

AN ORDINANCE ESTABLISHING DISTRICTS AND REGULATIONS AND RESTRICTIONS THEREIN FOR THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, PUBLIC, OR OTHER PURPOSES; REQUIRING THE PROVISION OF AUTOMOBILE PARKING SPACE; MAKING EXCEPTIONS TO CERTAIN REGULATIONS; PROVIDING FOR AMENDMENTS; ESTABLISHING A BOARD OF ADJUSTMENT; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND IMPOSING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE ~~CITY~~ <sup>Town</sup> COUNCIL OF THE ~~CITY~~ <sup>Town</sup> OF ENNIS, MONTANA?

SECTION 1 TITLE

This Ordinance shall be known as Zoning of the ~~City~~ <sup>Town</sup> of Ennis, and shall be referred to herein as "this Ordinance".

SECTION 2 PURPOSE

The regulations and restrictions established have been made in accordance with a Comprehensive Plan whose purpose is to:

- Lessen congestion in the streets;
- Secure safety from fire, panic and other dangers;
- Promote health and the general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid undue concentration of population; and,
- Facilitate adequate provision for transportation, water, sewerage, schools, parks and public requirements.

Further such regulations have been made with reasonable consideration given as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of land and improvement and encouraging the most appropriate use of land throughout the ~~City~~ <sup>Town</sup> of Ennis.

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory; the word "lot" shall

include the word "plot", "piece" and "parcel".

Accessory Building -- A subordinate building or structure on the same lot, or part of the main building, exclusively occupied by or devoted to a use incidental to the main use.

Accessory Use -- A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

Alley -- A public thoroughfare which affords only a secondary means of access to property abutting thereon.

Apartment -- A room or suite of rooms located in one, two, or multiple family structure, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by an individual or single family.

Apartment Building -- A multiple family dwelling originally designed and constructed to accommodate three (3) or more apartments, designed with more than one (1) dwelling unit connecting to a common corridor or entranceway, in contrast to single or two-family dwellings converted for multiple family use or attached row dwelling (partly wall type) as defined herein.

Automobile Service Station -- Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries and minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. When sales, services and repairs as detailed here are offered as incidental to the conduct of public garage, the premises shall be classified as a public garage.

Block -- That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or intersecting or intercepting a street and waterway or other barrier or a gap in the continuity of development along such street.

### *Board of Adjustment-*

Boarding House -- A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding ten (10) persons.

Building, Height of -- The vertical distance measured from the average elevation of the finished grade around the building to the highest point of the coping of a flat roof, or to the top of a Mansard roof, or to two-thirds the height of the highest gable of a pitch or hip roof.

~~Building Area~~  
Building Area -- That portion of the lot that can be occupied by structures, excluding the front, rear and side yards.

Cellar -- A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

Conditional Use -- A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the ~~Board~~ <sup>Zoning</sup> ~~Commission~~ <sup>Comms.</sup> that under the particular circumstances present, such use is in harmony with the Principal Permitted Uses of the Zone. Allowable conditional uses are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

Dwelling -- A building or portion thereof, designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling Attached -- (Group, Row or Townhouse) -- A dwelling jointed to other dwelling by party wall or walls.

Dwelling, Detached -- A dwelling entirely surrounded by open space, said open space being on the same lot as the dwelling.

Dwelling, Multiple Family -- A dwelling containing three (3) or more dwelling units designed with more than one (1) dwelling unit connecting to a common corridor or entranceway, originally constructed for said purpose; and not including converted dwellings or attached row dwellings (party-wall type) as defined herein.

Dwelling, Single Family -- A detached dwelling containing accommodations for and intended for occupation by one (1) family only.

Dwelling, Two Family -- A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Mobile Home -- A detached residential dwelling unit designed for transportation on streets or highways on its own wheels or up on flatbed or other trailer, and arriving at the site where it is to be occupied as a permanent dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary foundations, connections to utilities and the like. If a mobile home is located on a permanent foundation, it is considered a single-family dwelling. A travel trailer is not to be considered as a mobile home.

Family -- One or more persons occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than five persons not related by blood, marriage or adoption.

Commercial Feeding Operation -- A non-agricultural business which confines for feeding or fattening purposes 50 or more cattle, swine, sheep or horses for marketing purposes. Wintering and dairying operations are not included.

Garage, private -- An accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles, not more than two of which are owned by others than the occupants of the main building.

Garage, public -- A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire, in which any sale of gasoline, oil and accessories is only incidental to the principal use.

Garage, repair -- A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

Home Occupation -- "Home occupations" means an occupation which is carried on in a dwelling unit, and:

1. Is carried on only within the principal building;
2. Is carried on by a member of the family residing in the dwelling unit;
3. Is incidental and secondary to the use of the dwelling unit for residential purposes;
4. Which conforms to the following conditions:
  - a. Exterior signs or display shall be in conformance with provisions of this title regulating same;
  - b. There shall be no exterior storage of materials or exterior indication of the home occupation or variation from the residential character of the principal building;
  - c. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced;
  - d. Employment of not more than one person not a member of the immediate family is permitted only at the discretion of the zoning board of adjustment upon application in writing describing the full nature and extent of the occupation.

In particular, home occupations include the following or similar activities which in the opinion of the ~~town~~  
*Town* ~~board~~ meet the intent of this section:

- (1) Art studio;
- (2) Dress and drapery making;
- (3) Teaching of musical instruments - limited to small groups;
- (4) Preparation of food for off-premise sale.

However, a home occupation shall not be interpreted to include the following:

- a. Barbershops and beauty parlors;
- b. Real estate and insurance offices;
- c. Restaurants;
- d. Commercial stables and kennels;
- e. Commercial cabinet making.

**Hotel** -- A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are more than ten (10) sleeping rooms usually occupied singly and no provision made for cooking in any individual room or apartment.

**Junk Yard** -- Land or buildings where waste, discarded or salvaged materials are brought, sold, stored, exchanged, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

**Kennel** -- A place where five or more dogs or cats are kept whether as pets or commercially.

**Lodging house** -- A building or place where lodging or lodging and boarding is provided (or equipped to provide lodging regularly) by pre-arrangement for definite periods of time, for compensation, for three or more persons in contra-distinction to hotels open to transients.

**Lot** -- Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this Ordinance and having its principal frontage upon a street or officially approved place.

**Lot Coverage** -- The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**Lot Depth** -- The mean horizontal distance between the front and rear lot lines.

**Lot Width** -- The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**Lot, Corner** -- A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, two (2) cords of which form an interior angle of one hundred twenty (120) degrees or less.

**Lot, Double Frontage** -- An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot, Interior -- A lot other than a corner lot.

Mobile Home Park -- Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes, are located; regardless of whether a charge is made for such accommodation.

Central Water and Sewer Systems -- Utility systems serving a group of buildings, lots or an area.

Non-conforming Uses -- Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto, which does not conform after the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.

Parking Space -- A land area of not less than one hundred eighty (180) square feet exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

*Planning Board - The Madison County Planning Board*

Rest Home, Nursing Home or Convalescent Home -- A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for treatment of disease or injury.

Signs -- Any outdoor advertising having a permanent location on the ground, or attached to or painted on a building, including bulletin boards, billboards, and poster boards, or any device designed to inform or attract attention.

Story -- That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half -- A story with at least two opposite exterior sides meeting a slope roof not more than two feet above the floor of such story.

Structure -- Anything constructed or erected, the use of which required more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Structural Alterations -- Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Travel Trailer -- A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body length not exceeding thirty-two (32) feet while in transit and licensed as such.

Use -- The purpose for which land or a building structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Use, Accessory -- A use incidental or accessory to the principal use of a lot or building located on the same lot as the accessory use.

Variance -- The realization of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard -- An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front -- A yard extending across the front of the lot between the side yard lines and lying between the front property line of the lot and the nearest line of the building.

Yard, Rear -- An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

Yard, Side -- An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front lot line to the rear yard.

Zoning Commission -- ~~The Davis City County Planning Board.~~

Zoning Map -- The map or maps incorporated into this Ordinance as a part hereof, designating the zoning districts.

