary building.*
- 2. Meet setbacks of the prevailing zoning district.*
- 3. Units must comply with the most recent international building code adopted by the city*

B. RESIDENTIAL DISTRICTS, SITES

Secure storage units or containers are prohibited in all residential zoning districts and on residential sites in non-residential zoning districts except as temporary storage units during active construction jobs.

17.17.25 WIRELESS COMMUNICATION FACILITIES

A. PURPOSE AND INTENT

The purpose and intent of this Section is to provide for commercial Wireless Communication Facilities in a safe, efficient, and orderly manner, to encourage the co-location of facilities to reduce the number of new communication towers and to minimize the adverse visual effects of such towers.

B. DEFINITIONS

For the purpose of this Section, certain words and terms are defined below:

- 1. Antenna means the arrangement of wires, poles, rods or similar devices used in the commercial transmitting and/or receiving of electromagnetic waves, digital signals and other communication signals.*
- 2. Communication Tower means an antenna support structure designed and constructed for the primary purpose of supporting one (1) or more antennas, including a mast, pole, monopole, guyed or lattice tower, freestanding tower, or any similar structure.*
- 3. Camouflage means the integration of an antenna or communication tower with existing building, structure or natural surroundings to disguise it from the true purpose of the facility.*
- 4. Conceal means to place an antenna or tower out of sight by enclosing it in a structure.*
- 5. Co-locate means placing more than one (1) antenna or wireless communication provider on a single communication tower or antenna support structure.*
- 6. Wireless Communication Facility means a tower/antenna support structure and antenna(s) that transmits and/or receives electromagnetic signals for commercial wireless communications.*

C. EXEMPTIONS

Amateur radio antennas or similar non-commercial wireless facilities shall be exempt from this Section.

D. APPROVALS

1. *Antennas*

Antennas that are co-located on existing buildings or communication towers, or are concealed or camouflaged, shall be approved by the Zoning Administrator pursuant to the terms of this Ordinance.

2. *Communication Towers*

Wireless Communication Towers may be approved with a Conditional Use Permit pursuant to Section 11.17.10, Conditional Uses and further provided they comply with the standards of this Section.

E. STANDARDS FOR COMMUNICATION TOWERS

1. *No Attempt to Exclude*

No Wireless Communication Facility owner or lessee shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless Communication Facility owners and lessees shall cooperate in good faith with other wireless providers to achieve co-location of antennas and Wireless Communication Facilities.

2. *Excess Capacity*

All new Communication Towers are encouraged to be constructed with excess capacity for co-location of future antennae or wireless facilities. Owners of Communication Towers shall work in good faith to reach mutually agreeable terms to allow co-location of Antennae and Wireless Communication Facilities.

3. *Setbacks*

Ground mounted facilities and buildings related to a Communications Tower shall comply with the setbacks of the zoning district in which they are located. A Communication Tower be setback from all property lines at least one (1) foot for every foot of height of the tower but in no case less than the setback of the zoning district in which it is located.

4. *Equipment Location, Visual Mitigation*

- a. *Roof Mounted*

Roof mounted wireless communications equipment shall be located as far from the edge of the roof as possible or screened by parapet walls.

- b. *Wall Mounted*

Wall mounted wireless communication equipment shall be mounted as flush to the wall as possible and shall not project above the wall on which it is mounted.

5. *Signals, Lights Prohibited*

Signals, lights, illumination and signs are prohibited on a Communication Tower or facility unless required by the FAA or other applicable regulatory authority.

6. *No Hazard, No Interference*

Communications Towers shall be operated to avoid any health hazard to the general public and any interference with the operation of public safety/communication facilities and home appliances.

7. *FAA Certification, FCC Standards*

Certification shall be obtained from the Federal Aviation Administration that the Communications Tower poses no hazard to the operation of aircraft. Wireless Communication Facilities shall comply with the technical emissions standards of the Federal Communications Commission.

F. REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

If due to changes in technology or other reasons, a Wireless Communication Facility, Communication Tower, antenna support structure or related equipment is not operated for a period of twelve (12) continuous months it shall be considered abandoned. The owner of such facility shall remove the facility, including antennae, attachments, related appurtenances and equipment building, within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such abandonment. If the abandoned Wireless Communication Facility is not removed within the ninety (90) day period, the City of Laurel shall have the authority to remove the facility and bill the owner for all costs associated with the removal.

17.17.26 SHORT-TERM RENTAL

A. PURPOSE AND INTENT

The purpose and intent of this Section is to provide for the short-term rental of residential dwellings and avoid impact on neighboring residences.

B. DEFINITIONS

Short-term rental is the rental of a dwelling and/or a guest house for less than thirty (30) days. The short-term rental pursuant to this Section does not include a Bed and Breakfast.

C. STANDARDS

1. *Comply with Single Household*

Except as distinguished in this Subsection, the dwelling shall comply with all standards and requirements for single-Household dwelling units in the zoning district in which it is located.

2. *Residential Character*

The property shall retain the character and appearance of a single-Household dwelling. The design or operation of the short-term rented dwelling shall not create the appearance or operating characteristics of a commercial property.

3. *Signage*

Signage associated with a short-term rental unit shall comply with the terms of Article 11.19.0 Outdoor Advertising that apply to residential zoning districts.

D. FIRE AND HEALTH DEPARTMENTS

Owners of a short-term rental property shall comply with applicable rules and regulations of the Laurel Fire Department and Yellowstone County Health Department.

Article 17.18.0 – Standards of General Applicability

17.18.10 PURPOSE AND INTENT

The following general development standards are established to assure that property in all zoning districts of the City will be developed in a uniform and orderly manner which will promote the public health safety and general welfare and implement the Laurel Growth Policy. These general development standards shall apply to all development in addition to specific standards for certain uses and zoning districts set forth in other Articles of this Ordinance.

17.18.20 HILLSIDE DEVELOPMENTS

17.18.21 PURPOSE AND INTENT

This Section is intended to provide for the orderly and reasonable use of hillside areas while protecting the public health, safety and welfare by accomplishing the following.

A. SOIL CONDITIONS

Steer development to locations that have stable soil and utilize appropriate engineering techniques that accommodate the natural site conditions.

B. MAINTAIN NATURAL CONDITIONS

Minimize alterations to natural hillsides to maintain significant landforms and natural drainage patterns.

C. INTENSITY

Permit an intensity of development compatible with the natural characteristics of hillside terrain.

D. PUBLIC SERVICES

Promote cost effective public services by encouraging development in less steeply sloped areas and ensuring adequate access for emergency vehicles.

E. SAFETY

Protect the public from unsafe development and property damage by ensuring that hillside development is reasonably located and properly constructed. Minor and isolated slope variations occurring over a run of ten (10) feet or less are exempt.

17.18.22 APPLICABILITY

This Section shall apply to all development on slopes steeper eight (8) percent except development occurring on minor and isolated slope variations in which the slope may be steeper than eight (8) percent for a run of ten (10) feet or less.

17.18.23 GRADING AND FILLING

A. AMOUNT OF GRADING PERMITTED

The percentage of the site that can be graded and/or filled shall be determined by the slope of the site, with more grading allowed on less steep slopes. The amount of coverage and grading permitted is established below.

Percent Lot Coverage, Grading and Fill Allowed on Slopes

Percent Lot Coverage, Grading and Fill Allowed on Slopes			
Coverage		Fill/Grade	
Slope	Percent Coverage Allowed	Slope	Percent Grading Allowed
0-15%	NA	0-15%	70
15.1-20%	15	15.1-20%	50
>25%	0	>25%	0

Minor and isolated slope variations occurring over a run of ten (10) feet or less are exempt.

B. UNGRADED AREA

The undeveloped portion of the site that is not graded or filled shall be maintained in an undisturbed state with natural grade and vegetation.

17.18.24 LOT COVERAGE

A. AMOUNT OF COVERAGE PERMITTED

The percentage of the site that can be covered with impermeable surfaces is determined by the slope of the site, with more lot coverage allowed on less steep slopes. The amount of lot coverage permitted is established in this code.

B. UNCOVERED AREA

The portion of the site that is not covered with impervious surfaces shall be revegetated with native landscaping materials to minimize erosion and stabilize slopes. At a minimum, the density of vegetation shall approximate the density of vegetation that existed in the pre-construction state.

17.18.25 CUTS AND FILLS

A. MAXIMUM GRADE

The slope of a cut or fill grade shall not exceed two to one (2:1) or fifty (50) percent to allow revegetation.

B. SETBACK

The toe of a fill slope, or top of a cut or fill slope shall be setback from the property line at least one-half (1/2) the height of the cut or fill slope.

C. TOE OF NATURAL SLOPE

Cutting the toe of a natural slope is prohibited.

17.18.26 DRAINAGE

Natural drainage channels shall be preserved.

17.18.27 SOILS

Development shall not be located on unstable soils. The Zoning Administrator may require a geotechnical study to determine the stability of soils.

17.18.28 RETAINING WALLS/FENCING

Retaining walls shall not exceed the height of eight (8) feet. Fences in Residential Zones shall not exceed six (6) feet in height above natural grade. More than one (1) retaining wall in a terraced arrangement shall be permitted. Retaining walls lower than three (3) feet designed and constructed to retain earth are exempt from other standards of this Ordinance that regulate walls. Walls taller than three (3) feet are required to be permitted and must include a stamp from a licensed Montana engineer.

Fences in Residential Zones (R – Zones) shall not exceed six (6) feet in height above natural grade. The use of barbed wire or electric fences in residential zones is prohibited.

Fences in Business Zones (C Zones) shall not exceed six (6) feet in height above natural grade. The use of barbed wire or electric fences in Business Zones is prohibited.

Fences in Manufacturing Zones (LI and HI) shall not exceed eight (8) feet in height above natural grade. The use of barbed wire is allowed in Manufacturing Zones. The use of electric fences is prohibited in Manufacturing Zones.

17.18.30 ENVIRONMENTAL REGULATIONS

17.18.31 WETLANDS

Development shall comply with all applicable state and federal wetland regulations and standards. When a proposed development requires a state or federal wetland permit, the applicant shall include in the application for a City permit copies of the applicable permits to demonstrate compliance with the state or federal regulation. The Zoning Administrator may require verification that no such state or federal permit is required.

17.18.32 WATER QUALITY

Development shall comply with all applicable state and federal water quality regulations and standards. When a proposed development requires a state or federal water quality or discharge permit, the applicant shall include in the application for a City permit copies of the applicable permits to demonstrate compliance with the state or federal regulation.

17.18.33 AIR QUALITY

Development shall comply with all applicable state and federal air quality regulations and standards. When a proposed development requires a state or federal air quality permit, the

applicant shall include in the application for a City Permit copies of the applicable permits to demonstrate compliance with the state or federal regulation.

17.18.34 SUBSIDENCE

When a development is proposed on areas mapped by the Montana Department of State Lands as having a potential for subsidence, the applicant shall include in the application for a City permit a written report by a professional engineer licensed in the State of Montana that details how the development will avoid further damage and loss of property.

17.18.35 FLOODPLAIN

All development in the 100-year floodplain shall comply with the Flood Control Ordinance (Chapter 2, Title 11 of City codes) on file in the Office of the Laurel Floodplain Administrator.

17.18.40 PARKING AND LOADING STANDARDS

17.18.41 PURPOSE AND INTENT

The purpose and intent of this Section is to establish off-street parking standards designed to lessen congestion on the streets and provide a reasonable amount of parking with developments.

