



**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, DECEMBER 20, 2023  
6:00 PM  
COUNCIL CHAMBERS**

**Public Input:** *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

**Discloser of Ex Parte Communication**

**Public Hearing**

1. [Laurel-Yellowstone](#) City-County Growth Management Plan 2023 Update
2. [Yellowstone](#) County Subdivision Regulations.
3. [City](#) of Laurel Zoning Ordinances

**General Items**

4. Approve the minutes from November 15, 2023

**New Business**

5. Resolution No 2023-01 recommending adoption of the 2023 update to the 2020 Growth Policy
6. Yellowstone County Subdivision Regulations requested by the County Commissioners
7. Motion for City of Laurel Zoning Regulations.
8. Yellowstone County's request to consider Zoning Regulations around Laurel in the planning jurisdiction.
9. Schedule of Fees and Charges for Planning Items. Exempt plat fees changed by the Montana Legislature.

**Old Business**

**Other Items**

10. Next City/County Planning Board Meeting will be held on January 17, 2024.

**Announcements**

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

**DATES TO REMEMBER**

**File Attachments for Item:**

Laurel-Yellowstone City-County Growth Management Plan 2023 Update

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 23-03

**Resolution for the City of Laurel/Yellowstone County Planning Board  
to Create a Growth Policy Plan for the Area around the City of Laurel**

WHEREAS, Section 76-1-601(2)(f)(iii) of the Montana Code Annotated provides a board of county commissioners should review its growth policy plans for the planning board jurisdictions under its authority at least once every five years to determine whether they should be modified. Section 76-1-604(3)(a) of the Montana Code Annotated provides if a board of county commissioners determines it should revise a growth policy plan, it should revise its growth policy plan through the same procedure it used to initially adopt the growth policy plan. To adopt a growth policy plan, the planning board must give notice of a public hearing, hold a public hearing and make a recommendation to the board of county commissioners on the adoption of the growth policy plan. The board of county commissioners must pass a resolution of intent, give notice of a public hearing, hold a public hearing, consider public comments and the recommendation of the planning board and pass a resolution that adopts the growth policy plan.

WHEREAS, on October 21, 2020, after a public hearing, the City of Laurel/Yellowstone County Planning Board recommended the City of Laurel Council adopt the 2020 Revised Growth Policy Plan for the City and the area around the City. On January 12, 2021, the City of Laurel Council adopted the plan. For an unknown reason, the Yellowstone County Board of County Commissioners did not adopt the plan. To rectify the situation, the Board of County Commissioners would like to adopt a growth policy plan for the area around the City. The Board of County Commissioners believes it can adopt the 2020 Revised Growth Policy Plan adopted by the City with some slight modifications. A growth policy plan is a pre-requisite for the County to have subdivision and zoning jurisdiction in an area. The County believes it has subdivision jurisdiction in the area around the City. The County would like to enact zoning jurisdiction around the City. To exercise subdivision and zoning jurisdiction around the City, the County needs to have adopted a growth policy plan for the area.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners orders the City of Laurel/Yellowstone County Planning Board to create a growth policy plan for its jurisdictional area around the City of Laurel. The Board of County Commissioners believes the 2020 Revised Growth Policy Plan adopted by the City of Laurel with some slight modification could be used for the growth policy plan.

After the Planning Board creates the growth policy plan, it should provide the plan to the Board of County Commissioners and begin the process to make a recommendation to the Board of County Commissioners as to the adoption of the plan. The Planning Board should make the plan available to the public, pass a resolution that sets a date for a public meeting and hearing on the plan, provide notice of the public meeting and hearing, receive written comments prior to the meeting and hearing, accept written comments at the public meeting, accept both written and oral comments at the public hearing, consider the comments, after the public hearing make a recommendation as to whether the Board of County Commissioners should adopt the plan and provide the recommendation to the Board of County Commissioners.