SECTION 4 DISTRICTS

A. Establishments of Districts <sup>P</sup> for the purpose of promoting the public health, safety, morals and general welfare of the ~~City of Ennis and a portion of Madison County~~ <sup>Town</sup> ~~the Ennis~~ <sup>Area</sup> is hereby divided into the following types of districts:

*its Jurisdiction Area*

1. FC Districts: Flood Control Districts
2. AG Districts: Agricultural Districts
3. RR Districts: Rural Residential Districts
4. R-1 Districts: One Family Residential Districts
5. R-2 Districts: Low Density Multiple Family Residential Districts
6. C-1 Districts: General Commercial Districts
7. C-2 Districts: Central Business Districts
8. C-3 Districts: Highway Commercial Districts
9. M-1 Districts: Light Industrial Districts

B. Zoning Map

Districts as established in Section 4 of this title <sup>Town</sup> are bounded as shown on a map entitled "Zoning Map of the ~~City~~ <sup>Town</sup> of Ennis", adopted \_\_\_\_\_ (date) and certified by the ~~City~~ <sup>Town</sup> Clerk and County Clerk and Recorder, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

C. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the scale of the map.
4. Where district boundaries are so indicated that they approximately follow shorelines, such shorelines shall be construed to be said boundaries and in the event of a change in the shoreline shall be construed as moving with the actual shoreline.

SECTION 5 APPLICATION OF REGULATIONS

Except as hereinafter provided:

1. No building or land except that used for agriculture purposes, shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered.
  - a. To exceed the height,
  - b. To accommodate or house a greater number of families,
  - c. To occupy a greater percentage of lot area, or
  - d. To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

SECTION 6 F-C, FLOOD PLAIN DISTRICT

- A. Purpose: To provide for the protection of flood plain areas along the Madison River and its tributaries.
- B. Permitted Uses: In F-C Flood Control Districts, no building or premises shall be hereafter erected or structurally altered except for one of the following purposes:
1. General farming and dairying, including the sale of the product of the farm.
  2. Campgrounds and facilities.
  3. Greenhouses and nurseries, including the growing and preservation of trees, provided that storage of manure shall not be permitted nearer than two hundred (200) feet to any lot line.
  4. Roadside stands for operation during six months of the year for the sale of the products produced on the farm. Said stand to be removed when not in use.
  5. Radio or television towers, provided they are situated on a lot where setback from all property lines is equal to the height of the tower.
  6. Stock raising, but not including feeding operations.
  7. Wells.
  8. Accessory buildings and uses customarily incident to the uses permitted in this district.
- C. Conditional Uses:
1. Airstrips.
  2. Other conditional uses: *Zoning Commission* The ~~Board of Adjustment~~ may, when it is deemed advisable, authorize and permit other conditional uses as listed below. No such conditional use permit shall be effective except after ~~the Board of Adjustment~~ and recommendations from the ~~Planning Board~~ and until after a special hearing thereon is held by the ~~Board of Adjustment~~ *Zoning Commission*. Notice of such hearing shall be given by publication and posting in the same manner as is provided by State Statutes for zoning changes and exceptions. Property uses requiring conditional use permits include:
    - a. Cemeteries
    - b. Private clubs

- c. Gun clubs, skeet shoots, or target ranges
- d. Golf driving ranges
- e. Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals
- f. Wild life refuges.

D. Area Regulations: Subject to the modifications set forth in Section 17 (Special Regulations), the area regulations are as follows:

- 1. Minimum lot frontage. There shall be a lot frontage of not less than seventy-five (75) feet for all principal structures.
- 2. Minimum front yard. Measured from the front property line there shall be a front yard of not less than twenty-five (25) feet.
- 3. Minimum rear yard. Measured from the rear property line every principal building shall have a rear yard of not less than twenty-five (25) percent of the depth of the lot and for every accessory building there shall be a rear yard of not less than ten (10) feet.
- 4. Minimum side yard. Measured from the side property lines there shall be side yards of not less than fifteen (15) feet on each side of the lot.

SECTION 7 AG AGRICULTURAL DISTRICT

- A. Purpose: To protect agricultural lands that are best suited for the production of ranch and farm commodities.
- B. Permitted Uses: In AG, Agricultural Districts, no building or premises shall be used and no building shall be hereafter erected or structurally altered except for one of the following purposes:
1. Agriculture, including the raising of field crops, horticulture, animal husbandry, poultry farms and kennels.
  2. Ranch and farm dwellings and normal farm and ranch buildings.
  3. Riding academies, dude ranches and other farm and ranch type recreational enterprises, golf courses, country clubs and non-highway oriented lodges with cabins and travel trailer facilities.
  - 4B. Churches, schools, colleges, rest homes, retirement villages and similar facilities, but not to include apartment houses.
  - 5B. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical energy and natural gas pipelines and their necessary appurtenances.
  - 6A. Wells.
  - 7B. Home occupations.
  - 8B. Living quarters for persons employed on the premises.
  - 9B. Roadside stands for the sale of products grown on the premises.
  - 10B. Signs identifying the property or the activity engaged in on the property.
  - 11B. Accessory buildings and uses customarily incident to the uses permitted in this district.
- C. Conditional Uses: The following uses are permitted in the AG, Agricultural District after a finding by the Zoning Board that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources:

1. Cemeteries, crematoriums, mausoleums.
2. Commercial mines, quarries and sand and gravel pits.
3. Automotive race tracks or driving tracks.
4. Golf driving range
5. Outdoor theaters
6. Airports, provided:
  - a. They do not endanger the immediate area.
  - b. They meet all State and Federal regulations.
7. Commercial animal feeding operations provided:
  - a. They meet all local, State and Federal regulations.
  - b. Storage of manure shall not be permitted within two hundred (200) feet from any lot line.
  - c. All corrals, pens and buildings shall be located at least two hundred (200) feet from any lot line.
  - d. When the application for commercial feed lots is filed with the ~~Board of Adjustment~~ <sup>Zoning Commission</sup>, the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
    - (1) Topographic map showing two (2) foot contours.
    - (2) Drainage plan.
    - (3) Location of existing utilities and proposed utility extensions.
    - (4) Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
    - (5) Parking and loading plan defining off-street parking and loading areas. Such plan is subject to Section 19 of these regulations.
    - (6) Driveway plan indicating all interior driveways, curb cuts and area for maneuvering trucks.
    - (7) All plans, plot plans and petitions as required must be submitted to the ~~City County Planning Board~~ <sup>Town Clerk</sup> for approval at least thirty (30) days prior to the hearing date before the ~~Board of Adjustment~~ <sup>Zoning Commission</sup>.

8. Gasoline, Propane, and Oil Bulk Stations and Distribution Plants - Due to the flammable nature of these products, should be located within areas of low population concentration provided:
  - a. They meet all local, State and Federal Regulations.
  - b. Location of storage tanks at a minimum are 50 feet from the nearest property line.
  - c. The site be located in close proximity to an arterial street so as to prevent traffic through residential areas.
  - d. The site maintain an acceptable appearance from streets and adjoining properties by employing landscaping and buffering techniques. Screening shall consist of a wall or fence, of not less than ninety (90) percent opaque and landscaped with trees or shrubs. Such screening and landscaping shall conform to a plan submitted at the time of approval.
- D. Building Height Limit: There shall be no height regulation except as may be set forth for airport zoning.
- E. Area Regulations: Subject to the modifications set forth in Section 17 (Special Regulations), the area regulations are as follows:
  1. Minimum Site Area.
    - a. There shall be a lot of not less than five (5) acres for each non-agriculture dwellings.
    - b. A lot having an area less than herein required which was recorded under separate ownership from adjoining lots at the effective date of this Ordinance may be occupied by a one-family dwelling or by any non-residential use permitted in this district.
  2. Minimum Front Yard. Measured from the nearest right-of-way line of each and every road, there shall be a front yard of not less than fifty (50) feet.
  3. Minimum Rear Yard. Measured from the rear property line every principal building shall be set back from the property line one (1) foot for each foot of height of the structure, but in no event, less than ten (10) feet.
  4. Minimum Side Yards. Measured from the side property line every principal building shall be set back from the property lines one (1) foot for each foot of height of the structure, but in no event, less than ten (10) feet.