17.18.42 APPLICABILITY

Any building or structure erected or located, and any use of land established after the effective date of this Ordinance, including changes of use and additions to existing uses, shall provide off-street parking in accordance with the standards of this Section. Notwithstanding, development and uses located in the Central Business District may be exempt from the parking requirement as determined by the parking commission.

A. REQUIRED PARKING

All development shall provide the minimum number of off-street parking spaces as established in Section 11.18.43 Off Street Parking Required Spaces. If two (2) or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking spaces shall be the sum of the requirement of the individual uses.

B. USES NOT IDENTIFIED

The required off-street parking for any building, structure or use of land not listed in Section 11.18.43 Off Street Parking Required Spaces, shall be determined by the Zoning Administrator based on the required parking for similar uses listed in the Table and other reliable sources of data.

C. PARKING FOR PHYSICAL DISABILITIES

Parking lots shall provide parking for persons with physical disabilities pursuant to the currently adopted International Construction Code.

D. CHANGE OF USE

When an existing use of a structure or land is changed to another use, the number of off-street parking spaces shall be provided for the new use as established in Section 11.18.43 Off Street Parking Required Spaces.

E. EXPANSION

When an existing use is expanded, off-street parking shall be provided for the expanded area in compliance with Section 11.18.43 Off Street Parking Required Spaces.

Off Street Parking Required Specs

Off Street Parking Required Specs (Minimums)			
Residential		Public & Quasi Public	
1 or 2 Dwelling	1/du	Day Care Home	2
3-6 Dwellings	1/du	Day Care Center	2/Staff Plus 5
>6 Dwellings	1/du	Government Buildings	3.3/1000 sf
Guest House	1/du	Health Care Facility; Long Term Care Facility	1/3 Employee & 1/3 Beds
Efficiency units	1/du	Library	1/300 sf
Senior Housing	1/du	School, Elementary or Jr. High	1/Staff & Faculty & 1/7 students
Commercial		School, Senior High	1/Staff & Faculty & 1/4 students
		Recreation & Entertainment	
Auto, Vehicle Sales	2/sales associates		

Auto, Vehicle Service	4/service bay	Bowling Alley	5/Alley
Bank/Credit Union	1/400 sf	Golf Course	6/Hole
Bed & Breakfast	1/room + 1 for Owner/Manager	Indoor Entertainment	5.5/1,000 sf
Restaurants	1/3 seats	Miniature Golf Course	2/Hole
Fast Food Restaurants	1/4 seats	Private Health Club	4/Court & 1/200 Other sf
Alcohol Establishments	1/3 seats	Public Assembly	1/3 Seats
Hotel & Motel	1/room	Theater	1/3 Seats
Conference w/lodging	.5/seats	Industrial	
Restaurant w/lodging	1/4 seats	Freight, Distribution	2/3 Employees
Retail	5/1,000 sf	Manufacturing, Assembly	2/3 Employees
Office		Mini-Storage	1/10 Units
General Professional	3.3/1000 sf	Warehousing	2/3 Employees or 1/1000 sf whichever is less.
Medical & Dental	5/1000 sf		
Miscellaneous			
For any other use not specifically mentioned or provided for, the zoning administrator shall determine the standards to be applied for parking, using this as a guide for uses which most closely resembles the use provided.			
Notes: du = dwelling unit sf = square feet			

17.18.44 COMPUTATION OF REQUIRED SPACES

For the purpose of computing off-street parking spaces required by this Section, the following rules shall apply.

A. GROSS FLOOR AREA

Floor area shall mean gross floor area unless otherwise specified for a particular use.

B. BENCH SEATING

Churches and other places of assembly in which benches or pews are used in place of seats, each twenty-four (24) inches in length of such benches or pews shall be counted as one (1) seat.

C. FRACTIONS

When calculation of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be discarded, while a fraction of one-half (1/2) or more shall be counted as one (1) required parking space.

D. ON-STREET PARKING

On-street parking may be used to satisfy off-street parking requirements at a conversion rate of 2:1. No more than fifty (50) percent of the required parking can be used for calculating off street requirements. A maximum of twenty (20) feet extending beyond either side of the property boundary may be used to calculate on-street parking numbers.

17.18.45 PARKING DESIGN

All required parking spaces shall comply with the standards of this sub-section.

A. SIZE

Parking spaces shall be at least nine (9) feet by twenty (20) feet in size and have a minimum head clearance of seven (7) feet.

B. SETBACKS

Parking shall not be located in the required minimum front setback except for driveways to garages. Parking may encroach into the side setback but shall be setback a minimum of two (2) feet from a property line.

C. SURFACING, GRADING

All off-street parking and access drives shall be paved with asphalt, concrete or an equivalent surface, and shall be graded and drained to shed all surface water.

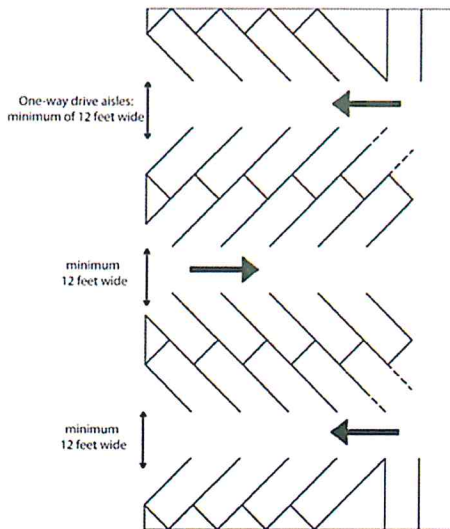
D. DRIVE ISLES

Two-way drives isles in parking lots shall be a minimum of twenty-four (24) feet wide except the Zoning Administrator may approve narrower drive isles for parking lots with angled parking spaces. One-way drive aisles with angled spaces shall be a minimum of twelve (12) feet wide except the Zoning Administrator may require wider drive aisles to ensure functional vehicle maneuverability. Parking Lots shall comply with Section 11.18.80 Storm Water Management and Erosion Control.

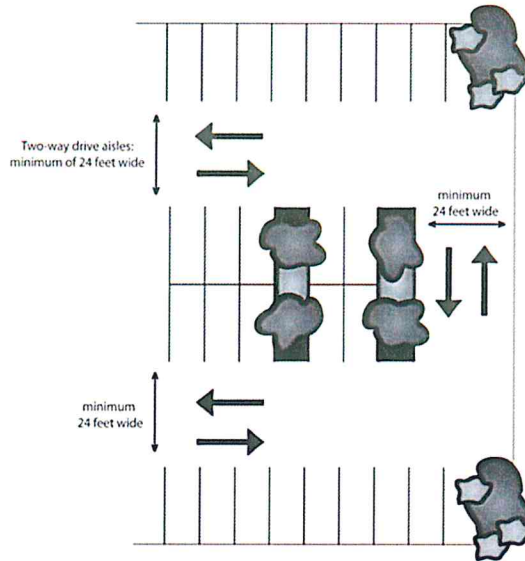
E. DRIVEWAYS

Driveways shall not be used to satisfy off-street parking requirements when a garage or carport is counted.

Angled Parking Aisle Width Figure



Straight Parking Aisle Width Figure



F. SNOW

A snow storage area at least two (2) percent of the size of the parking lot, drive aisles, and circulation shall be provided to avoid the loss of required parking spaces to snow storage.

STORAGE

G. TREE COVER

Parking lots containing more than twenty (20) parking spaces shall contain vegetative cover that provides shade for at least thirty-five (35) percent of the area of the parking lot as measured on August 15th at noon, after the vegetation has reached full maturity. The owner shall be responsible for maintaining the vegetation. The applicant proposing the parking lot shall submit for the review and approval of the Zoning Administrator the plan for vegetative cover designed to satisfy this standard.

H. RESIDENTIAL GARAGES

Parking spaces in residential garages shall count toward residential parking requirements.

17.18.46 ACCESS, CURB CUTS

All parking lots shall have adequate and safe ingress and egress to and from a local alley or street. The access shall comply with Intersection Visibility unless a wider approach width is

approved by the City Public Works Director. Curb cuts to a City Street shall be approved by the Public Works Director. Backing from a parking space into a street or alley is prohibited except for residential districts.

17.18.47 LOADING AREA STANDARDS

Each commercial or industrial building larger than 10,000 gross square feet shall provide at least one (1) off-street loading area. Businesses in the Central Business District are exempt from providing off-street loading areas.

A. CLEARANCE

Contain a vertical clearance of at least fourteen (14) feet; and,

B. DIMENSION

Be at least twelve (12) feet wide and thirty-five (35) deep.

C. LOCATION, DESIGN

Loading areas shall be on the same lot as the building requiring the loading area and the loading area shall be designed to prevent vehicles parked in the loading area from extending into the public right-of-way.

17.18.48 SHARED PARKING

A. GENERAL

- 1. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.*
- 2. Up to ten (10) percent of required parking spaces for any use may be used jointly by a temporary commercial use.*
- 3. Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. The agreement must be filed with the Yellowstone County Clerk and Recorder. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.*
- 4. Shared parking may be located off-site, subject to the regulations of Subsection 11.18.48.E Off-Site Parking.*
- 5. Required accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.*

B. SHARED PARKING FOR DIFFERENT CATEGORIES OF USES

A use may share parking with a different category of use according to only one of the following subsections:

- 1. If an office use and a retail sales-related use share parking, the parking requirement for the retail sales-related use may be reduced by up to twenty (20) percent, provided that the reduction does not exceed the minimum parking requirement for the office use.*

-
2. *If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, restaurants and entertainment-related uses, the parking requirement for the residential use may be reduced by up to thirty (30) percent, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.*
 3. *If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to fifty (50) percent, provided that the reduction does not exceed the minimum parking requirement for the office use.*
 4. *If office, retail sales and residential uses share off-street parking, the applicant may elect to use any one of the shared parking reductions listed in this section. The applicant may also elect to prepare a shared parking analysis using the Urban Land Institute's (ULI) shared parking analysis methodology. Parking reductions based on the ULI methodology require review and approval by the Zoning Administrator after consultation with the City Public Works Department.*

C. SHARED PARKING FOR USES WITH DIFFERENT HOURS OF OPERATION

1. *For the purposes of this section, the following uses are considered daytime uses:*
 - a. *Customer service and administrative offices.*
 - b. *Retail sales uses, except restaurants, lodging uses, and entertainment-related uses.*
 - c. *Warehousing, wholesaling, and freight movement uses.*
 - d. *Manufacturing, production and industrial service uses; and*
 - e. *Other similar primarily daytime uses, as determined by the Zoning Administrator.*
2. *For the purposes of this section, the following uses are considered nighttime, or Sunday uses:*
 - a. *Auditoriums accessory to public or private schools.*
 - b. *Religious assembly uses.*
 - c. *Entertainment-related uses, such as theaters, bowling alleys, and dance halls; and*
 - d. *Other similar primarily nighttime or Sunday uses, as determined by the Zoning Administrator.*
3. *Up to ninety (90) percent of the parking required by this chapter for daytime use may be supplied by the off-street parking provided for a nighttime or Sunday use and vice-versa, when authorized by the Zoning Administrator.*
4. *The applicant must show that there is no substantial conflict in the principal operating hours of the uses for which shared parking is proposed.*

D. GENERAL, LOCATION OF OFF-STREET PARKING

Except as otherwise expressly stated, required off-street parking spaces must be located on the same parcel as the building or use they are required to serve.