After the Board receives the recommendation from the Planning Board, the Board will pass a resolution of intent to adopt the plan, give notice of a public hearing, hold a public hearing, consider public comments and the recommendation of the planning board and pass a resolution to either adopt or not adopt the plan. The Board of County Commissioners orders the Yellowstone County Clerk and Recorder to provide a copy of this resolution to the Planning Board.

Passed and Adopted on the 24<sup>th</sup> day of January 2023.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
John Ostlund, Chair

  
Donald W. Jones, Member

**ABSENT**  
Mark Morse, Member

ATTEST:  
  
Jeff Mann, Clerk and Recorder

**Chronology**

Resolution to Planning Board January 24, 2023

Planning Board Plan ?  
Planning Board Resolution for Hearing ?  
Planning Board Notice of Hearing ?  
Planning Board Hearing ?  
Planning Board Recommendation ?

Board Resolution of Intent ?  
Board Notice of Public Hearing ?  
Board Public Hearing ?  
Board Resolution ?

**Documents**

Board Resolution to Planning Board

Planning Board Planner Report  
Growth Policy Plan  
Planning Board Resolution for Hearing  
Planning Board Notice of Hearing  
Planning Board Affidavit of Notice of Hearing  
Public Comments  
Minutes of Planning Board Meeting  
Recording of Planning Board Meeting  
Planning Board Recommendation

Board Planner Report  
Board Resolution of Intent  
Board Notice of Public Hearing  
Board Affidavit of Notice of Hearing  
Public Comments  
Minutes of Board Meeting  
Recording of Board Meeting  
Board Resolution

**RESOLUTION NO. R23-29**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY OF LAUREL-YELLOWSTONE CITY-COUNTY PLANNING BOARD TO WORK WITH CITY STAFF TO PREPARE COMPREHENSIVE UPDATES TO THE CITY OF LAUREL'S GROWTH MANAGEMENT PLAN.**

WHEREAS, the City of Laurel's Growth Management Plan has not been updated for several years, it is outdated, and recent developments have made it apparent that amendments and revisions are necessary;

WHEREAS, City Staff is prepared to work with the City of Laurel-Yellowstone City-County Planning Board to update the Growth Management Plan to guide future growth and development within the City of Laurel and its outskirting areas; and

WHEREAS, Yellowstone County has also requested that the City of Laurel-Yellowstone City-County Planning Board work with City Staff to update the Growth Management Plan to guide further growth and development within the City of Laurel and its outskirting areas; and

WHEREAS, City Staff is prepared to work with the City of Laurel-Yellowstone City-County Planning Board to update the current Growth Management Plan in accordance with the procedures and processes required by Montana law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Laurel hereby authorizes and directs City Staff to work with the City of Laurel-Yellowstone City-County Planning Board to update the Growth Management Plan to guide further growth and development within the City of Laurel and its outskirting areas.


Introduced at a regular meeting of the City Council on the 9<sup>th</sup> day of May, 2023, by Council Member Herr.

PASSED and APPROVED by the City Council of the City of Laurel the 9<sup>th</sup> day of May, 2023.

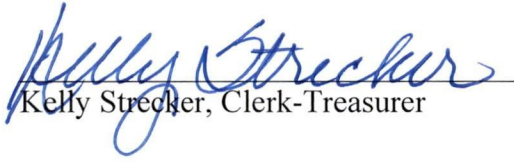
APPROVED by the Mayor the 9<sup>th</sup> day of May, 2023.



CITY OF LAUREL

  
\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

  
Michele L. Braukmann, Civil City Attorney

## PUBLIC HEARING NOTICE

The Laurel-Yellowstone City-County Planning Board and Laurel's Zoning Commission will conduct three (3) public hearings on December 20<sup>th</sup>, 2023.