SECTION 8 RR, RURAL RESIDENTIAL DISTRICT

- A. Purpose: To recognize a district suited to rural and suburban residential and seasonal low density areas.
- B. Permitted Uses: In RR, Rural Residential Districts, no build or premises shall be constructed or structurally altered except for one of the following purposes:
1. Agriculture, including the raising of field crops, horticulture, animal husbandry, poultry farms and kennels under performance conditions.
  2. Ranch and farm dwellings and normal farm and ranch buildings and facilities common to farm and ranch activities.
  3. Living quarters for persons employed on the premises.
  4. Single family dwellings.
  5. Riding academies, dude ranches and other farm and ranch type recreational enterprises, golf courses, country clubs but not including automotive race tracks or driving tracks, golf driving ranges, outdoor theaters, and similar commercial recreation enterprises.
  6. Recreational facilities owned or operated by government or by charitable or religious organizations.
  7. Churches, schools, colleges, and similar facilities.
  8. Facilities necessary for the provision of transportation, communication, water, sewerage, electrical energy, and natural gas pipelines and their appurtenances.
  9. Wells.
  10. Home occupations.
  11. Police and fire stations.
  12. Signs not over twelve (12) square feet in area identifying the occupants or the activity engaged in on the premises.
  13. Accessory buildings and uses customarily incident to the uses permitted in this district.
- C. Conditional Uses:

The following uses are permitted in the RR, Rural Residential District after a finding by the zoning board that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources;

*Commission*

- a. They do not endanger the immediate area.
- b. They meet all local, State and Federal regulations.

D. Building Height Limit:

Except as provided in Section 17 (Special Regulations) the height regulations are as follows:

1. No structure shall exceed two (2) stories or twenty-five (25) feet in height.

E. Area Regulations:

Subject to the modifications set forth in Section 17 (Special Regulations) the area regulations are as follows:

1. Minimum Lot Area

- a. A lot upon which there is erected a structure shall contain not less than ten thousand (10,000) square feet unless it is not served by public sewer and water, then the minimum shall be ~~one half (1/2)~~ acre, <sup>one (1)</sup>
- b. A lot having an area less than herein required which was recorded under separate ownership from adjoining lots at the effective date of this Ordinance may be occupied by a one-family dwelling or by any permitted non-residential use.

2. Minimum Lot Frontage

There shall be a minimum lot frontage of not less than seventy-five (75) feet per dwelling and one hundred twenty-five (125) feet for other principal structures.

3. Minimum Front Yard

Measured from the front property line there shall be a front yard of not less than twenty-five (25) feet unless the property fronts on a State or Federal highway, the minimum shall then be fifty (50) feet.

4. Minimum Rear Yard

Measured from the rear property line every principal structure shall have a rear yard of not less than thirty (30) feet and for every accessory building there shall be a rear yard of not less than ten (10) feet.

Minimum side yards

Measured from the side property lines there shall be side yards of not less than ten (10) feet on each side of a lot.

SECTION 9 R-1 ONE-FAMILY RESIDENTIAL DISTRICT

- A. Purpose: To provide low density residential areas which restrict incompatible commercial and industrial uses.
- B. Permitted Uses: In R-1, One-Family Dwelling Districts, no building or premises shall be used and no building shall hereafter erected or structurally altered except for one of the following purposes:
1. One-family dwellings.
  2. Churches, libraries, public parks and playgrounds, community centers, colleges, public golf courses, public schools, private educational institutions having the same curriculum as ordinarily given in public school and other public buildings and recreations facilities.
  3. Domestic animals, provided such animals are household pets and that kennels shall be prohibited.
  4. Nursing homes and hospitals, provided the State and local health jurisdictions approve the locations.
  5. Fences, hedges and walls provided such uses are located where they will not obstruct motorists' vision at street intersections, and subject to requirements set forth in Section 17 of this Ordinance.
  6. Home occupations, provided that not more than twenty (25) percent of the dwelling is used for such purposes.
  7. Fire stations and police stations.
  8. Accessory buildings and uses customarily incident to uses permitted in this District.
  9. Signs subject to requirements set forth in Section 17 of this Ordinance.
- C. Conditional Uses: The following uses are permitted in the One-Family Residential District after a finding by the zoning ~~Commission~~ *Commission Board* that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not detract from the appropriate use of land and resources:
1. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations provided:
    - a. For each instance the applicant shall provide the *Commission* ~~of Adjustment~~ with plot plans showing the proposed installation and its relationship to any nearby

## Zoning Commission

- b. The ~~Board of Adjustment~~ shall prescribe conditions as to setbacks, etc., for each installation.

2. Cemeteries.

3. Electric substations and gas regulator stations provided

- a. For each electric substation where transformers are exposed there shall be an enclosing, sight obscuring fence at least six (6) feet high with landscaping.

- b. The height requirements may be exceeded provided that for each additional one (1) foot of height an additional one (1) foot of front, rear and side yard shall be required.

D. Building Height Limit: Except as provided in Section 17 of this Ordinance the height regulations are as follows:

No dwelling shall exceed two stories or twenty-five (25) feet in height.

E. Area Regulations: Subject to the modifications set forth in Section 17 (Special Regulations) the area regulations are as follows:

1. Minimum Lot Area

- a. A lot upon which there is erected a structure shall contain not less than seven thousand two hundred (7,200) square feet unless it is not served by sewer and water, in which case the minimum shall be ~~one-half (1/2)~~ *one (1)* acre, *or in the event that either sewer or water is available, then*
- b. A lot having an area less than herein required was recorded under separate ownership from adjacent lots at the effective date of this Ordinance may be occupied by a one-family dwelling or by any non-residential use permitted in this district.

2. Minimum Lot Frontage

There shall be a minimum lot frontage of not less than fifty (50) feet for one-family dwellings and seventy-five (75) feet for other principal structures.

3. Minimum Front Yard

Measured from the front property line there shall be a front yard of not less than twenty-five (25) feet. If the property fronts on a state or Federal highway, the minimum shall then be fifty (50) feet.

4. Minimum Rear Yard

Measured from the rear property line every principal structure shall have a rear yard of not less than twenty (20) feet and for every accessory building there shall be a rear yard of not less than ten (10) feet.

5. Minimum Side Yards

Measured from the side property lines there shall be side yards of not less than ten (10) feet on each side of a lot.

~~SECRET~~

SECTION 11 R-2 MULTIPLE FAMILY DWELLING DISTRICT

- A. Purpose: To provide a district which will allow two-family dwellings, townhouses, quality apartment complexes and mobile home courts which maintain structure and yard standards approximating single family residential development and which will properly relate to other land uses and transportation system as provided in the Comprehensive Plan.
- B. Permitted Uses: In R-2, Multiple Family Dwelling Districts no building or premises shall be used and no building shall be hereafter erected or structurally altered except for one of the following purposes:
1. All uses permitted in the R-1 District as stated there
  2. Two-Family Dwellings, Multiple Dwellings, Apartment Homes and Mobile Home Courts provided access is provided onto a collector or arterial street.
  3. Boarding and lodging houses.
  4. Private clubs and lodges, except, those whose primary activity is carried on as a business.
  5. Hospitals.
  6. Automobile parking lots.
  7. Accessory building and uses customarily incident to the uses permitted in this district.
  8. Signs (subject to requirements set forth in Section 17
- C. Conditional Uses:
1. All conditional uses as established from R-1 Districts
  2. Mobile Home ~~Courts~~ <sup>Parks</sup> provided that they shall meet or exceed the following design standards.
    - a. Minimum Density and Area Requirements: Lot areas density as hereby established shall be considered minimum requirements within a mobile home park.
      - (1) Minimum area requirements for a mobile home park shall be five (5) acres.
      - (2) A minimum of ten percent (10%) of the land within the mobile home park shall be provided for definable play areas and open space within the mobile home park. Such areas of open space and/or play area shall not be areas included within any setback nor shall they include an areas of less than twenty (20) feet in length or width.