E. OFF-SITE PARKING

1. General

All or a portion of required off-street parking may be provided off-site, in accordance with the provisions of this section. Off-site parking areas must comply with all applicable parking area design and accessibility standards. Required accessible parking spaces may not be located off site.

2. *Location*

Off-site parking areas must be located within a 500-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.

3. *Control of Off-site Parking Area*

The property to be occupied by the off-site parking facilities must be under the same ownership as the parcel containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

F. USE OF OFF-STREET PARKING AREAS

1. *Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.*
2. *Required off-street parking spaces may not be used for the display of goods for sale or lease or for storage of building materials.*
3. *Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces that are required by this Zoning Ordinance must be maintained for the life of the principal use.*
4. *No commercial motor vehicle repair work of any kind is permitted in a required parking space.*

G. DRIVEWAY PARKING AREA DESIGN

Parking areas must be laid out and designed in accordance with Municipal Code requirements and City standards and specifications.

1. *Driveways must be reviewed and approved by the City Public Works Department before the issuance of a zoning compliance permit. Driveways exceeding 150 feet in length require additional approval from the Fire Department.*
2. *Driveways may not exceed a grade of eight (8) percent, provided that a maximum grade of up to 10% may be allowed for short distances, not exceeding 50 feet, if approved by the Fire Department and the City Public Works Department.*

17.18.49 BICYCLE PARKING

Bicycle parking is encouraged and when utilized by the property owner a minimum of 50% of required bicycle parking spaces shall be located within fifty (50) feet of the front door of the business or the resident's entrance when bicycle parking is required. An inverted U or other similar device, approved through Design Review, shall be required. Bicycle racks shall be made of solid construction, resistant to rust, corrosion, hammers and saws, and be located in a well illuminated location.

A. COMMERCIAL USES

Within the area of the sight triangle, the height of mature landscaping, walls and fences shall not exceed thirty-six inches (36") feet in height measured from the top of the existing curb grade or crown of abutting road, whichever is lower.

A. TREES

Within the sight triangle, existing trees shall be permitted as long as only the tree trunk (no leaves, limbs, etc.) is visible within eight (8) feet of the ground. No new trees are allowed in the sight triangle.

17.18.60 LANDSCAPING

17.18.61 PURPOSE AND INTENT

The purpose and intent of this Section is to establish landscaping requirements that promote attractive and high-quality development and preserve and enhance the natural beauty of the City. It is further the purpose of this Section to require landscaping that ensures compatibility among adjacent land uses, controls dust, glare and erosion, screens objectionable objects, visually softens the mass of buildings, promotes air quality and enhances property values. Safe and attractive landscaping is encouraged adjacent to public streets and throughout parking areas. It is not the intent of this Section to prescribe a certain style of landscaping except to include plants that are indigenous to the area and tolerant of Laurel weather conditions.

17.18.62 APPLICABILITY

The standards of this Section shall apply to the following types of development.

A. NEW DEVELOPMENT

All new developments and expansions of existing developments that result in an increase of more than 1,000 square feet of gross floor area shall comply with this Section.

B. CHANGE OF USE

The change of use of an existing development shall comply with this Section.

C. CONDITIONS

Landscaping may be required as a condition of a Variance or the rezoning of a lot or parcel of land.

17.18.63 LANDSCAPE PLAN

A. PLAN REQUIRED

A Landscape Plan is required for all developments and changes of use except for single-household and duplex/2-household residential units.

B. PLAN CONTENTS

The Zoning Administrator shall establish a checklist of items required in a Landscape Plan.

C. PLAN REVIEW

Review of the Landscape Plan shall be performed concurrently with the Development Plan it accompanies.

17.18.64 LANDSCAPE STANDARDS

A. DESIGN ELEMENTS

Landscape Plans shall be designed and installed to meet the following standards.

1. Landscape Area

The entire lot or parcel not occupied by impervious surface or left in natural vegetation shall be planted with trees, grass, ground cover, or other live ground cover plantings that are known to be tolerant to the climate of Laurel. Xeriscape landscaping is permitted and encouraged when appropriate, however, concrete is not an approved xeriscape material.

2. Use of Landscape Planting

Landscape plans shall be designed and installed to landscape required setbacks, screen parking lots, soften the mass of buildings and buffer neighboring property from new development.

3. Landscape Material

Landscape plans shall use plant material that minimizes attraction to wildlife other than songbirds, e.g. berries.

4. Ensure sight triangle is maintained.

B. STREET BOULEVARD

Street boulevards shall comply with provisions set forth in this section.

C. MAINTENANCE

The required landscaping shall be continually maintained by the owner after installation. Any landscaping or ground cover or other elements of the Landscape Plan that die or become damaged shall be replaced by the end of the growing season in which the plant material died or became damaged. Any required landscaping that dies or is damaged and is not replaced shall be considered a violation of this Ordinance.

17.18.65 PURPOSE AND INTENT

The purpose and intent of this Section is to establish outdoor lighting standards that ensure nighttime safety and productivity while conserving energy and encouraging "dark sky" initiatives.

17.18.66 APPLICABILITY

The standards of this Section shall apply to all outdoor lighting fixtures installed after the effective date of this Ordinance and the new development of multi-household, commercial and industrial buildings not exempted in Subsection 11.18.67 Exemptions. These standards shall also apply to the redevelopment, addition or remodeling of multi-Household, commercial or industrial property that increases the gross floor area of the building(s) or the area of developed land by fifty (50) percent or more, unless exempted.

17.18.67 EXEMPTIONS

The following types of lighting fixtures are exempt from the standards of this Section:

A. EXISTING FIXTURES

Outdoor lighting fixtures installed prior to and operable on the effective date of this Ordinance provided the fixtures are not a pre-existing nuisance and further provided there is no change or replacement in use or lamp type and no structural alteration to the outdoor lighting fixture.

B. STREETLIGHTS, TRAFFIC CONTROL

Streetlights and traffic control lights.

C. RECREATION FACILITY

Lighting related to a recreational facility up to 11:00 pm. Notwithstanding, said lighting may continue to allow the completion of a sporting event in the recreational facility that began earlier in the evening.

D. NAVIGATION LIGHTS

Navigation lights at the airport or located on communication towers or similar lights providing a navigational function.

E. HOLIDAY DECORATIONS

Lights installed as holiday decorations provided, they are not installed more than forty-five (45) days prior to the holiday and are removed within fifteen (15) days after the holiday.

F. UNITED STATES FLAG

Up cast lights or other unshielded lights necessary to comply with United States Code, Title 4 Chapter 1 Section 6.

17.18.68 LIGHTING STANDARDS

A. SHIELDING

All outdoor lighting fixtures shall be shielded to avoid direct view of the light source or bulb from the property line.

B. 75 DEGREE CUTOFF

All outdoor lighting fixtures shall be installed at a 75-degree cutoff and aimed downward.

C. OFF SITE GLARE

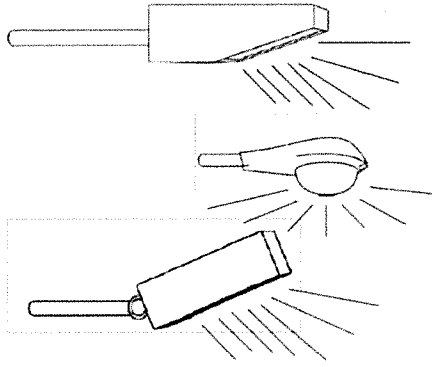
Glare or light directed off-site or shining onto the adjacent property shall be prohibited.

D. FOOT CANDLES

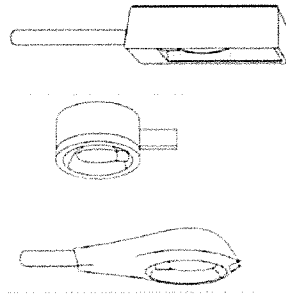
Parking lot lighting shall not exceed an average illumination level of one (1) foot candle. All other exterior lighting shall not exceed an illumination level of four-tenths (0.4) of a foot candle.

Street Lighting Regulations

Unacceptable



Acceptable



17.18.69 PROHIBITIONS

The following types of lighting shall be prohibited unless specifically exempted by Section 11.18.67 Exemptions:

A. SEARCHLIGHTS

The operation of searchlights for advertising purposes is prohibited.

17.18.70 INFRASTRUCTURE

17.18.71 PURPOSE AND INTENT

The purpose and intent of this Section are to ensure required infrastructure and utilities are constructed and maintained to protect the health, safety, and welfare of the occupants of developments approved pursuant to this Ordinance and the general community. Required infrastructure and utilities include but are not limited to water distribution, wastewater collection, vehicular circulation, pedestrian and bicycle facilities, storm water runoff and erosion control and the private utilities of electricity, cable television, telephone, and where available natural gas.

17.18.72 REQUIRED INFRASTRUCTURE AND UTILITY IMPROVEMENTS

All development shall provide and maintain safe and orderly infrastructure and utilities that connect to the infrastructure systems of the City of Laurel and private utilities. All development shall provide access to water and wastewater systems, public streets or roads, pedestrian trails and/or sidewalks, and wire utilities such as electricity, cable television and telephone, and where available natural gas. All infrastructure and utility improvements shall be extended to the furthest extent of a property.

17.18.73 PUBLIC WATER SUPPLY, PUBLIC WASTEWATER SYSTEM

A. CONNECTION TO MUNICIPAL SYSTEMS

All development shall connect to municipal water and wastewater infrastructure systems which may require off-site and on-site facilities to provide the necessary mains, lift stations, and pump stations, service lines and other appurtenances necessary to connect the development to the City infrastructure.

B. CONSTRUCTION STANDARDS

1. City, DEQ

All infrastructure systems shall be constructed and maintained to the applicable codes of the City of Laurel, the Montana Department of Environmental Quality standards and other federal and state codes that may be duly applicable.

2. Shared Use

All infrastructure lines in new developments shall be located and constructed to allow adjoining properties to access the infrastructure mains at the common property lines.

C. DEVELOPER'S EXPENSE

1. Developer's Expense

Installation of the required infrastructure shall be the developer's expense except where shared expenses are approved by the City.

2. City Participation

At its sole discretion and subject to adopted ordinances controlling infrastructure, the City may participate in funding the construction of infrastructure related to any development when an infrastructure facility is oversized to accommodate the current or future needs of adjacent properties.

17.18.74 PRIVATE UTILITIES

A. UNDERGROUND INSTALLATION

All wire and natural gas utilities shall be installed underground except as provided below.

1. Above Ground Appurtenant

Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities that are necessary appurtenant to underground utilities may be placed above ground within utility easements or street right-of-way or easements with approval of the landowner or City Council, whichever is applicable.

2. Connections to Above Ground Facilities

Facilities reasonably necessary to connect underground utilities to existing or permitted overhead or above ground facilities shall be allowed above ground.

3. Existing Facilities

Existing above ground utility facilities may be allowed to remain. It shall not be required to remove or replace existing above ground utility facilities that are useful in serving the development.

4. Transmission, Distribution Feeder Lines

Overhead electric transmission and distribution feeder lines and overhead long-distance communication, trunk and feeder lines shall not be required to be underground.

B. CONSTRUCTION STANDARDS

All utilities shall be installed and maintained pursuant to the applicable utility company standards.

C. STRUCTURES IN UTILITY EASEMENTS

Structures shall not be located in public or private utility easements except fences.

1. Laurel Growth Policy

Legal and physical access to public streets shall be consistent with the Laurel Growth Policy.