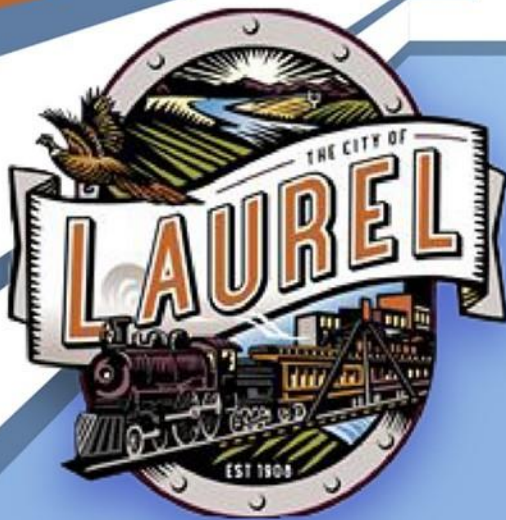
### Public Hearing for Laurel-Yellowstone City-County Growth Management Plan 2023 Update

### Public Hearing for City of Laurel Zoning Ordinances

### Public Hearing for the Yellowstone County Subdivision Regulations for the Laurel Planning Jurisdiction outside the City of Laurel city limits

The hearings are scheduled for 6 P.M., in the Laurel City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, December 20, 2023.

Public comment is encouraged and can be provided in person at the public hearing on December 20<sup>th</sup>, 2023. Public comments can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. Emails or letters of comments should be received by 4pm MST on December 20<sup>th</sup>, 2023. Copies of the documentation and regulations are available for review upon request at the Planning Department office. Questions regarding these public hearings may be directed to the Planning Director at 406-628-4796 ext. 5305, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).

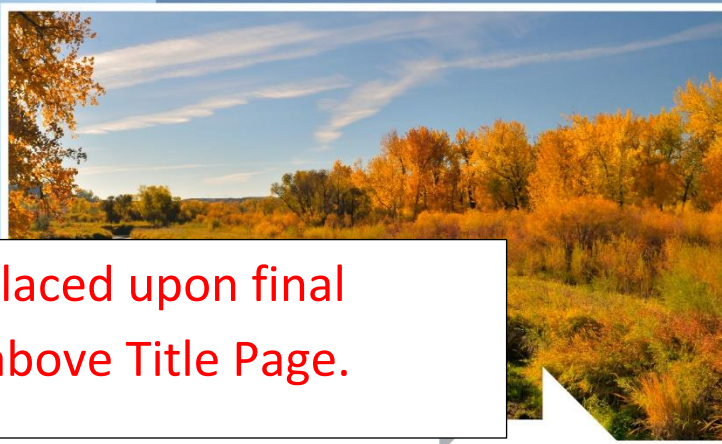


## REQUESTED UPDATE

To the 2020 Growth Management  
Policy for the City of Laurel/  
Yellowstone County Joint Planning  
Jurisdiction

Prepared by the City of Laurel/Yellowstone  
County Planning Board 2023





This page to be replaced upon final approval with the above Title Page.



November 2020

# GROWTH MANAGEMENT POLICY

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# CHAPTER 1: INTRODUCTION AND PURPOSE

## Introduction

The Growth Management Policy is a guide for the development of the **City of Laurel Laurel Planning jurisdiction area** over the next five years. The purpose of this plan is to provide general guidelines to develop and maintain Laurel as a safe, livable, and economically viable community that residents, institutions, and businesses are proud to call home. This document presents information about the **planning jurisdiction**, **City** its residents, and the goals and objectives the **City Planning Board** will work towards in the long term.

This document is focused on the City of Laurel and its **surrounding** zoning and planning jurisdictions. Laurel is at a crossroads both in place and time. It is located at a vital junction for agriculture, transportation, and industry that helped develop the area over the past 130 years. The timing of this policy update is also essential given a growing population, changing demographics, a fast-growing municipality nearby (Billings), and the need for updated regulations and policies to face 21st century technological, economic, and land-use challenges.