- (3) Minimum lot area per unit shall be fifteen (15) feet, including undergrowth in city, government, private drives, and parking spaces, but excluding street rights-of-way.

b. Lot Coverage and Setback Requirements:

- (1) Maximum lot coverage for the mobile <sup>home</sup> park development shall be fifty (50) percent. Computation shall be based on all structures within said park.
- (2) Minimum distance between units shall be not less than fifteen (15) feet, or the sum of the heights of the two units, whichever is greater, the point of measurement being a straight line between the closest point of the units being measured.
- (3) When a mobile home park abuts a single family residential use area, there shall be a minimum setback on that side of fifty (50) feet between the street right-of-way line and any mobile home park structure which setback area shall act as a buffer zone and shall be landscaped according to a landscape plan, to be submitted at time of application. Such plan shall show the type of planting material size and planting schedule.
- (4) All mobile home parks shall have access to an arterial or collector street and street access shall be discouraged into or upon local single family residential area streets.
- (5) Average park density shall not exceed nine (9) mobile house units per gross acre.

c. General Internal Park Development Requirements:

- (1) There shall be a minimum front yard setback for the mobile home unit to the street line of fifteen (15) feet except where otherwise stipulated in this subsection.
- (2) The mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or other customary moving equipment is practical. The mobile home stand shall have a longitudinal grade of less than four (4) percent and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

d. Parking and Street Requirements:

(1) Parking:

- (a) Off-street parking areas shall be surfaced in accordance with the street surface standards below.
- (b) All required off-street parking space shall be located not further than two hundred (200) feet from the unit or units for which they are designated.
- (c) A minimum of one and one-fourth (1-1/4) spaces of parking must be provided for each mobile home unit space provided within the park. The one unit space for occupant use must be within the distance from the unit established above. The remaining spaces equivalent to one fourth (1/4) spaces must be in group compounds at an appropriate location within the park.

(2) Streets:

- (a) Streets shall be of sufficient width so as to permit ease of access to the mobile home parking stands and the placement and removal of mobile homes without causing damage to or otherwise jeopardizing the safety of any occupants or mobile homes in the park.
- (b) Streets shall have a minimum width so as to permit two (2) moving lanes of traffic. Minimum lane width shall be ten (10) feet.
- (c) Public access to a mobile home park shall be so designed as to permit a minimum number of ingress and egress points to control traffic movement, and to keep undesirable traffic out of the park.
- (d) Streets shall be graded to insure surface drainage.
- (e) Streets and parking areas shall be surfaced for all weather travel with crushed stone, gravel, or other suitable material.

- e. Storage: Storage of large items such as boats, boat trailers, etc., shall not be accomplished at the site of the mobile home unit, but rather shall be provided in separate screened areas of the park.

- f. Maintenance: The operator of any mobile home park or duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with said operator, for the violation of any provisions of these regulations to which said operator is subject.

3. *mobile homes on individual or single family lots.*

- D. Building Height Limit: Except as provided in Section 17, (Special Regulations), no structure shall exceed two (2) stories or twenty-five (25) feet in height.
- E. Area Regulations: Subject to the modifications set forth in Section 17, (Special Regulations), the area regulations are as follows:
1. Minimum lot area:
    - a. A lot upon which there is erected a single family dwelling shall contain not less than seven thousand two hundred (7,200) square feet.
    - b. A lot upon which there is erected a two family or multiple family dwelling shall contain not less than fourteen hundred fifty (1,450) square feet per unit however, in no instance shall such a structure be built on a lot containing less than eight thousand (8,000) square feet.
    - c. A lot upon which there is erected a boarding or lodging house shall contain not less than eight thousand (8,000) square feet.
    - d. A lot having an area less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family dwelling or by any permitted non-residential use.
  2. Minimum Lot Frontage:
    - a. A lot occupied by a single family dwelling shall have a minimum frontage of fifty (50) feet.
    - b. A lot occupied by a two family or multiple family dwelling shall have a minimum frontage of sixty (60) feet.
    - c. A lot occupied by a boarding or lodging house shall have a minimum frontage of seventy (70) feet.

d. A lot having a frontage of less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of these regulations may be occupied by a single family, two family, multiple family dwelling or by any permitted non-residential use.

3. Minimum Front Yard:

Measured from the front property line there shall be a front yard of not less than twenty-five (25) feet unless the property fronts on a State or Federal highway, the minimum shall then be fifty (50) feet.

4. Minimum Rear Yard:

Measured from the rear property line every principal structure shall have a rear yard of not less than twenty (20) feet and for every accessory building there shall be a rear yard of not less than ten (10) feet.

5. Minimum Side Yards:

Measured from the side property lines there shall be side yards of not less than eight (8) feet on each side of the lot.

SECTION 12 C-1 GENERAL COMMERCIAL DISTRICT

- A. Purpose: To provide a district which accommodates a variety of businesses and services related to the Central Business District.
- B. Permitted Uses: In C-1, General Commercial Districts, no building or premises shall be used and no building shall be hereafter erected or structurally altered except for one of the following purposes:
1. Stores and shops for the conduct of retail business.
  2. Banks.
  3. Restaurants.
  4. Dancing schools.
  5. Shops for repair and similar services such as:
    - a. Bakeries, retail for distribution from the premises.
    - b. Barbershops and beauty shops.
    - c. Garages and filling stations, provided:
      - (1) No repair work is performed out-of-doors.
      - (2) Pumps, lubrication, or other devices are located at least fifteen (15) feet from any street property line.
      - (3) All automobile parts and dismantled automobiles are stored within the building, except outdoor display racks.
    - d. Laundromats and dry cleaning establishments employing not more than five (5) persons.
    - e. Locksmith shops.
    - f. Offices.
    - g. Photo shops.
    - h. Shoe repair shops.
    - i. Undertaking establishments.
    - j. Car washes.
  6. Hotels and motels.
  7. Taverns.
  8. Signs (subject to requirements set forth in Section 17).

10. Upholstery shops.
11. Automobile sales and service.
12. Accessory buildings and uses customarily incident to the uses permitted in this district.

C. Conditional Uses: The following uses are permitted in the C-1 General Commercial District after a finding by the Zoning Commission ~~that~~ that their mode of conduct and location will not hinder the use of nearby properties and will not disrupt the appropriate use of land and resources.

1. Gasoline, Propane, and Oil Bulk Stations and Distributing Plants - Due to the flammable nature of these products, sites should be located within areas of low population concentration provided:
  - a. They meet all local, State and Federal Regulations.
  - b. Location of storage tanks at a minimum are 50 feet from the nearest property line.
  - c. The site be located in close proximity to an arterial street so as to prevent traffic through residential areas.
  - d. The site maintain an acceptable appearance from streets and adjoining properties by employing landscaping and buffering techniques. Screening shall consist of a wall or fence, of not less than ninety (90) percent opacity and landscaped with trees or shrubs. Such screening and landscaping shall conform to a plan submitted at the time of approval.

D. Building Height Limit: Except as provided in Section 17 (Special Regulations), no structure shall exceed three (3) stories or forty (40) feet in height.

E. Area Regulations: Subject to the modifications set forth in Section 17, the area regulations are as follows:

1. Minimum lot area: There are no requirements for commercial structures.
2. Minimum lot frontage: There are no minimum requirements except as contained in Section 17, (Special Regulations).
3. Minimum front yard: There are no minimum requirements except as contained in Section 17, (Special Regulations).
4. Minimum rear yard: There are no minimum requirements except as contained in Section 17, (Special Regulations).

corner lots, in which case there shall be a side yard of not less than fifteen (15) feet on the street side. If the street side is a State or Federal highway, the side yard shall be fifty (50) feet.