2. *Natural Topography*

Accesses, streets, and roads shall be designed and constructed to conform to the natural topography to the greatest extent practical and minimize ground disturbance.

3. *Drainage*

Accesses, streets, and roads shall not block natural drainage ways and shall be designed and constructed to provide positive storm water runoff.

4. *Number of Accesses*

The allowed number of accesses shall be determined by the Laurel Subdivision Regulations.

5. *No Commercial Access through Residential*

A commercial or industrial development shall not have a principal access through a residential zoning district. This prohibition does not prevent commercial or industrial access through a mixed-use district.

6. *Emergency Access*

All development shall provide safe and efficient access suitable for emergency vehicles.

7. *Street Standards*

Street extensions or construction shall be designed and constructed pursuant to the street standards in the Laurel Subdivision Regulations.

8. *Arterial streets*

Accesses to arterial streets shall be minimized and shall comply to any applicable access management plans in effect. A residential development that adjoins an arterial street shall use reverse frontage or side access to minimize access to arterial streets.

D. DEVELOPER'S EXPENSE

The construction of the required accesses, streets or roads shall be the developer's expense except where shared expenses are approved by the City.

1. *City Participation*

At its sole discretion and subject to adopted ordinances controlling streets and roads the City may participate in funding the construction of an access, street, or road related to any development when the access facility is oversized or extended to accommodate the current or future needs of adjacent properties.

17.18.75 PEDESTRIAN ACCESS

All development and construction, including single-household structures, and existing structures in all zones shall construct a sidewalk across the street frontages of the lot. The sidewalk(s) shall be within the public right-of-way at a location approved by the Laurel Public Works Director and extended to connect to existing sidewalks if present at the lot boundary. If sidewalks currently exist, they must remain in perpetuity and be replaced if damaged.

A. EXEMPTIONS

Expansion to existing structures that increase the gross floor area by less than fifty (50) percent shall be exempt from installing sidewalks. Subdivisions that have been annexed without curb and gutter shall be exempt from required sidewalks.

B. ADA

All new sidewalks shall be constructed in compliance with the Americans with Disabilities Act (ADA).

C. COMMERCIAL/INDUSTRIAL DEVELOPMENT

Commercial and industrial developments, not exempted above, shall provide a sidewalk from the entrance of the commercial development to the public right-of-way and across the frontage of the lot.

D. CONSTRUCTION STANDARDS

Sidewalks shall be designed and constructed to comply with the construction specifications and widths as adopted in the Laurel Subdivision Regulations.

E. LANDOWNER'S EXPENSE

Sidewalks shall be designed and constructed at the landowner's expense. Lots with three (3) or more street frontages or lots with an acute angle shall be reviewed by the city to determine appropriate locations and shall be required to provide at least two sidewalks.

17.18.76 DEVELOPMENT AGREEMENT

A. AGREEMENT REQUIRED

Developments that require the construction of public infrastructure or other public improvements shall require a Development Agreement that establishes the detailed requirements, responsibilities, and timing of performance for both the developer and the City.

B. CONTENT OF AGREEMENT

A Development Agreement shall contain, but not be limited to, the following items.

1. Site Plan

The Development Agreement shall incorporate or reference an approved development plan.

2. Required Improvements

Detailed description of infrastructure and other improvements required as part of the approved development including specifications.

3. Costs

Costs of the improvements required in the initial phase and projected costs of improvements of any future phases.

4. Schedule for Completion

An established schedule of completion required in the initial phase and a projected completion schedule of any future phases.

5. *City Completion*

A process by which the City may, if necessary, complete the required improvements using the surety or financial guarantee provided by the developer.

6. *Renegotiation*

A process by which either the developer or the city may request a renegotiation of the agreement.

7. *Transfer*

A process by which the agreement may be transferred with the prior written approval of the City Council.

8. *Guarantee*

The form of the financial surety or guarantee shall be specified.

9. *Warranty*

A statement or warranty for the materials and workmanship pursuant to Subsection G, Warranty of Improvements, below.

C. PHASING

The construction of public infrastructure or improvements may be phased in accordance with an approved phasing plan.

D. EFFECT OF AGREEMENT

An approved Development Agreement shall create a legal contract binding the parties to the contract.

E. GUARANTEE

Completion of the required improvements identified in the Development Agreement shall be guaranteed by a method in the Guarantee of Public Improvements Section of the Laurel Subdivision Regulations.

F. INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

1. *Inspection Required*

All infrastructure and improvements shall be inspected by the Zoning Administrator and/or Public Works Director for compliance with the approved development plan, construction plans and specifications.

2. *Developer Request*

Upon completion of the infrastructure or improvements, the Developer shall submit to the Zoning Administrator a written request for a Certificate of Compliance or acceptance.

3. *Improvements Accepted*

Upon a written verification from the developer and a project engineer licensed in the state of Montana that the infrastructure or improvements have been completed pursuant to all approvals, plans and specifications, and upon further verification from the inspection described in Subsection F.1, Inspection Required, above, the Zoning Administrator or Public Works Director, whichever is designated by adopted City ordinances, shall issue a Certification of Compliance. Notwithstanding, some public infrastructure facilities or improvements may require City Council approval of acceptance based upon adopted City ordinances. In such instances, the Zoning Administrator shall place the developer's request on the City Council agenda following verification by the Administrator or Public Works Director that the infrastructure or improvements have been completed pursuant to all approvals, plans and specifications.

4. Fees

The City Council may establish fees to offset the administrative costs of inspecting public infrastructure or improvements. Any such fees shall be paid by the developer prior to the issuance of a Certificate of Compliance or acceptance.

G. WARRANTY OF IMPROVEMENTS

The developer shall warrant the materials and workmanship of the public infrastructure or improvement for a period of one (1) year from issuance of the Certificate of Compliance or acceptance of the infrastructure or improvement by the Mayor and City Council, whichever is applicable.

1. Warranty Enforcement

The warranty shall be enforced or secured by one of the following methods.

a. Escrow

An escrow account containing funds equal to ten (10) percent of the construction costs pursuant to the Guarantee of Public Improvements Section of the Laurel Subdivision Regulations.

b. Letter of Credit

Continuing a Letter of Credit or opening a new Letter of Credit in an amount equal to ten (10) percent of the construction costs pursuant to the in the Guarantee of Public Improvements Section of the Laurel Subdivision Regulations.

c. Use of Funds

The City may use funds or draw upon the Letter of Credit to correct any deficiency in the materials or workmanship of the infrastructure or improvement. Notwithstanding, the developer may remedy the deficiency in lieu of the City drawing upon the funds.

2. Release of Funds

Warranty funds held in escrow, or the Letter of Credit shall be released upon expiration of the one (1) year warranty period provided the funds were not spent to remedy a deficiency in the infrastructure or improvement.

17.18.80 STORM WATER MANAGEMENT AND EROSION CONTROL

17.18.81 PURPOSE AND INTENT

The purposes and intent of this Section are to ensure storm water runoff is sufficiently managed to avoid dangerous conditions, flooding, or property damage and to further minimize erosion from wind and water.

17.18.82 APPLICABILITY

All developments, not exempted below in Section 11.18.83 Exemptions, proposing to disturb a cumulative total of more than 20,000 square feet of contiguous impervious coverage shall comply with the standards of this Section, and meet Montana Department of Environmental Quality Regulations.

17.18.83 EXEMPTIONS

Development in the Central Business Zoning District shall be exempt from this section.

17.18.84 STORM WATER RUNOFF AND EROSION CONTROL PLAN

Any application for a development permit, including a building permit if no other development application is required, not exempted in Section 11.18.83 Exemptions, shall include a storm water runoff and erosion control plan. The plan shall contain plans, calculations and techniques that demonstrate compliance with the standards of this Section and shall be prepared by a professional engineer licensed in the State of Montana.

17.18.85 STANDARDS

A. PRE-DEVELOPMENT DISCHARGE

The post-development runoff rate from the site shall not exceed the pre-development runoff rate. Storm water retention areas may be required to comply with this standard.

B. VELOCITIES MINIMIZED

Runoff velocities shall be minimized, and the receiving drainage ways shall be designed and constructed to accommodate the runoff.

C. STORMWATER DETENTION

On-site storm water facilities shall be designed and constructed to detain a 2-year storm event that is one (1) hour in duration, while meeting Section 11.18.85.A Pre-development Discharge.

D. MAINTENANCE

Storm water facilities shall be continually maintained to ensure on-going compliance with this Section.

E. RETENTION OF VEGETATION

Existing natural vegetation shall be maintained as much as practical and disturbed areas that do not receive structures or impervious surfaces shall be revegetated.

F. DISTURBED AREAS MINIMIZED

The amount of ground area disturbed at any one time shall be minimized as much as practical.

G. SILT FENCING

Silt fencing, hay bales or comparable techniques shall be used to prevent sediment from leaving the site due to erosion during construction and until the site is fully vegetated.

H. WATER QUALITY

Water quality of nearby streams, wetlands or other riparian areas shall be protected by the use of vegetative buffer or other techniques as identified in the Laurel Growth Policy or master plan for a subdivision.

17.18.90 TEMPORARY USES

17.18.91 – 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.

17.18.92 – 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.

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2. Supplemental Standards.
 - i. 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.
 - ii. Clear sight vision for ingress and egress shall be provided as approved by the public works department.
 - iii. Access to any public right-of-way must be approved by the public works department.
 - iv. 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:
 - i. Uses, such as carryout espresso stands, less than one hundred sixty square feet in floor area and bearing a certification of a factory-built building from the state of Montana or a Building Permit issued by the City of Laurel as allowed in the appropriate zoning districts.
 2. Location and Time Restrictions.
 - i. 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.
 - ii. All Group 3 temporary use/structures shall be removed no later than one year unless reapplied for and approved.
 3. Supplemental Standards.
 - i. 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.
 - ii. The temporary use must provide sufficient space to accommodate the structure and off-street parking for customers 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.
 - iii. 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.
 - iv. Access to public right-of-way shall be approved by the public works department.
 - v. 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.

17.18.93 – Christmas tree sales in residential 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:

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- 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 customers 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.

17.18.94 – 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; and
- B. Any structure used must be portable and removed after the temporary use/structure ceases to operate; and
- 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; and
- 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.

17.18.95 – 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; and
- 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; and
- 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.

17.18.96 – 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. Such structures cannot be used for sleeping or living purposes and must be removed upon completion of the construction project.

17.18.97 – 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.

17.18.98 –Action by Board of Adjustment.

After the planning director has reviewed an application for temporary use, he/she shall make a recommendation to the board of adjustment to approve, deny or approve with conditions. The board of adjustment 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.

17.18.100 OPERATIONAL PERFORMANCE STANDARDS

17.18.101 PURPOSE AND INTENT

The purposes and intent of this Section is to establish performance standards that ensure developments and land uses do not become dangerous or objectionable to neighbors or the general community. It is the purpose and intent of this Section that all land uses and related activities are maintained and operated to avoid detracting from the health, safety, and welfare of the citizens of Laurel.

17.18.102 AIR QUALITY

Dust, ash, vapors, fumes, gasses, or other forms of air pollution shall not be emitted from any development to an extent that can cause damage to the health of people, animals or vegetation or can degrade neighboring property.

17.18.103 COMBUSTIBLES AND EXPLOSIVES

The storage of combustible and explosive materials shall comply with applicable standards of the applicable Fire Code and the applicable building codes.