## Historical Context

The Crow was the principle Tribe in the Yellowstone Basin when European explorers first arrived. In July of 1806, Captain William Clark and his expedition floated down the Yellowstone River from current-day Livingston in crude canoes on their return journey. Clark and his expedition camped at the mouth of the Clark's Fork of the Yellowstone River near Laurel's present site and noted it as a possible location for a trading post. Chief Joseph later led the Nez Perce over the Yellowstone River near Laurel during their retreat to Canada in 1877. Colonel Sam Sturgis and his cavalry caught up and battled the Tribe at Canyon Creek approximately six miles north of present-day Laurel. The Nez Perce escaped the cavalry and continued their flight to Canada after the battle. Laurel is located on both the Lewis & Clark and Nez Perce National Historic Trails that commemorate these events.

European settlement of the area began in 1879. The railroad reached Billings by 1882 and reached current-day Laurel by that fall. The City of Laurel, initially called Carlton, was established in 1882 along the newly laid railroad tracks. The western legend of "Calamity Jane" Canary was associated with Laurel in its early years after she came to Laurel in 1882 and had her dugout near the Canyon Creek Battleground.

Laurel's population and its economy boomed during the early years. By 1920, the population had reached 2,338 residents. The rail yards were a permanent fixture of the local economy and became a dependable employer due to the consistent demand for agricultural products nationwide. The three major industries which have played a significant role in the growth of the City have been agriculture, the

railroad, and oil. Local farms near current-day Laurel were settled before any official town being established. Popular crops for area farmers and ranchers included alfalfa, grains, and sugar beets. This agricultural production was a significant draw for the region outside of the rail yard's ability to ship goods. These farms were an essential driver of the local economy despite the railyard's outsized role as a shipping center.

The Northern Pacific, Great Northern, and Chicago, Burlington, and Quincy Railroads all made their junction in Laurel by 1906. The Northern Pacific was building terminal yards in 1907, which would eventually lead to Laurel being the largest terminal and classification station between St. Paul, Minnesota, Seattle, and Washington. The yards would eventually have a fifty-five-stall roundhouse, machine shop, ice-making plant, loading docks, water tank, and disinfecting plant. **The yard is currently operated by Montana Rail Link, which is leased from the Burling Northern/Santa Fe Railroad.** Laurel remains the largest rail yard between Minneapolis and Seattle.

The area was repeatedly drilled for oil exploration in the early 1920s. The Northwest Refining Company bought a site for a proposed 2,000-barrel refinery in 1922. In 1927, productive oil fields were discovered in the nearby Oregon Basin of Wyoming. The existing regional rail infrastructure made Laurel an ideal location for the refining and exporting of crude oil from Wyoming and other regions. The refinery in Laurel has been operated by many companies, including the Independent Refining Company, Farmers Union Central Exchange, and now CHS Inc.

## Purpose

The Growth Management Policy is a statement of the community goals and objectives that will guide the **City's planning jurisdiction's** development. The policy is a comprehensive document covering many different study areas, including demographics, land use, infrastructure, public services, transportation, and housing. The purpose of this Growth Management Policy is to:

- ❖ Establish Community Goals and Objectives
- ❖ Present an updated profile of the community
- ❖ Provide projections for housing, natural resources, population, land use, and other subjects
- ❖ Ensure an orderly set of policy priorities for the expansion of the City
- ❖ Put forward an implementation guide for the established Goals and Objectives
- ❖ Act as a guide and resource for city **and county** staff and other local stakeholders

## Community Vision

The Growth Management Policy allows local stakeholders to create a future vision for the Laurel community. A well-thought-out vision is important because it informs the structure and form of the document and influences the City's work long after it is published. This vision can involve where the City wants to grow, what types of business residents would like to see, priorities for project funding, and the quality of life residents would like to have. The Growth Management Policy's goals,



objectives, and recommendations for implementation are developed from this community vision. City staff worked with Planning Board members to develop a community vision for the **planning jurisdiction. Laurel.**

In the future, **the Laurel area** will have:

- ❖ A diverse array of residents, businesses, and institutions,
- ❖ Greater employment opportunities,
- ❖ Connected and accessible neighborhoods,
- ❖ A variety of housing options and levels of affordability,
- ❖ A thriving downtown and commercial district,
- ❖ Well-functioning public services and amenities,
- ❖ Clear and consistent regulations for development, and
- ❖ An engaged community.