SECTION 13 C-2 CENTRAL BUSINESS DISTRICT

- A. Purpose: The Central Business District is intended to provide a district to accommodate basic retail, service and office functions. It is intended that such a district be compatible with and reasonably adjoin multiple family residential development.
- B. Permitted Uses: In C-2, Central Business District zones, no building or premises shall be used and no building shall be thereafter erected or structurally altered except for one of the following purposes:
1. All uses, permitted in C-1 retail business except service stations, provided however, any service station existing as of the effective date of this title, shall remain as a permitted use.
  2. Offices.
  3. Theaters.
  4. Assembly halls.
  5. Membership clubs.
  6. Bars and package liquor stores.
  7. Bowling alleys.
  8. Public and private recreation use.
  9. Bus stations.
  10. Motor vehicle salesrooms.
  11. Retail plumbing shops (no outdoor storage of materials).
  12. Printing shops.
  13. Retail painting shops (no outdoor storage of materials).
  14. Upholstering shops (no outdoor storage of materials).
  15. Sign shops (no outdoor storage of materials).
  16. Libraries, public parks and playgrounds, fire and police stations, and other public buildings.
  17. Signs subject to requirements set forth in Section 17.
  18. Accessory buildings and uses customarily incident to the uses permitted in this district.

- C. Building Height Limit: Except as provided in Section 17 (Special Regulations), no structure shall exceed three (3) stories or forty (40) feet in height, provided that no structure or portion of a structure shall be erected to a height exceeding twenty-five (25) feet on any portion of a lot less than twenty (20) feet in distance from any portion of a lot in any R-1 or R-2 district.
- D. Area Regulations: Subject to modifications set forth in Section 17, (Special Regulations), the area regulations are as follows:
1. Minimum lot area:
    - a. A lot upon which there is erected a multiple family dwelling shall contain not less than fourteen hundred fifty (1,450) square feet per dwelling unit.
    - b. There are no minimum requirements for commercial structures.
  2. Minimum Lot Frontage: There are no minimum requirements except as contained in Section 17 (Special Regulations).
  3. Minimum Front Yard: There are no minimum regulations except as contained in Section 17, (Special Regulations).
  4. Minimum Rear Yard: There are no minimum requirements except as contained in Section 17, (Special Regulations).
  5. Minimum Side Yards: There are no minimum requirements except as contained in Section 17, (Special Regulations).

SECTION 14 C-3 HIGHWAY COMMERCIAL DISTRICT

- A. Purpose: The purpose of this District is to provide an area of service facilities to the motoring public, the location of such activities should be developed within commercial spheres adjacent to arterial traffic.
- B. Permitted Uses: In C-3 Highway Commercial districts, no building or premises shall be used and no building shall be hereafter erected or structurally altered except for one of the following purposes:
1. Service stations, automobile and truck repair garages.
  2. Truck stops.
  3. Tire store sales and service including vulcanizing, but not involving manufacturing on the premises.
  4. Tourist information centers and museums.
  5. Retail stores for the sale of automobile parts and accessories, souvenirs, curios, film, magazines and other products customarily sold to meet the needs of the motoring public, but not including junk, salvage, or automobile wrecking yards.
  6. Hotels, motels, restaurants, taverns and package liquor stores.
  7. Heavy machinery sales and services.
  8. Mobile home and trailer sales and services.
  9. Automobile parking lots.
  10. Signs subject to requirements as set forth in Section 17.
  11. Accessory buildings and uses customarily incident to the uses permitted in this district.
- C. Building Height Limit: Except as provided in Section 17 (Special Regulations), no structure shall exceed three (3) stories or forty (40) feet in height.
- D. Area Regulations: Subject to the modifications set forth in Section 17, (Special Regulations), the area regulations are as follows:
1. Minimum Lot Area  
There are no minimum requirements except as contained in Section 17, (Special Requirements).

2. Minimum Lot Frontage

There are no minimum requirements except as contained in Section 17, (Special Regulations).

3. Minimum Front Yard

Measured from the front property lines, there shall be a front yard of not less than fifty (50) feet, except for the motor fuel pumps which may be erected twenty-five (25) feet from the front property line, except on a State or Federal highway where motor fuel pumps shall be set back from the front property line a minimum distance of fifty (50) feet.

4. Minimum Rear Yard

There are no minimum requirements except as contained in Section 17, (Special Regulations).

5. Minimum Side Yards

No side yard is required except on corner lots, in which case there shall be a side yard of not less than fifteen (15) feet on the street side. If the street side is a State or Federal highway, the side yard shall be twenty-five (25) feet.

- A. Purpose: To provide a district where Light Industrial uses may locate subject to regulatory controls from nuisance characteristics and that they maintain an acceptable appearance from streets and adjoining property by employing landscaping and buffering techniques.
- B. Permitted Uses: In M-1, Light Industrial Districts, no building or premises shall be used and no building shall be hereafter erected or structurally altered except for one of the following purposes:
1. Any use permitted in the C-1, General Commercial District, or C-2, Central Business District Zone or C-3, Highway Service District except for residential uses, provided however, any residential dwelling existing as of the effective date of this title, shall remain as a permitted use.
  2. Lumber or building materials storage yards, builders supply yards, sale of cement and concrete products and lumber.
  3. Contractors plants or storage yards.
  4. Dairy processing and distribution plants.
  5. Bottling works.
  6. Machine, roofing and sheet metal shops.
  7. Electrical central power stations.
  8. Storage warehouses.
  9. Blacksmith, welding, or other metal shops, excluding punch presses over twenty tons rated capacity, drop hammers and the like.
  10. Printing plants.
  11. Grain elevators, or facilities for collection, storage, processing and marketing of grain and feed products.
  12. The manufacturing, compounding, processing, packaging of cosmetics, pharmacology, electronic components, and food products, except fish and meat products, and the reducing and refining of fats and oils.
  13. Processing and manufacturing of brick, ceramic and other clay products.
  14. Signs subject to requirements set forth in Section 17, (Special Regulations).

15. Accessory buildings and uses customarily incident to the uses permitted in this district.

C. Conditional Uses: The following uses are permitted in the M-1 Light Industrial District after a finding by the Zoning Board that their mode of conduct and location will not hinder the use of nearby properties and will not disrupt the appropriate use of land and resources.

1. Gasoline, Propane, and Oil Bulk Stations and Distributing Plants - Due to the flammable nature of these products, sites should be located within areas of low population concentration provided:
  - a. They meet all local, State and Federal Regulations.
  - b. Location of storage tanks at a minimum are 50 feet from the nearest property line.
  - c. The site be located in close proximity to an arterial street so as to prevent traffic through residential areas.
  - d. The site maintain an acceptable appearance from streets and adjoining properties by employing landscaping and buffering techniques. Screening shall consist of a wall or fence, of not less than ninety (90) percent opacity and landscaped with trees or shrubs. Such screening and landscaping shall conform to a plan submitted at the time of approval.

D. Prohibited Uses: All uses of land, buildings, and structures or industrial processes that are noxious or injurious by reason of production, or emission of dust, smoke or refuse matter, odor, gas fumes, noise, vibration, or substances or conditions provided, however, that any uses may be permitted if approved by the Planning Commission, and subject to securing a permit thereof to such conditions, restrictions, the purpose of protecting the health, safety, morals, and general welfare of the community.

E. Building Height Limit: Same as C-1 District.

F. Area Regulations: Same as C-1 District.

SECTION 16 PLANNED UNIT DEVELOPMENT ZONE

- A. Purpose: The purpose of the PUD Zone is to permit flexibility in the design and development of larger tracts of land than are common ownership or control.
- B. Standards and Requirements: Approval of a request for PUD Zone is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. Such a plan should accomplish substantially the same general objectives for the area as set forth by the Comprehensive Plan. In addition, the following standards and requirements shall apply.
1. A use permitted in any zone is permitted in a PUD Zone.
  2. The minimum area shall be three (3) acres.
  3. Standards for housing density shall not exceed the densities indicated in the Comprehensive Plan.
  4. The zoning commission may require a performance bond to insure that the proposed development is completed as approved and within the time limits agreed to.
  5. The following shall apply in any particular zoning district:
    - a. The development shall include no uses not permitted in that particular zoning district;
    - b. No structure shall exceed the height limits for the district;
    - c. The overall number of dwelling units shall be no greater than would have been permissible in the tract had it been divided into lots of the appropriate size; and
    - d. Appropriate set-backs shall be observed on the boundaries of the tract.
- C. Procedure: The following procedure shall be followed in requesting a PUD Zone:
1. An applicant shall submit to the zoning commission four (4) copies of a plan for development of the property. The plan shall be submitted at least thirty (30) days prior to the meeting at which time it will be considered. The plan shall show the following information:
    - a. Relationship of the proposed development to the Comprehensive Plan;
    - b. The relationship of the property to the surrounding area;