17.18.104 HAZARDOUS MATERIALS STORAGE

A. STATE, FEDERAL REGULATIONS

Development that proposes to generate, handle, or store hazardous materials shall comply with all applicable state and federal regulations and standards. When a proposed development requires a state or federal permit, the applicant shall include in the application for a City permit copies of the applicable permits to demonstrate compliance with the state or federal regulations.

B. OTHER CITY CODES

Development that proposes to generate, handle, or store hazardous materials shall comply with all applicable regulations and standards in the currently adopted building code and Fire Prevention and Safety Code. When a proposed development requires approval for such activities under these additional codes, the applicant shall include in the application for a City permit copies of the applicable permits or plans that demonstrate compliance with the codes.

17.18.105 NOISE

A. NOISE LEVELS

Developments and land uses shall not create noises that exceed the levels established below.

Noise Levels

Noise Levels

Zoning District in which the Sound is Generated	Maximum Sound Level	Quiet Hours
R-7500, R-6000, RLMF	65 dBA	Reduce to 55 dBA from 10:00 pm to 6:00 am
RMF, RMH	70 dBA	Reduce to 65 dBA from 10:00 pm to 6:00 am
RP, NC2	80 dBA	Reduce to 70 dBA from 10:00 pm to 6:00 am
CBD, CC, HC, P	85 dBA	Reduce to 70 dBA from 10:00 pm to 6:00 am
LI, HI	95 dBA	Reduce to 75 dBA from 10:00 pm to 6:00 am

B. EXCEPTIONS

Notwithstanding the noise limitations established, exceptions to the Subsection are:

- 1. During all hours the following items are exempt: Emergency vehicle safety and warning signals, other safety and warning signals and devices, aircraft operations at the airport and hospital, vehicles with legal and properly functioning exhaust systems, those noise generators that in the opinion of the Zoning Administrator or law enforcement personnel meet the intent of this Section, and limited temporary noises that occur for fifteen (15) minutes or less.*
- 2. During non-quiet hours the following items are exempt: home appliances, chain saws, lawn mowers and snow blowers in private use, those noise generators that in the opinion of the Zoning Administrator or law enforcement personnel meet the intent of this Section, and limited temporary noises that occur for fifteen (15) minutes or less.*
- 3. The City Council may grant waivers for special events (parades, street dances, grand openings, 4th of July Celebrations, etc.) or via the Conditional Use Permit or Use of City Owned Lands approval process. All such waivers shall be in writing and on the property where the exemption is applicable.*
- 4. Construction activities are exempt from the maximum sound level for any given district from 7:00 am to 10:00 pm level for any given district.*

C. MEASUREMENT

Noise levels shall be measured at the property line of the development or land use generating the noise and shall be measured with a sound meter.

17.18.106 JUNK VEHICLES

A. CERTIFICATION

The zoning administrator or designee may inspect and certify that a vehicle meets the requirements of a junk vehicle. Such certification shall be in writing and shall record the make of the vehicle, the vehicle identification number, or license plate number of the vehicle if available. The certifying individual shall also describe any vehicle damage, any missing equipment, or condition of the vehicle, and shall also verify that the value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

B. VIOLATION

It shall be unlawful to park or store junk vehicles on private property. Such a violation shall be deemed a nuisance subject to abatement including fines, fees and/or removal of vehicle from property.

C. EXCEPTIONS

The provisions of this chapter relating to junk vehicles shall not apply to a vehicle or part thereof which: (1) is not visible from the street or other public or private property; or (2) is stored or parked in a lawful manner on fenced private property in connection with the business of a licensed bulk hauler, tow truck operator, dismantler, repair facility, or motor vehicle dealer and is fenced.

17.18.101 BUILDING DESIGN

A. STREET WALL LENGTH AND SHAPE

To avoid long and monotonous building facades, the building façade facing any street shall not be more than one hundred (100) feet without an offset in the wall plane or architectural features or indents designed to break up the apparent mass of the wall and prevents the building from being a rectangle or square. LI and HI districts are exempt from this provision.

B. USE CLARIFICATION

Unless otherwise noted in the Central Business District or within sections of this code; the primary use of a structure within all districts shall be classified as that use which occupies 50.1 percent of the gross floor area of a structure. If multiple uses are within the structure, the simple majority of gross floor area of one use shall constitute the primary use for determining what is permitted in each district.

Article 17.19.0 – Outdoor Advertising

17.19.10 PURPOSE AND INTENT

The purpose of this Article is to govern outdoor advertising with standards designed to balance the Interests of businesses, organizations and individuals with the public interests of maintaining an attractive city where advertising contributes to community character and avoids undue visual clutter.

17.19.20 APPLICABILITY

The standards of this Section shall apply to the erection, construction, relocation, installation or alteration of any outdoor advertising sign, structure, markings, symbol or other advertising device unless exempted in Section 11.19.30 Exemptions.

17.19.30 EXEMPTIONS

The standards of this Section shall not apply to the following:

17.19.31 OFFICIAL NOTICES, WARNING SIGNS, HISTORICAL INFORMATION

Notices posted by an official of a public body or utility that provides legal notification or information or warning of a dangerous area, including signs communicating information about the history of a property or the community.

17.19.32 WINDOW DISPLAYS, INDOOR SIGNS

Indoor signs and displays that are not visible from the outside.

17.19.33 BUILDING IDENTIFICATION, MINOR RESIDENTIAL

Signs, plaques and similar features not to exceed four (4) square feet in area containing building names, dates of erection, commemorative information or similar content. Wall signs identifying occupants or owners of a residential property.

17.19.34 HOLIDAY LIGHTS

Holiday lights and displays containing no commercial message and erected no sooner than forty-five (45) days prior to the holiday and removed no later than fifteen (15) days following the holiday.

17.19.35 REAL ESTATE

Not more than one (1) real estate sign per lot, parcel or tract of land or a building "for sale" or "for rent" that does not exceed six (6) square feet in area.

17.19.36 RELIGIOUS SYMBOLS, NON-COMMERCIAL

Religious symbols, signs conveying a non-commercial message and temporary political signs.

17.19.37 WAY FINDING, TRAFFIC CONTROL

Signs that provide directional information, identify entrances/exits and control traffic that does not exceed six (6) square feet in area.

17.19.38 MURALS

Murals depicted on sides of buildings that contain no advertising message connected to a business, service or product.

17.19.40 DEFINITIONS

For the purpose of this Section, certain words and terms shall have the meaning as established in this subsection.

17.19.41 SIGN

For purposes of this Ordinance the term sign shall mean any structure, marking, symbol, display, illustration or other advertising device designed or intended to announce, market or attract attention to a business, product or service.

17.19.42 SIGN AREA

Sign area means the surface of a sign designed to contain a message, logo, symbol, or other communication and excludes the structural support members. The sign area for free-standing signs or signs projecting from a building may display a message on two (2) sides that are back-to-back and the sum total of the area of each side shall not exceed the allowed sign area.

17.19.43 NEON AND ILLUMINATED

Signs lit with neon or exposed bulbs in an historic manner.

17.19.44 INTERNALLY ILLUMINATED

Illumination in which neon, fluorescent, incandescent, or other light sources are placed within a semi-transparent "can" and shine through sign panels, typically made of plastic.

17.19.50 PERMIT REQUIRED

The erection, construction, relocation or alteration of a sign or other advertising device not exempted in Section 11.19.30 Exemptions requires a Building Permit. Electrical permits pursuant to the currently adopted electrical codes may be required in addition to the Building Permit.

17.19.51 DIGITAL ELECTRONIC GRAPHIC DISPLAY

Signs that display moving, or electronic images shall require a conditional use permit and be consistent with all other applicable district regulations.

17.19.60 GENERAL STANDARDS

17.19.61 SIZE

A. RESIDENTIAL DISTRICTS

The maximum amount of sign area allowed in a residential zoning district is six (6) square feet per lot, parcel or tract of land. Notwithstanding, the size of sign area announcing the name of a development is one (1) square foot of sign area per one (1) linear foot of street frontage of the lot containing the sign, not to exceed forty (40) square feet.

B. NON-RESIDENTIAL DISTRICTS

The total amount of sign area allowed in non-residential zoning districts shall not exceed three hundred (300) total square feet. Total signage and sign area is calculated by measuring the surface area of one face of the sign.

17.19.62 NUMBER, TYPE

There is no maximum number of signs permitted on a property and no restriction on the types of signs provided the total sign area of all signs does not exceed the amount permitted in Section 11.19.61 Size.

17.19.63 HEIGHT

The maximum height of all freestanding signs, including all embellishments, shall not exceed the maximum height for primary buildings in the given zoning district.

17.19.64 ON SITE/OFF SITE

Off-site signs are permitted however those signs count toward the overall sign area for that specific property and use.

17.19.65 CONSTRUCTION, ELECTRICAL CODES

Signs and other advertising devices shall comply with applicable construction and electrical codes.

17.19.70 PROHIBITED SIGNS

The following signs shall be prohibited:

17.19.71 INTERNALLY ILLUMINATED

Internally illuminated signs are prohibited in all residential districts and are subject to 11.19.80 Internally Illuminated Signs.

17.19.72 FLASHING AND BLINKING SIGNS

Flashing, blinking or, signs with rotating light beams, holograms, and similar devices.

17.19.80 INTERNALLY ILLUMINATED SIGNS

Internally illuminated signs are only allowed inside Commercially and Industrially Zoned Districts.

17.19.90 NONCONFORMING SIGNS

Any sign legally existing on the effective date of this Ordinance which does not comply with the provisions of this Article shall be deemed a nonconforming sign. No nonconforming sign shall be moved, altered, re-erected, relocated or replaced unless it is brought into compliance with the standards of this Article. This shall not prevent the repair or restoration to a safe condition any part of a nonconforming sign or sign structure, or a change of message or normal maintenance on a sign or sign structure.

17.19.100 ABANDONED SIGNS

Any sign that is not structurally sound or no longer serves to inform or attract the attention of the public, including illegible signs and signs advertising or identifying abandoned uses, shall be considered abandoned and its removal required. The owner of an abandoned sign shall be responsible for the removal of the sign within sixty (60) days of the adoption of this Ordinance or within sixty (60) days termination of the use advertised by the sign.

17.19.110 TEMPORARY SIGNS

The Zoning Administrator may approve temporary signs to be erected for not more than thirty (30) days to advertise special events and similar short-term activities.

Article 17.21.0 – Administration

17.21.10 ORGANIZATION OF ARTICLE

17.21.11 OVERVIEW OF DUTIES AND RESPONSIBILITIES

The Summary Table of Review Procedures, presents an overview of the roles of the various decision makers in the review and approval processes of this ordinance.

17.21.12 DECISION MAKING AND ADMINISTRATIVE BODIES

Section 11.21.30, Duties and Responsibilities of Decision Making and Administrative Bodies, sets out the detailed authority, duties and responsibilities of the various decision making and administrative bodies in the review processes of this Ordinance.

17.21.13 COMMON REVIEW PROCEDURES

Section 11.21.40 Supplementary Review Procedures Common Procedures, establishes the common review procedure that applies to all permits unless certain supplementary procedures are created in subsequent sections of this Ordinance.

17.21.14 PUBLIC HEARING, PUBLIC NOTICE

Section 11.21.80 Supplementary Review Procedures, establishes supplementary review procedures for certain permits that either supplement or replace a portion of the common review procedures.