## Regulatory Requirements

The Growth Management Policy is a statutory necessity for local governments. Montana Code Annotated Title 76, Chapter 1, Part 6 provides the foundation for establishing a municipal growth policy. These statutes require certain general items to be included, but the direction, focus, and contents of the policy are the local governing body's responsibility. These statutes were established to enable local governments to proactively envision their future and implement change in a coordinated way.



# CHAPTER 2: PUBLIC INVOLVEMENT

## Overview

The update process for the 2020 Growth Management Policy began in November 2019 and continued through October of 2020. Much of the plan was developed in the spring and early summer of 2020. The Planning Department convened multiple meetings of the Planning Board to discuss and review draft chapters and information and reached out to local, county, and state officials for input.

The onset of the COVID-19 pandemic and subsequent shelter-in-place directives disrupted the Laurel City-County Planning Board's in-person meetings. The Planning Department continued to draft sections of the plan, met with stakeholders virtually, and compiled chapters despite this disruption.

## Prior Efforts

Before this update, the most recently approved Growth Management Policy was completed and approved by Laurel City Council in December of 2013. Before adopting the 2013 Growth Management Policy, The City of Laurel had prepared and adopted a Growth Management Policy in 2004.

## Outreach

Outreach efforts were made during the late winter and early spring of 2020. The City reached out to many local, regional, and state groups. These groups and organizations were identified as essential stakeholders in the development of the plan. Many groups were unable to comment due to the COVID-19 pandemic, which caused significant scheduling and contact issues. The chart below shows the groups that the City met with and those contacted but who did not follow-up or could not provide direct information due to the pandemic.

Laurel Growth Management Policy Update Outreach	
Groups with which Meetings were held	Groups Contacted
Laurel Urban Renewal Agency	Laurel Chamber of Commerce
Laurel School District	Big Sky Economic Development Authority
City of Laurel Public Works	Montana Department of Commerce
City of Laurel Fire Department	Yellowstone County Disaster & Emergency Services
City of Laurel Police Department	Yellowstone County GIS
Laurel Rotary Club	Montana Department of Justice
Yellowstone County Board of County Commissioners	
Yellowstone County Sheriff's Department	
Department of Natural Resources and Conservation	
Montana Department of Transportation (Billings District)	
Beartooth Resource Conservation & Development	
Montana Department of Environmental Quality	

## Timeline of Meetings for the Growth Management Policy Update

The onset of the COVID-19 pandemic curtailed meetings of the Planning Board between March and June of 2020. Compiling the policy components and preparation of narrative portions continued during this time under the previously established schedule. The chart below shows the Planning Board and City Council meetings in which the Growth Management Policy Update was presented.

Laurel Growth Management Policy Update 2020 - Meeting Schedule			
Date	Purpose	Task	Outcome
December 11, 2019	Approve Schedule and Contacts	Initial Visioning Discussion	Invites to Agencies
January 8, 2020	Disc: Chapters 1&3	Introduction, Purpose and Common Goals	Work Session
February 12, 2020	Disc: Chapters 4&5	Community Profile, Employment Forecast	Work Session
February 26, 2020	Disc: Chapter 6	Land Use	Work Session
March 11, 2020	Disc: Chapter 7	Future Land use	Work Session
March 25, 2020	Disc: Chapter 8	Housing	Work Session
April 8, 2020	Disc: Chapter 9	Infrastructure	Work Session
April 22, 2020	Disc: Chapter 10	Transportation	Work Session
May 13, 2020	Disc: Chapter 11	Economic Development	Work Session
May 27, 2020	Disc: Chapters 12&13	Public Services, Facilities & Recreation Plan	Work Session
June 10, 2020	Disc: Chapters 3, 14, 15	Community Goals, Natl Resources & Implementation	Work Session
June 24, 2020	Review Document	Review Completed Chapters	Work Session
July 22, 2020	Planning Board Review	Chapters 3, 7, 7.5, 8, 9, 10, 11, 13	Work Session
August 19, 2020	Planning Board Review	Review Draft Document	Schedule Public Hearing
October 21, 2020	Planning Board Public Hearing	Full Document Review and Approval	Resolution of Adoption
November 3, 2020	City Council Discussion Session	Full Document (PB Approved)	Preliminary Presentation
November 17, 2020	City Council Workshop	Full Document (PB Approved)	City Council Review and Comments
November 24, 2020	City Council Public Hearing	Receive Public Comment, Approve Resolution of Adoption	Resolution of Adoption
December 24, 2020	Final Adoption	30 Day Comment Period	Adoption of Growth Management Policy