- c. The plan of subdivision or resubdivision, if any;
  - d. Land uses, building locations, and number of dwelling units;
  - e. The arrangement of streets and pedestrian ways;
  - f. The location of off-street parking spaces;
  - g. The location of public or communal open spaces;
  - h. Plans for site grading and landscaping;
  - i. Plans for water supply, sewage disposal, and storm water drainage;
  - j. Plans for transfer of ownership of the property, if any, and arrangements for maintenance of common areas and facilities;
  - k. Such additional information as the zoning commission may request.
2. In considering the plan, the zoning commission shall determine that:
- a. There are special development objectives or physical conditions which justify a request for a PUD Zone;
  - b. The plan of development will be consistent with the Comprehensive Plan;
  - c. The development will be in harmony with the area around it;
  - d. The development can be completed within a reasonable period of time;
  - e. The development will not overload adjacent streets or utilities;
  - f. There is a demand for the type of development proposed.
3. The zoning commission shall notify the applicant whether in its judgment the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further revision of the plan.

SECTION 17 SPECIAL REGULATIONS

A. Offstreet Parking Requirements

1. Intent: This section is intended to reduce the need for parking on streets and the traffic congestion and hazard caused thereby, and to provide for offstreet parking adequate to each type of development, in terms of both amount and location.
2. Offstreet Parking Design Standards
  - a. Accessory offstreet parking, required for the use specified herein, shall be for use only by automobiles of employees, customers and residents of the activity served.
  - b. Offstreet parking requirements shall be met on the same lot as the building served or on a lot with spaces especially reserved for such uses, except that offstreet parking facilities for separate uses may be provided collectively on a separate lot, if the spaces are not less than the total requirements of the separate uses and provided that other requirements are met.
  - c. An offstreet parking space shall be at least nine feet in width and at least twenty (20) feet in length exclusive of access drives, yards or ramps. Such spaces are not less than the total requirements of the separate uses and provided that other requirements are met.
  - d. All open parking areas with four or more parking spaces shall be effectively screened by wall, fence or landscaping from any property in a residential district.
  - e. No lighting used to illuminate a parking area shall be visible from any residential property in any district.
  - f. Any use having more than 3,500 square feet of required parking shall have two (2) percent of the gross required parking area landscaped with proper parking lot trees and shrubs having a low profile. Such landscaping will be properly maintained at all times.

3. Number of Spaces Required

No building shall be erected, enlarged to the extent of increasing the floor area by as much as fifty (50) percent, or changed in use unless there is provided on the lot, space for the parking of automobiles or trucks in accordance with the following minimum requirements

a. Dwellings:

- (1) Two parking spaces for each unit of single or two family structures.
- (2) Multiple Dwellings: A ratio of one and one-half (1-1/2) parking spaces per dwelling unit shall be provided.

b. Hospitals:

- (1) One parking space for each bed plus one space for each staff doctor.

c. Libraries, Art Galleries or Museums:

- (1) Two parking spaces for each 1,000 square feet of floor area.

d. Public Utility and Public Service Uses;

- (1) One parking space for each three employees plus five spaces for public use.

e. Community Centers or Recreation Buildings:

- (1) One space for each three employees, plus one space for each three seats.

f. Schools, Nursery, Elementary or Boarding (except High):

- (1) One space for each three employees, plus one space for each three seats.

g. Schools, High:

- (1) One space for each two employees plus one space for each 30 students.

h. Private Clubs and Lodges:

- (1) One space shall be provided for each room.
- (2) One space for each 100 square feet of floor area.
- (3) One space for each four employees.

- ✓ 1. CHURCHES.
- (1) One parking space shall be provided for each four (4) seats, or pews, in a church.
- j. Gas Stations:
- (1) One space for each two employees.
- k. Banks, Business or Professional Offices, and Office Buildings:
- (1) One space for each four hundred (400) square feet of floor area.
- l. Bowling Alleys:
- (1) Four spaces for each alley.
- m. Restaurants, Bars, Cafeterias, or Other Eating and Drinking Places:
- (1) One space for each one hundred (100) square feet
- (2) One space for each four (4) employees.
- n. Furniture and Appliance Stores, Motor Vehicle Sales, Wholesale Stores, Repair Shops for Household Equipment, and Radio and Television, and Machinery Sales and Repair Establishments:
- (1) One space for each four hundred (400) square feet of floor area,
- (2) One space for each five (5) employees.
- o. Hotels and Motels:
- (1) One parking space for each room for rent,
- (2) One space for each five (5) employees.
- p. Retail Sales Stores, Personal Service Establishments, Shoe Repair, Barber and Beauty Shops, etc.:
- (1) One parking space for each one hundred fifty (150) square feet of floor area.
- q. Theaters and Auditoriums:
- (1) One parking space for each four (4) seats.

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- r. Production, Manufacture, Cleaning, Servicing, Test or Repair of Materials or Commodities, or Warehouse or Storage Buildings:
  - (1) One parking space for each three (3) employees
- s. Motor Freight Companies:
  - (1) One space for each four (4) employees,
  - (2) One additional space for each of the vehicles used in the conduct of the business at any time
- t. Other Uses:
  - (1) For any other uses not specifically mentioned or provided for, the Planning Board shall determine the standards to be applied for parking using as a guide the listed use which most closely resembles the use proposed.

B. Signs: The following regulations shall govern the location, area and type of signs permitted within the ~~the~~ and zoned portions of the County. Town

1. General sign requirements.

- a. All signs shall be structurally safe and shall be securely anchored or otherwise fastened, suspended or supported so that they will not be a menace to safety of persons or property.
- b. No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent residential district because of lighting glare, focus, animation or flashing of a sign, lighting or advertising device shall be erected or continued in operation.
- c. No "revolving beacon" or "fountain" signs shall be permitted in any district.
- d. No sign in any district shall conflict in any manner with the clear and obvious appearance of public and controlling public traffic.
- e. Ground signs shall not be located on public property except by specific approval of the ~~governing body~~ Town Council
- f. Temporary signs or banners on or over public property except by specific approval of the ~~governing body~~ Town Council

- g. Signs projecting over a street, alley, or other property may be authorized by the ~~governing body~~ a period not to exceed ten (10) days. *Town Council*
- h. Roadside market signs advertising produce grown and sold on the premises on which they are located shall be removed when market is not in use.
- i. It is prohibited to erect, paint or attach any non-political poster or handbill, advertisement or any other sign upon any power or telephone pole, fire hydrant, official public sign, or in any portion of public right-of-way.

2. Residential uses:

- a. One (1) unlighted identification sign shall be permitted per residential use provided such sign does not exceed two (2) square feet in area; said sign may be wall, pedestal, ground or projecting type (but not projecting over public property).
- b. One (1) sign of a temporary nature, such as "for sale" or "for rent" shall be permitted per residential use provided such sign does not exceed six (6) square feet and is not lighted; said sign may be wall, pedestal or ground type.

3. Agricultural and Flood Control Districts: Highway signs or other such highway oriented advertising devices shall be permitted, provided such signs and devices comply with all State and Federal regulations and are located at least one thousand (1,000) feet from any existing advertising sign or device, regardless of political boundary width of rights-of-way, existing highways, streets, roads or easements.

4. Public or quasi-public uses: One identification sign shall be permitted per public or semi-public use provided such sign does not exceed twenty (20) square feet in area; said sign may be wall, pedestal, ground or projecting type.

5. C-1 and C-2 Districts: One protruding sign advertising the particular use of the property shall be permitted provided such sign does not exceed fifty (50) square feet in area.

6. C-3 and M-1 Districts: One protruding sign advertising the particular use of the property shall be permitted provided such sign does not exceed two hundred (200) square feet in area, and does not exceed a height of thirty-five (35) feet.