17.21.15 SUPPLEMENTARY REVIEW PROCEDURES

Sections 11.21.80 Supplementary Review Procedures, establishes supplementary review procedures for certain permits that either supplement or replace a portion of the common review procedures.

17.21.20 OVERVIEW OF DUTIES AND RESPONSIBILITIES

Summary Table of Review Procedures

Summary Tale of Review Procedures					
	Zoning Administrator	Building Official	Planning Board & Zoning Commission	Board of Adjustment	Mayor & City Council
Receive Applications	A				
Determine Completeness	A				
Residential Development of 1 to 3 units	A				
Residential Development of 3 or more Units	R				A
PUD	R		R		A
Design Review	R		R		A
Appeal				R	A
CUP	R		R		A
	Zoning Administrator	Building Official	Planning Board & Zoning Commission	Board of Adjustment	Mayor & City Council
Variance	R			R	A
Building Permit		A			
Certificate of Occupancy		A			
Zoning Amendment Map	R		R		A
Zoning Ordinance Amendment	R		R		A

Enforcement Action	A				
Annexation	R		R		A
Appoint Zoning Administrator					A
Appoint Building Official					A
Appoint Member of Board & Commissions					A

R = Review & Recommend; A = Authority for Final Action

17.21.30 – Duties and Responsibilities of Decision Making and Administrative Bodies

The following decision-making and administrative bodies shall have the duties and responsibilities in administering this Ordinance as established in this Section.

17.21.31 MAYOR AND CITY COUNCIL

A. POWERS AND AUTHORITY

In addition to all powers and authority granted to the Mayor and City Council by general or specific law, the Mayor and City Council shall have the following powers and authority under the provisions of this Ordinance.

1. *Appoint Zoning Administrator and Building Official*

The Mayor, with the consent of the City Council, shall appoint a Zoning Administrator and a Building Official. The Zoning Administrator and Building Official may be employees of the City of Laurel or contract consultants.

2. *Appoint Planning Board/Zoning Commission and Board of Adjustment*

The Mayor shall appoint and the City Council shall consent to appointing members of the Planning Board/Zoning Commission and Board of Adjustment.

3. *Growth Policy*

The Mayor and City Council shall have the authority to adopt the Laurel Growth Policy and, from time to time, approve or disapprove amendments to the Growth Policy.

4. *Zoning Ordinance and Zoning Map*

The Mayor and City Council shall have the authority to adopt the Laurel Zoning Ordinance and the Official Zoning Map of the City of Laurel, and from time to time, approve or disapprove amendments to the Ordinance and Map.

5. *Planned Unit Development*

The Mayor and City Council shall have the authority to hear, consider and approve, approve with conditions or disapprove applications for Planned Unit Developments.

6. *Annexations*

The Mayor and City Council shall have the authority to approve, approve with conditions or disapprove of applications for annexation of land to the City of Laurel.

7. *Other Actions*

The Mayor and City Council shall have the authority to take other action not delegated to another decision making or administrative body that the Mayor and City Council deem necessary and desirable to implement provisions of the Growth Policy or this Ordinance.

17.21.32 PLANNING BOARD/ZONING COMMISSION

A. ESTABLISHMENT

There is hereby reaffirmation of the creation and existence of the Laurel Planning Board and Laurel Zoning Commission to be known as the Planning Board/Zoning Commission.

B. DUTIES AND AUTHORITY

The Planning Board/Zoning Commission shall have the following powers and authority under this Ordinance:

1. *Growth Policy*

To prepare and recommend to the Mayor and City Council the Laurel Growth Policy.

2. *Amend Growth Policy*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on amendments to the Growth Policy.

3. *Adopt Ordinances*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on the adoption of this Ordinance and other ordinances, regulations and codes authorized by general or specific law.

4. *Amend Ordinances*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on amendments to this Ordinance and to other ordinances, regulations and codes authorized by general or specific law.

5. *Adopt Zoning Map*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on the adoption of the Official Zoning Map of the City of Laurel.

6. *Amend Zoning Map*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on amendments to the Official Zoning Map of the City of Laurel.

7. *Conditional Uses*

To hear, consider and make recommendations to the Mayor and City Council on whether to approve, approve with conditions or disapprove applications for Conditional Use Permits pursuant to the terms and procedures of this Ordinance.

8. *Planned Unit Development*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on applications for Planned Unit Developments.

9. *Annexation*

To initiate, hear, consider, and make recommendations to the Mayor and City Council on approval, approval with conditions or disapproval of applications for annexation of land to the City of Laurel.

10. Other Actions

To undertake and execute other duties the Mayor and City Council deem necessary and desirable to assign to the Planning Board/Zoning Commission.

17.21.33 BOARD OF ADJUSTMENT

A. ESTABLISHMENT

There is hereby reaffirmation of the creation and existence of the Laurel Board of Adjustment.

B. POWERS AND AUTHORITY

The Board of Adjustment shall have the following powers and authority under this Ordinance:

1. Appeals

To hear and consider appeals that an error was made in order, requirement or decision by the Zoning Administrator in the enforcement of this Ordinance and to recommend that the City Council uphold, modify or overturn the decision.

2. Variances

To hear, consider and recommend approval, approval with conditions or disapproval applications for variances from the terms of this Ordinance pursuant to Section 11.21.81 Variance.

17.21.34 ZONING ADMINISTRATOR

The Zoning Administrator shall have the following powers and authority and shall perform the following duties under this Ordinance.

A. INTERPRET ORDINANCE

Interpret, make day-to-day decisions and administer this Ordinance.

B. RECEIVE APPLICATIONS, DETERMINE COMPLETENESS

Receive applications for all permits required by this Ordinance, except applications for Building Permits that are received by the Building Official and make determinations of completeness of the submittal information.

C. APPROVE DEVELOPMENT PERMITS

Review, consider and approve, approve with conditions, or disapprove applications for which the terms and procedures of this Ordinance assign Final Action to the Zoning Administrator. Applications for which the Zoning Administrator has authority to approve or disapprove include residential development containing up to three (3) residential units.

D. RECOMMENDATIONS

Review, consider and make recommendations to the Planning Board/Zoning Commission, Board of Adjustment and the Mayor and City Council on applications for which these decision-making bodies have duties to review and/or make final decisions.

E. MINOR DEVIATIONS

Review, consider and approve or disapprove minor deviations to a development plan that has received final approval by a decision-making body.

F. ADMINISTRATIVE DUTIES

Assist all decision-making bodies in setting agendas, providing proper legal notice and maintaining complete record of proceedings.

G. INSPECTIONS, ENFORCEMENT

Perform all necessary inspections to enforce the provisions of this Ordinance, conditions of approved permits and approved Development Agreements, and to initiate enforcement actions to remedy violations of this Ordinance, permits or agreements.

H. LEGAL ACTION

Investigate and pursue legal action pertaining to violations of this Ordinance or conditions of approved permits or the terms of approved Development Agreements.

I. OTHER DUTIES

Perform all other duties assigned by the terms of this Ordinance, deemed necessary to assist all decision-making bodies, or determined necessary or desirable by the Mayor and City Council.

17.21.35 BUILDING OFFICIAL

In addition to all powers and authority granted to the Building Official by general or specific law or by other codes and ordinances, the Building Official shall have the following powers and authority and shall perform the following duties under this Ordinance.

A. BUILDING PERMITS

Receive applications for Building Permits, determine completeness of submittal information, review and approve, approve with conditions, or disapprove applications for building permits pursuant to the terms and procedures of the currently adopted Building Codes and this Ordinance.

B. ZONING ORDINANCE

Consult with the Zoning Administrator to ensure proper compliance with this Ordinance on all Building Permits.

C. CERTIFICATES OF OCCUPANCY

Issue Certificates of Occupancy pursuant to the terms and procedures of the currently adopted Building Codes and this Ordinance.

17.21.40 COMMON PROCEDURES

17.21.41 GENERAL

Unless otherwise stated in this Article, the submission of a development plan or application, and the subsequent steps for Determination of Completeness, staff review, notice and scheduling of public hearings, and decisions of approval or disapproval shall comply with the procedures established in this Section. The terms development application and development plan are used interchangeably in these procedures and refer to any submission made to the City for review and approval under this Ordinance.

17.21.42APPLICATION FORMS

All development applications shall be on City forms prepared and made available by the Zoning Administrator. The Zoning Administrator shall develop application forms and a checklist of submission items to accompany an application. The application forms and checklists shall be distributed to the public indicating all information that must be presented in order for City officials and Boards to evaluate applications. No application shall be accepted for consideration unless the information required on the checklist is found by the Zoning Administrator to be in sufficient detail to evaluate the application and determine whether it complies with the substantive requirements of this Ordinance.

17.21.43FEES

All applications shall be accompanied by the applicable fee required by the regularly adopted City fee schedule. The fee schedule shall be established and may be revised from time to time by the Mayor and City Council. Its purpose shall be to defray the costs of processing applications. The fee schedule shall be available for review in the City clerk's office during normal business hours.

17.21.44 PRE-APPLICATION CONFERENCE

A. PRE-APPLICATION CONFERENCE

A pre-application conference may be held with the Zoning Administrator prior to submission of an application for approval of residential development containing three (3) or more dwelling units, all developments containing commercial, industrial, and other non-residential land uses, a Conditional Use Permit, Design Review, a Planned Unit Development, and for amendments to the Zoning Map and text of this Ordinance.

B. INITIATION OF PRE-APPLICATION CONFERENCE

An owner, developer or their authorized agent shall initiate a pre-application conference with the Zoning Administrator by submitting a written request. Along with the request for the pre-application conference, the applicant shall submit general information on the proposed land use, layout, existing features of the site including topography and other information necessary to describe the character, location, and magnitude of the proposed development.

C. SCHEDULING OF PRE-APPLICATION CONFERENCE

Upon receipt of a request for a pre-application conference, the Zoning Administrator shall schedule the pre-application conference. The pre-application conference shall be held within thirty (30) calendar days of receipt of the request for such a conference.

D. PRE-APPLICATION CONFERENCE PURPOSES

The purpose of the pre-application conference is to familiarize the city officials with the general location and character of the proposed development. At the pre-application conference, the applicant and the Zoning Administrator shall discuss the proposed development, and based upon the information provided by the applicant, identify the provisions of this Ordinance that apply to the proposed development. During the subsequent review of the development plan or upon submission of more detailed information about the proposed development, additional provisions of this Ordinance may be identified as being applicable.

E. WRITTEN SUMMARY

The Zoning Administrator shall provide the applicant with a written summary of the pre-application conference within fifteen (15) calendar days of the completion of the pre-application conference.

F. EXPIRATION OF PRE-APPLICATION CONFERENCE

A development plan shall be based on the written summary of a pre-application conference held no more than one (1) year previous to the plan submittal. A new pre-application conference is required before submission of a plan if more than a year has elapsed since the prior conference.

17.21.45 SUBMISSION OF APPLICATION AND DETERMINATION OF COMPLETENESS

The submission of an application and the Determination of its Completeness shall comply with the following standards:

A. INITIATION

The appropriate application and all required information for the requested permits and approvals shall be submitted to the Zoning Administrator by the owner, developer, or their authorized agent.

B. REQUIRED CONTENTS OF APPLICATION

The submittal requirements established by the Zoning Administrator during the pre-application conference shall be submitted. Additional information may be required during review of the application if the Zoning Administrator finds the information necessary to determine compliance with this Ordinance.