<b>Laurel Growth Management Policy Update 2023 - Development Schedule</b>			
<b>Date</b>	<b>Purpose</b>	<b>Task</b>	<b>Outcome</b>
January 24 <sup>t</sup> , 2023	County Commissioners Meeting Approving Resolution No. 23-03	County Commissioners request to update 2020 Growth Management Policy with changes to the City of Laurel/ Yellowstone Couy Planning Board	Planning Board to take up the task
February 15, 2023	Planning Board Meeting	Report to the Panning Board of the County's request	Started the review
March 15, 2023	Planning Board Meeting		Work Session
April 19, 2023	Planning Board Meeting		
May 2, 2023	City Council Workshop	Staff recommendation asking City Council to request Growth Management Policy update with changes to The City of Laurel/Yellowstone County Planning Board	Discussion
May 9, 2023	City Council Meeting Approving Resolution R23-29	City Council's request to update 2020 Growth Management Policy with changes to the City of Laurel/ Yellowstone Couy Planning Board	Planning Board to continue updates
May 17, 2023	Planning Board Meeting	Inform Planning Board of City Council Resolution R23-29	Review changes
June 21, 2023	Planning Board Meeting	Review 2020 growth management policy	Review changes
July 26, 2023	Planning Board Meeting	Review 2020 growth management policy	Review changes
September 20,2023	Planning Board Meeting	Set work sessions for Planning Board and to send legal notice to the community	Work Session Set
September 29, 2023	Legal Advertisement Published in Yellowstone County News	Work Session Public Notice for every Wednesday in October	Public Notice
October 4, 2023	Planning Board Review	Review 2020 growth management policy draft changes	Work Session
October 6, 2023	Legal Advertisement Published in Yellowstone County News	Work Session Public Notice for every Wednesday in October	Public Notice
October 11, 2023	Planning Board Review	Review 2020 growth management policy draft changes	Work Session
October 18, 2023	Planning Board Review	Review 2020 growth management policy draft changes	Regular Meeting
October 18,2023	Planning Board Meeting	Review 2020 growth management policy draft changes	Work Session
November 15, 2023	Planning Board Meeting	Review draft changes and to set a public hearing for December 20 <sup>th</sup> , 2023	Advertise Public Hearing for Planning Board
December 1, 2023	Legal Advertisement Published in Yellowstone County News	Community Public Notice	Public Notice
December 4, 2023	Send out draft document and maps to City and County Offices for Comments	City and County Staff Notice	