C. Additional Height and Area Regulations:

1. Public, quasi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, provided that the front yard depth shall be thirty (30) percent in excess of those specified in these regulations, and further provided that the side yards of an interior lot shall be twenty (20) feet and the side yard on a corner lot shall be equal to the front yard requirements as stated above.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, communication towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as herein provided.
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than five (5) feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as a part of the main building for the purposes of determining side and rear yards.
4. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, cornices and ornamental features which are not to exceed twelve (12) inches.
5. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
6. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.
7. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard provided these projections be at least five (5) feet from the adjacent side lot line.
8. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.

9. Where a lot or tract is used for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but each such main building shall conform to all open space requirements around the lot for the district in which the lot or tract is located.
10. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings, and forty (40) feet for three (3) or more story buildings.
11. Where lots have double frontage, the required front yard shall be provided on both streets.
12. The required side yard on the street side of a corner lot shall be one-half (1/2) the required front yard on such street, provided that no adjacent structures front on the same street, in which case the entire required front yard must be provided, and no accessory building shall project beyond the required front yard on either street.
13. The front yards heretofore established shall be adjusted in the following cases:
  - a. Where forty (40) percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, no buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
  - b. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on each side; or, where a building is to be erected as close to the street as the existing adjacent building.

D. Transition:

1. Garage Entrances: No public garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within fifty (50) feet of the residential district.

2. Side and Rear Yard Transition: Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines, a yard equal in width or depth to that required in a residential district.

3. Front Yard Transition: Where the frontage on one side of a street between two intersecting streets is zoned partly as a residential and partly as business or industrial, the front yard depth in the business or industrial district shall be equal to the required front yard depth in the residential district.

4. Corner Yard Transition: On every corner lot in a residential district, there shall be provided on the side street a side yard at least fifteen (15) feet in width.

E. Regulations for Fences:

1. No fence over thirty-six (36) inches in height may be erected within the required front yard of any lot used for residential purposes. No rear or side residential fence shall exceed a height of six (6) feet without first obtaining a variance from the Board of Adjustment.

2. Corner lots in all zones shall not be permitted to have any fencing or other sight-obstruction which constitutes hazard to the travelling public within the area designated as the "clear view triangle". This area can be determined by measuring eighty (80) feet from the center of two intersecting streets along the center lines of each street, then connecting the two points with a straight line forming the hypotenuse of the clear-view triangle. Trees within the clear-view triangle shall have their branches removed at the trunk from ground level to a minimum of seven (7) feet above ground level. Shrubs within the clear-view triangle shall be maintained no higher than three (3) feet above grade elevation of the center line of the adjacent street.



SECTION 18 VACATIONS OF A STREET, ALLEY OR PUBLIC WAY

Whenever any <sup>Town</sup> street, alley or other <sup>Town</sup> public way is vacated by action of the ~~City~~ Council of the ~~City~~ of Ennis, the zoning adjoining each side of such street, alley or public way shall automatically extended to the center of such vacated way and the area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

SECTION 19 ANNEXATION OF ADDITIONAL TERRITORY

Whenever any territory is added to the <sup>Town</sup> ~~City~~ limits of the City of Ennis, plans for said annexation shall be presented to the Board for land use ~~and zoning~~ recommendations. ~~The~~ <sup>Town</sup> ~~City~~ in the ordinance providing for its addition to the ~~City~~, shall designate the district or districts in which it is included. The territory annexed shall be governed by the provisions of the ordinance governing the district to which it is attached. In the absence of the adoption of such resolution, such territory when annexed shall automatically become a part of the RR Dwelling District.

*and the zoning commission for zoning recommendations.*

SECTION 20 REGULATIONS FOR NONCONFORMING USES

- A. Existing Uses: The lawful use of a building and premises existing at the time of the effective date of these regulations may be continued although such use does not conform to the provisions hereof, but if such use or occupancy is discontinued for a period of more than one (1) year, any subsequent occupancy of the land or premises shall be a conforming use or occupancy.
- B. Change of Regulations, District or Use: Whenever there is a change in the Zoning Regulations or district boundaries, such use may be continued and if no structural alterations are made, such use may be changed to another non-conforming use of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

No existing building devoted to a use not permitted by the regulations in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, or reconstructed unless such use is changed to a use permitted in the district in which such building is located. However, in order to provide for off-street parking and off-street loading, a non-conforming use of either a building or land may be expanded by enlargement of either the building or land area but not more than twenty-five (25) percent of the size existing at the time of adoption of these regulations.

- C. Non-conforming Use Destroyed or Damaged: When a building, the use of which does not conform to the provision of these regulations, is damaged by fire, explosion, act of God, or the public enemy, to the extent of fifty (50) percent of its assessed valuation as shown in the office of the County Assessor of Madison County, Montana, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.
- D. Unlawful Use Not Authorized: Nothing in these regulations shall be interpreted as authorization for, or approval of, the continuance of the use of the building or premises in violation of any regulations in effect at the time of the effective date of these regulations.

SECTION 21 ADMINISTRATION AND ENFORCEMENT

A. Administration and Enforcement: The ~~City~~ <sup>Town</sup> Clerk of the ~~City~~ <sup>Town</sup> of Ennis shall ~~be the zoning administrator and shall~~ administer and enforce this Ordinance.

If the ~~zoning administrator~~ <sup>Town Clerk</sup> or other appointed officials shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation and order corrective action. He shall order discontinuance of illegal use of land, structures, or buildings; removal of illegal buildings or structures or of additions or alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance therewith or to prevent its violation.

B. Building Permit Requirement and Application: No building or other structure shall be erected, moved, added to, or structurally altered without a valid building permit therefore, issued by the ~~zoning administrator~~ <sup>Town Clerk</sup>. No such building permit shall be issued except in conformity with all of the provisions of this Ordinance, except upon written order from the ~~City~~ <sup>Town</sup> Council.

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the legal description of the parcel, the exact sizes and locations on the lots of buildings already existing, if any; and the location and dimensions of the proposed buildings or alterations. The application shall include such other information as lawfully may be required by the ~~zoning administrator~~ <sup>Town Clerk</sup>, including existing or proposed building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

One copy of the plans shall be returned to the applicant by the ~~zoning administrator~~ <sup>Town Clerk</sup>, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked shall be retained by the ~~zoning administrator~~ <sup>Town Clerk</sup>.

C. Expiration of Building Permit: If the work described in any building permit has not begun within 60 days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the ~~zoning administrator~~ <sup>Town Clerk</sup> and written notice thereof shall be given to the persons affected. If, however, the applicant applies to the ~~zoning administrator~~ <sup>Town Clerk</sup> at least 10 days prior to the expiration date of said permit, an extension may be obtained ~~from the building official~~ for good cause. Such extensions shall be valid for 30 days. A total of two extensions

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may be given by the ~~zoning~~ administrator. If the applicant desires additional extensions, he shall apply to the ~~City~~ <sup>Town</sup> Council.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the ~~zoning~~ <sup>Town Clerk</sup> administrator and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the cancelled permit, shall not proceed unless and until a new building permit has been obtained.

D. Conformity of Construction and Use: Building permits issued on the basis of plans and applications approved by the ~~zoning~~ <sup>Town Clerk</sup> administrator authorized only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangements or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this Ordinance and punishable by Section 26 hereof.

E. Duties of ~~Zoning~~ <sup>Town Clerk</sup> Administrator: It is the intent of this Ordinance that the ~~zoning~~ <sup>Town Clerk</sup> administrator shall check all building construction. If during this procedure the ~~inspector~~ determines that the proposed plan or construction does not comply with this Ordinance, he shall inform the applicant of the infraction and shall not issue the requested permit and/or shall stop all construction of the project until such time as the applicant, builder, or principal revises his plan or applies for a variance conditional use permit or a zone change and the ~~board~~ <sup>Town Council</sup> has informed the ~~inspector~~ <sup>Town Clerk</sup>, in writing, that the application and/or project does now comply with this Ordinance.

F. Schedule of Fees, Charges and Expenses: The ~~Town~~ Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees listed below shall be posted in the office of Ennis ~~Town~~ Hall and may be altered or amended only by the ~~City~~ <sup>Town</sup> Council.