C. DETERMINATION OF COMPLETENESS

Within fifteen (15) calendar days of the submittal of an application, the Zoning Administrator shall determine if the application is Complete. An application is complete if it contains the submittal requirements identified during the pre-application conference in sufficient completeness and detail to commence review and evaluation of the application.

1. Determined Incomplete

If the Zoning Administrator determines that the application is not complete, a written notice shall be provided to the applicant specifying the deficiencies. No further action shall be taken on the application by the Zoning Administrator until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If the Zoning Administrator fails to provide written notice of any deficiencies to the applicant within fifteen (15) calendar days of submission of the application, the application shall be deemed complete.

2. Determined Complete

When the application is determined complete, the Zoning Administrator shall notify the applicant of the determination and commence review and evaluation of the application to determine compliance with this Ordinance and other applicable ordinances and regulations.

17.21.46 TECHNICAL REVIEW

A. TECHNICAL REVIEW COMMITTEE

The City may establish a Technical Review Committee (TRC) and host Committee meetings as needed to facilitate the technical review and evaluation of applications for permits. The Zoning Administrator may schedule a complete development application for a TRC meeting. Said meeting shall occur within thirty (30) calendar days of the Determination of Completeness. The applicant is provided an opportunity to meet with representatives of applicable utilities and governmental agencies in this meeting to receive comments on the technical elements of the application.

1. Committee Members, Responsibilities

The TRC consists of the representatives of the following core departments with their general responsibilities. After determining an application complete, the Zoning Administrator forwards the application materials to the TRC members for review.

- a. The Planning office will review development applications for compliance with the existing zoning of the site, compliance with this Ordinance and other applicable ordinances, codes, and regulations, and to review the relationship of the proposed development to the neighboring property, characteristics of the site such as topography, floodplain and unstable soils, and the Laurel Growth Policy.*
- b. Public Works Department to review development applications for the relationship to streets and utility systems and to determine required street improvements, rights-of-way, extensions to water and wastewater systems and other related public improvements and dedications.*
- c. Building Official to review development applications for any building code provisions that may affect the general site plan. Review of construction drawings that are appropriate for building permit applications is not appropriate for a TRC meeting.*
- d. Fire Department to review development applications for adequacy of the water distribution system and firefighting capabilities in the vicinity, and for compliance with applicable Fire Prevention and Safety Codes.*
- e. School District to review development applications to project demand for school facilities and to identify needed land areas to reserve for development of schools and other related facilities.*
- f. Police Department to review the proposed development for appropriate safety considerations.*
- g. Ambulance and Emergency Response for appropriate access and other safety considerations.*

2. Additional Members

The Committee may expand to include the city engineer, City attorney, Yellowstone County Historic Preservation Officer, and representatives from utility companies and state and federal agencies when their review comments are applicable to a particular development application.

B. WRITTEN SUMMARY

Within fifteen (15) calendar days following the TRC meeting the Zoning Administrator shall provide the applicant a written summary of the TRC comments and a description of any revisions to the plans that are necessary to comply with the technical requirements of the applicable ordinances and regulations.

C. REVISED SUBMISSION

- ¹ The applicant shall submit a revised application that incorporates the changes necessary to comply with the technical requirements of the applicable ordinances and regulations.*

D. ADDITIONAL TRC MEETINGS

Extensive revisions resulting from TRC comments or by voluntary action of the applicant may require additional TRC meetings to review the subsequent submission, prior to the Zoning Administrator scheduling the application for a Planning Board/Zoning Commission meeting or rendering a decision for which the Zoning Administrator has authority for Final Action.

17.21.47 PROCEDURES FOR ZONING ADMINISTRATOR DECISIONS

A. AUTHORITY FOR FINAL ACTION

The review and decisions on applications for which the Zoning Administrator has authority of Final Action shall occur pursuant to the standards of this Section.

B. RECLASSIFY APPLICATION

If the Zoning Administrator determines that a proposed development, for which the Administrator has authority for Final Action, may have a significant impact on the surrounding neighborhood or the community, the Zoning Administrator may reclassify the application to require review and approval by the Planning Board/Zoning Commission. When an application is reclassified, the authority for Final Action is transferred to the Planning Board/Zoning Commission and the administrative procedures that are applicable to the Board/Zoning Commission's actions shall apply.

C. STAFF REVIEW, STAFF REPORT AND DECISION

After determining an application is complete, the Zoning Administrator shall conduct the technical review pursuant to Section 11.21.46 Technical Review, above, review the application for compliance with this Ordinance and other applicable ordinances and regulations, and prepare a Staff Report that describes the conclusions of the review. Based upon the conclusions in the Staff Report the Zoning Administrator approves, approves with conditions or disapproves the application. A copy of the Staff Report shall be provided to the applicant.

D. TIMING OF DECISIONS

Review and final decision by the Zoning Administrator shall be made within fifteen (15) calendar days of the TRC meeting, or within fifteen (15) calendar days of a plan resubmission that is based upon the TRC meeting. If additional TRC meetings are required, a decision shall be made within fifteen (15) calendar days of the final TRC meeting or plan resubmission that is based upon the final TRC meeting.

E. ISSUANCE OF PERMIT, CORRECTED APPLICATION

If the Zoning Administrator finds the application complies with the applicable standards of this Ordinance and all other applicable ordinances and regulations, the permit shall be issued. If it is determined that the application does not comply with the applicable standards of this Ordinance or other ordinances and regulations, the applicant shall be notified in writing of the deficiencies and be provided sixty (60) calendar days from the written notice to submit a corrected application. If a corrected application is received, the Zoning Administrator shall approve, approve with conditions, or disapprove the corrected application based on the applicable standards of this Ordinance and other applicable ordinances and regulations. If the application is not resubmitted within sixty (60) calendar days from said written notice, the application shall be considered withdrawn.

F. PUBLIC NOTICE AFTER DECISION

The Zoning Administrator shall submit a Record of Decision on a City website or at City Hall following a final decision. Any aggrieved party may appeal the Zoning Administrator's decision within thirty (30) calendar days of the date the notice appeared in the official paper for the City of Laurel. Decisions on applications for single-Household houses, sign permits, and grading permits are exempt from this requirement.

G. EXPIRATION OF PERMIT

A permit shall expire on the one (1) year anniversary date of the permit issuance, unless otherwise noted in the development approval if the next step in the normal development process is not commenced. The next step, normal development process includes obtaining a building permit, grading permit, or commencement of the use if no further permit is required.

17.21.48 PROCEDURES FOR DECISIONS BY PLANNING BOARD/ZONING COMMISSION OR BOARD OF ADJUSTMENT

A. AUTHORITY FOR FINAL ACTION

The review and decisions on applications for which the Planning Board/Zoning Commission or the Board of Adjustment have authority of Final Action shall occur pursuant to the standards of this Section, except appeals of prior decisions. See Section 11.21.82 Appeals for the applicable procedure to consider Appeals.

B. ZONING ADMINISTRATOR RECOMMENDATION

After an application has been reviewed by the TRC the Zoning Administrator shall prepare a staff report that evaluates the application for compliance with this Ordinance. The Zoning Administrator shall present in the staff report a recommendation for approval, approval with conditions or denial, based upon the standards and procedures of this Ordinance. The staff report shall be made available to the applicant, the public and the Planning Board/Zoning Commission or Board of Adjustment at least seven (7) calendar days prior to the scheduled public meeting.

C. SCHEDULING OF PUBLIC HEARING

An application for which a public hearing is required shall be scheduled for meeting of the Planning Board/Zoning Commission or Board of Adjustment within 120 calendar days of an application being determined by the Zoning Administrator to be complete.

D. PUBLIC HEARINGS, PUBLIC NOTICE

The Planning Board/Zoning Commission or Board of Adjustment, whichever is applicable, shall conduct a public hearing on the application pursuant to the procedures of Section 11.21.60 Public Hearing Procedure, and a written notice of the public hearing shall be mailed by first class mail to owners of all land that is adjacent/adjoining to the site for which the application is submitted pursuant to Section 11.21.70 Public Notice.

E. DECISION

Within thirty (30) calendar days of the close of the public hearing, the Planning Board/Zoning Commission or Board of Adjustment, whichever is applicable, shall approve, approve with conditions, or deny the application based upon the standards and procedures of this Ordinance. Written notice of the decision containing the required findings of fact and conclusions reached by the Board shall be provided to the applicant within fifteen (15) calendar days of the decision. Written notice of a denial shall specify the reasons for denial.

F. ISSUANCE OF PERMIT

If the application is approved, the Zoning Administrator shall issue a permit at the first practical opportunity that describes any conditions of approval established by the Board and the expiration date if no action is pursued by the applicant.

G. EXPIRATION OF A PERMIT

A permit shall expire on the one (1) year anniversary date of the permit issuance, unless otherwise noted in the development approval if the next step in the normal development process is not commenced. The next step in the normal development process includes obtaining a building permit, grading permit, or commencement of the use if no further permit is required.

17.21.50 PROCEDURES FOR DECISIONS BY MAYOR AND CITY COUNCIL

A. AUTHORITY FOR FINAL ACTION

The review and decisions on applications for which the Mayor and City Council have authority of Final Action shall occur pursuant to the standards of this Section.

B. ZONING ADMINISTRATOR RECOMMENDATION

After an application has been reviewed by the TRC the Zoning Administrator shall prepare a staff report that evaluates the application for compliance with this Ordinance. The Zoning Administrator shall present in the staff report a recommendation for approval, approval with conditions or denial, based upon the standards and procedures of this Ordinance. The staff report shall be made available to the applicant, the public and the Planning Board/Zoning Commission, and Mayor and City Council at least seven (7) calendar days prior to the first scheduled meeting.

C. SCHEDULING OF PUBLIC HEARING

An application for which a public hearing is required shall be scheduled for a meeting of the Planning Board/Zoning Commission within 120 calendar days of an application being determined by the Zoning Administrator to be Complete.

D. PUBLIC HEARINGS, PUBLIC NOTICE

The Planning Board/Zoning Commission shall conduct a public hearing on the application pursuant to the procedures of Section 11.21.60 Public Hearing Procedure, and a written notice of the public hearing shall be mailed by first class mail to owners of all land that is adjacent/adjoining to the site for which the application is submitted pursuant to Section 11.21.70 Public Notice.

E. PLANNING BOARD/ZONING COMMISSION RECOMMENDATION

Within thirty (30) calendar days of the close of the public hearing, the Planning Board/Zoning Commission shall determine a recommendation to approve, approve with conditions or deny the application based upon the standards and procedures of this Ordinance. Written notice of the recommendation of the Board shall be provided to the applicant within fifteen (15) calendar days of the decision. Written notice of a recommendation for denial shall specify the reasons for denial.

F. SCHEDULING OF PUBLIC MEETING

Following the decision by the Planning Board/Zoning Commission, the application shall be scheduled for review and a final decision at a regularly scheduled meeting of the Mayor and City Council. This meeting shall occur within thirty (30) calendar days of the Planning Board/Zoning Commission decision.

G. DECISION

Within thirty (30) calendar days of the close of their meeting, the Mayor and City Council shall approve, approve with conditions or deny the application based upon the standards and procedures of this Ordinance. Written notice of the decision containing the required findings of fact and conclusions reached by the Mayor and Council shall be provided to the applicant within fifteen (15) calendar days of the decision. Written notice of a denial shall specify the reasons for denial.

H. ISSUANCE OF PERMIT

If the application is approved the Zoning Administrator shall issue a permit at the first practical opportunity that describes any conditions of approval established by the Mayor and Council and the expiration date if no action is pursued by the applicant.