No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Zoning Commission, ~~or the~~ <sup>Town</sup> Council, unless, or until, preliminary charges and fees have been paid in full.

or Board of Adjustment,

Variations  
Conditional Uses  
Zoning Changes

\$15.00 <sup>25</sup>  
\$25.00  
\$50.00

Site permit -

10.00

Quintana  
1/14/81  
Bos

SECTION 22 BOARD OF ADJUSTMENT

- A. The Board of Adjustment is hereby established to act on variance applications as herein detailed. Said Board shall consist of five (5) members appointed by the Mayor for a three (3) year term after first appointments of one member for one (1) year, two members for two (2) years and two members for three (3) years. Appointments shall be subject to confirmation by the ~~City~~ <sup>Town</sup> Council.
- B. The Board shall appoint one of its members as chairman and will set its operating rules in accordance with Section 11-2707, R.C.M. 1947.
- C. The Board of Adjustment may, after public notice and hearing, conditionally approve, deny, or approve the request to meet the following requirements of this Ordinance:
1. Street setback requirements.
  2. Yard requirements.
  3. Area requirements.
  4. Height requirements.
  5. Parking space requirements and improvements set forth in Section 17 of this Ordinance.
- D. Procedure: Written applications for such modifications shall be filed in the public office of the ~~zoning clerk~~ <sup>Town Clerk</sup> on forms provided. Notwithstanding any other provisions of this Ordinance, the uniform fee of \$25.00 shall be paid to the ~~City~~ <sup>Town</sup> upon the filing of each application modification for the purpose of defraying expenses incidental to the proceeding.
- The Board of Adjustment shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each application is consistent with the intent and purpose of this Ordinance. No application will be regarded as having been filed until the fee stated above shall be paid to the ~~City~~.
- E. Notice of Hearing: Notice of said hearing shall be published in a newspaper of general circulation within the ~~County~~ <sup>Town</sup> at least ten (10) days prior to the hearing date.
- F. Said hearing shall be held at the appointed time and place and testimony may be taken by the Board of Adjustment from persons interested in said modifications request, ~~and from the County Planning Board.~~

G. In approving such modifications, the Board of Adjustment shall designate such lawful conditions as will secure substantial protection for the public health, safety and general welfare, and shall find as follows:

1. Such modifications will not be inconsistent with intent and purpose of this Ordinance and/or any adopted general plan.
2. That strict compliance with the provisions of this Ordinance would create unnecessary hardship or unreasonable situations on a particular property due to unusual or extreme topography unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property.
3. That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.
4. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:
  - a. Bond to insure removal of a structure within a specified period of time.
  - b. A time period within which the proposed structure shall be erected.
  - c. Regulations of point of vehicular ingress and egress.
  - d. Requiring landscaping and maintenance thereof.
  - e. Requiring the surfacing and marking of offstreet parking and loading areas subject to specifications of the Planning Board, and/or Board of Adjustment <sup>Zoning Commission</sup>.
  - f. Any other such conditions as will make possible development of the Planning Area in an orderly and efficient manner and in conformity with the intent and purpose set forth in this section. Any approval under this section shall be subject to the terms of the condition designated in connection therewith.

SECTION 23 AMENDMENT AND CHANGES OF ZONE DISTRICTS

- A. Initiation of proceeding by ~~City~~<sup>Town</sup> Council and Zoning Commission: The ~~Town~~<sup>Town</sup> Council may, from time to time, amend, supplement, or change this Ordinance and the regulation of maps appertaining thereto. An amendment, supplement, or change may be initiated by the ~~City~~<sup>Town</sup> Council, or the Zoning Commission.
- B. Change of Classification by Property Owner: Whenever the property owner of any land or building desires a reclassification of his property or change in regulations applicable thereto, he may file with the ~~City~~<sup>Town</sup> on forms provided for this purpose. A petition duly signed and verified by him requesting such an amendment or change of regulations prescribed for such property.
- C. Filing fee for the proposed amendments to the zone district: A fee of \$50 shall be charged to cover the cost of advertising and processing. The Zoning Commission shall cause to be made such an investigation of facts bearing on such petition as will provide necessary information to assure that the action on each such petition is consistent with the intent and purpose of this Ordinance.
- D. Hearing on petition for zone change classification by Zoning Commission: The Zoning Commission shall hold public hearing on the matters referred to in such petition at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearings shall be published in an official paper, or a paper of general circulation, in the ~~City~~<sup>Town</sup>. After said hearing and/or hearings, the Zoning Commission will make reports and recommendations on said petition to the ~~City~~<sup>Town</sup> Council.
- E. Hearing by ~~City~~<sup>Town</sup> Council on petition of change of classification: When the Zoning Commission has recommended an amendment or supplement to this Ordinance, including a change in the district boundaries, a public hearing shall be held by the ~~City~~<sup>Town</sup> Council for the purpose of acting upon the proposed amendment or supplement after public notice. Such public notice shall be published in an official paper, or a paper in general circulation in the ~~City~~<sup>Town</sup>, telling the time and place of the meeting at least fifteen (15) days prior to the meeting place.
- F. Enforcement: This title shall be enforced by the ~~Zoning Town~~<sup>Zoning Town</sup> Administrator and his authorized representatives. No building permit or business or occupational use license shall be issued except in compliance with the provisions of this Chapter.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

#### SECTION 25 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the ~~Zoning~~ Clerk. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

#### SECTION 26 PENALTIES FOR VIOLATION

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements, or any of the requirements or conditions imposed by the Zoning Commission and/or City Council, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500, or imprisoned for not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and an architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and subject to the penalties herein provided.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this act, or of any resolution made under authority conferred hereby, the proper authority of the ~~Planning~~ Area, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, prevent any illegal act, conduct business, or use in or about such premises and to prevent the occupancy of such building, structure or land.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 28 REPEALS

All Ordinances of the Town of Ennis inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

The repeal of any of the above mentioned Ordinances does not revive any other Ordinance or portion thereof repealed by said Ordinances.

Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Ordinance repealed hereby for an offense committed prior to the repeal.

SECTION 29. ZONING

This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
19\_\_\_\_\_, BY THE ~~COUNCIL~~ COUNCIL OF THE ~~CITY~~ *Town* OF ENNIS, MONTANA.  
*Town*

Signed: \_\_\_\_\_  
Mayor  
Ennis, Montana

Attest: \_\_\_\_\_  
Chairman  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
*Zoning Commission*

Attest: \_\_\_\_\_  
*Town* ~~City~~ Clerk  
Ennis, Montana

*Town of Ennis*

MAYOR: Robert L. Storey

CLERK: Helen McCollough

*Box 147*

*Ennis, Montana 59729*

AC 406 - 682 - 4287

COUNCIL MEMBERS

John R. Moyle

Laura Dyer

Mary Ann Baker

Andrew "Bud" Cooper

CITY ORDINANCE NO. 52

AN ORDINANCE ESTABLISHING DISTRICTS AND REGULATIONS AND RESTRICTIONS THEREIN FOR THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, PUBLIC, OR OTHER PURPOSES; REQUIRING THE PROVISION OF AUTOMOBILE PARKING SPACE; MAKING EXCEPTIONS TO CERTAIN REGULATIONS; PROVIDING FOR AMENDMENTS; ESTABLISHING A BOARD OF ADJUSTMENT; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND IMPOSING PENALTIES FOR VIOLATIONS.))

PASSED AND ADOPTED JUNE 18, 1973 BY THE TOWN COUNCIL OF ENNIS, MONTANA

WHEREAS, the Town of Ennis has adopted and is enforcing Ordinance number 52, and

WHEREAS, The aforesaid building code prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Town Council, and the Board of Adjustments

WHEREAS, The Board of Adjustments must examine all plans and specifications for the proposed construction when application is made to them for a building permit.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF ENNIS, as follows:

1. That the Board of Adjustments shall review all building permit application for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and
2. That the Board of Adjustments will review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and
3. That the Board of Adjustments shall require new or replacement water supply system and/or sanitary sewage systems to be designed to minimize or eliminate filtration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Date Passed March 8, 1976

  
Robert L. Storey, Mayor