I. EXPIRATION OF A PERMIT

A permit shall expire on the one (1) year anniversary date of the permit issuance, unless otherwise noted in the development approval if the next step in the normal development process is not commenced. The next step in the normal development process includes obtaining a building permit, grading permit, or commencement of the use if no further permit is required.

17.21.60 PUBLIC HEARING PROCEDURE

Public Hearings required by this Ordinance shall be conducted pursuant to the standards and procedures of this Section.

17.21.61 NOTICE

Written notice of the public hearing, pursuant to Section 11.21.70 Public Notice, shall be sent by first class mail to the owner of the property that is subject to the public hearing and to owners of land that is adjacent/adjoining to the property that is subject to the public hearing. In addition to the mailed notice, a Public Notice of the hearing shall be published in a newspaper of general local circulation that describes the application and provides the time, date and place of the public hearing. The Public Notices shall be mailed, and the published notice shall appear in a newspaper of general local circulation no later than fifteen (15) calendar days prior to the public hearing.

17.21.62 ANNOUNCEMENT

The presiding officer shall announce the purpose and subject of the public hearing, verify that proper public notice was given and provide the opportunity for any member of the Board to declare a conflict of interest. The presiding officer may excuse any member of the Board who has a conflict of interest.

17.21.63 RIGHT TO SPEAK

Any interested person may appear at the public hearing and submit evidence or make comments either as an individual or on behalf of an organization. Each person appearing at the public hearing shall be identified by name and address of residence and name of organization if applicable.

17.21.64 STAFF REPORT PRESENTATION

The Zoning Administrator shall present the Staff Report.

17.21.65 APPLICANT PRESENTATION

The applicant shall present any information the applicant deems appropriate.

17.21.66 PUBLIC STATEMENTS

Members of the public shall be provided with the opportunity to speak about the merits or shortcomings of the application. At the discretion of the presiding officer, reasonable time limits may be placed on all speakers in the interest of accommodating all people desiring to speak and to provide for an efficient meeting. Comments shall be directed only to the presiding officer.

17.21.67 APPLICANT RESPONSE

After the public comment the applicant shall be provided the opportunity to respond to any public comments made during the public hearing.

17.21.68 STAFF RESPONSE

After the public comment, the Zoning Administrator or any other City official shall be provided the opportunity to respond to public comments made during the public hearing.

17.21.69 DELIBERATION, DECISION

The presiding officer shall declare the public comment period of the meeting to be closed and invite discussion, deliberation and a decision by the Board.

17.21.610 RECORD OF PROCEEDINGS

The public hearing and meeting shall be audio taped and the tape shall be retained by the City for a minimum of one (1) year. A recording secretary shall record written minutes of the public hearing. All exhibits, reports, evidence and written materials submitted during the public hearing shall be retained by the City as part of the record of the proceeding.

17.21.611 CONTINUANCE

The Board conducting the public hearing, on its own initiative, may continue the hearing to a future date. The applicant has the right to one (1) continuance to a future date. Notice of continuance shall be posted in a conspicuous and visible location at City Hall and other regular locations determined by the Zoning Administrator.

17.21.70 PUBLIC NOTICE

Public Notice required to be mailed or published in a newspaper of general local circulation shall contain the following information and comply with public notice requirements of state law.

17.21.71 TYPE OF APPLICATION

The type of application, such as Development Permit, Conditional Use Permit, Variance, Appeal, Amendment to the Zoning Map or Ordinance, Planned Unit Development, Zoning Conformance Permit.

17.21.72 DESCRIPTION OF DECISION

A brief description of the decision or action sought by the applicant.

17.21.73 NAME OF OWNER, APPLICANT

The name of the landowner and applicant.

17.21.74 LOCATION OF LAND

A legal description and a general description of the location of the subject land.

17.21.75 LOCATION, DATE, TIME

The location, date and time of the public hearing or public meeting.

17.21.76 WHERE INFORMATION AVAILABLE

The location where information about the application may be viewed and the general hours available.

17.21.77 PROPOSED USE

A description of the type of use being proposed.

17.21.80 SUPPLEMENTARY PROCEDURES

REVIEW

17.21.81 VARIANCE

Applications for Variances shall be reviewed and decided pursuant to the standards and procedures of this Section.

A. PROCEDURE

The Board of Adjustment is assigned authority to hear, consider and make recommendations to the Mayor and City Council on whether to approve, approve with conditions or disapprove applications on Variance applications. These applications are reviewed and decided pursuant to procedures in Section 11.21.48 Procedures for Decisions by Planning Board/Zoning Commission or Board of Adjustment.

B. STANDARDS

A recommendation for Approval or Conditional Approval of a Variance shall require the Board of Adjustment making each of the following Findings of Fact:

1. *Special Conditions*

There are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and

2. *Not Result of Applicant*

The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent this Ordinance; and

3. *Strict Application Unreasonable*

Due to the special circumstances or conditions, the strict application of this Ordinance would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner; and

4. *Necessary to Provide Reasonable Use*

Granting the Variance is necessary to provide a reasonable use of the land or building; and

5. *Minimum Variance*

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

6. *Not Injurious*

Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and

7. *Consistent with Ordinance*

*Granting the Variance is consistent with the purposes and intent of this Ordinance.
A variance to the Allowed Uses of a zoning district is prohibited.*

C. CONDITIONS

Conditions or restrictions may be placed on the approval of a Variance.

D. EXPIRATION

A Variance shall expire one (1) year from the date of approval if the next logical step in the development process is not commenced. The next step in the development process includes but is not limited to applying for a building permit, commencing the use or applying for a Development Permit.

17.21.82 APPEALS

Any person aggrieved by a decision of the Zoning Administrator, or the Planning Board/Zoning Commission may appeal the decision to the Board of Adjustment. For the purposes of this Section an aggrieved person shall be either a person who has submitted an application, received an interpretation or a person who is adversely affected by an action on an application or by an interpretation. Appeals shall be submitted, reviewed, and decided pursuant to the standards and procedures of this Section.

A. INITIATION

An appeal is initiated by the aggrieved person filing a written appeal with the Zoning Administrator within thirty (30) calendar days of the decision being appealed or within thirty (30) calendar days of the date the notice appeared in the official paper of the City of Laurel, whichever is applicable.

B. CONTENTS OF APPEAL

The appeal shall include a statement describing the decision prompting the appeal, the date of that decision, the basis for the appeal, and all supporting materials related to the appeal.

C. SCHEDULING OF HEARING

The Board of Adjustment shall schedule a hearing on the appeal within thirty (30) calendar days of receipt of the written notice of appeal. This deadline may be extended by the Board of Adjustment if additional time is required to compile information that is needed to evaluate the appeal.

D. PRODUCE RECORD

The Zoning Administrator shall organize and provide to the Board of Adjustment the record pertaining to the decision being appealed.

E. HEARING

The appeal hearing shall be conducted in accordance with the Montana Administrative Procedure Act.

F. DECISION

Within thirty (30) calendar days of the close of the hearing on the appeal, the Board of Adjustment shall recommend to the Mayor and City Council to uphold, uphold with conditions, or overturn the decision being appealed. In rendering the decision on the appeal, the Mayor and City Council shall have the authority of the decision-maker whose decision is being appealed.

Article 17.22.60 - ENFORCEMENT

17.22.10 PURPOSE AND INTENT

The purpose and intent of this Article is to establish procedures for the City of Laurel to ensure compliance with this Ordinance and obtain corrections of violations that may occur. It also establishes remedies and penalties that apply to violations of this Ordinance.

17.22.20 GENERAL

The standards, guidelines and procedures of this Ordinance shall be enforced by the Mayor and City Council of the City of Laurel through its authority to abate any violations and enjoin and restrain any person violating this Ordinance pursuant to Montana law.

17.22.30 VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance.

A. ESTABLISH USE, STRUCTURE OR SIGN WITHOUT PERMIT OR APPROVAL

To establish or place any use, structure or sign upon land that is subject to this Ordinance without all required approvals, permits and certificates.

B. DEVELOPMENT WITHOUT PERMIT OR APPROVAL

To develop, construct, remodel, expand or any other activity of any nature that is subject to this Ordinance without all required approvals, permits and certificates.

C. ESTABLISH USE OR DEVELOPMENT INCONSISTENT WITH PERMIT

To engage in a use or develop, construct, remodel or expand a structure or sign, or any other activity of any nature that is inconsistent with the terms and conditions of any permit, approval, certificate or any other form of authorization required for such activity.

D. ESTABLISH USE OR DEVELOPMENT INCONSISTENT WITH ORDINANCE

To use, construct, erect, remodel, expand, maintain or move any building, structure or sign in violation of any provision of this Ordinance.

E. CREATE A NONCONFORMING CONDITION

To reduce or diminish any lot area or structure setback, or to increase the intensity or density of any use of land or structure, except in accordance with the standards and procedures of this ordinance.

17.22.40 CONTINUING VIOLATIONS

After the Zoning Administrator issues a written notice of violation to the owner of the land, building, structure, or sign that is the subject of a violation, each calendar day the violation remains uncorrected shall constitute a separate and additional violation of this Ordinance.

17.22.50 RESPONSIBILITY OF ENFORCEMENT, COMPLIANCE

The Zoning Administrator shall have the responsibility to enforce this Ordinance. The owner of the land, building, structure, or sign that is subject to a violation has the responsibility to eliminate the violation and achieve compliance with this Ordinance.

17.22.60 ENFORCEMENT PROCEDURES

In addition to any additional authorities and procedures provided to the City of Laurel by general or specific law, the following procedures shall apply to the enforcement of this Ordinance.

A. INSPECTION

The Zoning Administrator or his designee shall have the authority to enter onto land within the boundaries of the City of Laurel to inspect for violations of this Ordinance.

B. WITHHOLD PERMIT

The City may deny or withhold any permit, approval, certificate, or any other form of authorization required by the provisions of this Ordinance upon determining that an uncorrected violation of this Ordinance exists on the land, building, structure or sign for which a permit or authorization is sought.

C. CONDITION A PERMIT

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that a violation be corrected.

D. REVOCATION OR SUSPENSION OF PERMIT

The Zoning Administrator may revoke or suspend a permit, approval, certificate, or other authorization upon determining any of the following actions has occurred:

1. Departure from Plans

The actions of the landowner, contractor, developer, or authorized agent of the owner have departed from the approved plans or specifications, or the conditions or terms of an approved permit or other authorization.

2. False Representation

The permit, approval, certificate, or other authorization was obtained by false representation or was issued in error.

3. Violation

A violation exists on the land, building, structure, or sign that is subject to the permit or other authorization.

E. STOP WORK ORDER

The Zoning Administrator may require that work stop on any land, building, structure, or sign that is subject to an uncorrected violation of this Ordinance or the terms or conditions of a permit or other authorization. This Stop Work Order may be issued in conjunction with or separate from a revocation or suspension of a permit.

F. INJUNCTIVE RELIEF

The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or the terms or conditions of a permit or other authorization.

G. ABATEMENT

The City may seek a court order in the nature of mandamus, injunction, or other action to abate or remove a violation and to restore the premises to the condition that existed prior to the violation.

H. CIVIL REMEDIES

The city may seek civil penalties and other punishment provided by the law.

I. CUMULATIVE REMEDY

The City shall have any and all other remedies provided by law to enforce this Ordinance and the terms and conditions or permits, approvals, certificates and other forms of authorization issued pursuant to this Ordinance.