December 8, 2023	Legal Advertisement Published in Yellowstone County News	Community Public 2 <sup>nd</sup> Notice	Public Notice
December 15, 2023	Legal Advertisement Published in Yellowstone County News	Community Public 3 <sup>rd</sup> Notice	Public Notice
December 20, 2023	Planning Board Public Hearing	Full Document Review and Approval	
TBD	City Council discussion Session	Full Document	Preliminary Presentation
TBD	City Council Workshop	Full Document	City Council Review and Comments
TBD	County Commissioners Discussion Session	Full Document	Preliminary Presentation
TBD	County Commission Discussion Session	Full Document	City Council Review and Comments
TBD	Legal Advertisement Published in Yellowstone County News	Community Public 1 <sup>st</sup> Notice - City	Public Notice
TBD	Legal Advertisement Published in Yellowstone County News	Community Public 1 <sup>st</sup> Notice - County	Public Notice
TBD	Legal Advertisement Published in Yellowstone County News	Community Public 2 <sup>nd</sup> Notice - City	Public Notice
TBD	Legal Advertisement Published in Yellowstone County News	Community Public 2 <sup>nd</sup> Notice - County	Public Notice
TBD	City Council Public Hearing	Receive Public comment, Approve Resolution of Adoption	Resolution of Adoption
TBD	County Commissioners Public Hearing	Receive Public Comment, Approve Resolution of Adoption	Resolution of Adoption
TBD	Final Adoption	30 Day Comment Period	Adoption of Growth Management Policy

## **CHAPTER 3: GOALS, OBJECTIVES, AND STRATEGIES**

### **Overview**

The community goals and objectives presented in this chapter were established to transform the community vision into a concrete reality. These goals, objectives, and strategies were developed through research, data collection, interviews, and public meetings that the City and the Planning Board conducted throughout the planning process.

These goals cover a wide range of topics, including Land Use, Transportation, Housing, Economic Development, Infrastructure, and more. This collection of community goals and objectives is meant to be exhaustive to provide the City, developers, residents, and business owners with comprehensive guidance to inform local efforts across different sectors, topics, and areas of influence.

### **Land Use Goals and Objectives**

Land use policy is one of the most potent tools a city has. Zoning and subdivision codes influence growth patterns, infrastructure placement, road connectivity, and much more. The **City of Laurel Planning Board** is focused on the effective use of land in and around the City. The **City-Planning Board** also plans to conserve open space and traditional land uses by focusing on smarter, denser development clustered along significant routes and commercial areas.

This plan's overall goals are to conserve open space while maximizing the areas currently in and directly adjacent to the City. Laurel's downtown and Southeast 4th Street rehabilitation are possible through a mix of infill development, mixed-use buildings, improved infrastructure, and updated façade and signage standards.

#### **Goal 1: Conserve open space and traditional land uses**

- ❖ Encourage cluster developments to incorporate open space into new developments
- ❖ Provide options for landowners for conserving portions of their land
- ❖ Study and Implement strategies to create an interconnected system of parks and greenways and open space that are accessible to area residents

#### **Goal 2: Develop downtown Laurel into a vibrant place to live, work, and play**

- ❖ Encourage mixed uses for living, working, and shopping local
- ❖ Identify priority parcels for infill development
- ❖ Implement Placemaking projects to create a more livable and enjoyable downtown
- ❖ Partner with local groups to support community businesses, events, and gatherings
- ❖ Connect with regional agencies to access project funding, receive technical support, and boost the visibility of Laurel development opportunities

#### **Goal 3: Update Subdivision Code to meet the needs of Laurel and the surrounding area**

- ❖ Provide clear and consistent standards
- ❖ Ensure the proper scale and scope of regulations
- ❖ Include trails, open space, and greenway considerations in parkland subdivision review
- ❖ Regularly review and update the Subdivision Code as needed to remain current

Goal 4: Update the Zoning Code to provide for greater flexibility of allowable uses, clearer requirements, and more efficient land use

- ❖ Study the inclusion of different types of housing within residential districts
- ❖ Update Overlay Districts, Parking Requirements, and the Sign Code to better fit the City's needs and character
- ❖ Allow mixed-use live/work opportunities in commercial areas
- ❖ Enable property owners to use their land more effectively and efficiently

Goal 5: Use long term planning documents to identify funding and address priority needs for infrastructure and development

- ❖ Establish an Annexation Plan to develop priority growth areas and strategies
- ❖ Develop a Capital Improvement Plan for vital infrastructure to support the City as it grows
- ❖ Prepare a Commercial and Industrial Development Study for land adjacent to major transportation routes in the Laurel area

## Annexation Goals and Objectives

Municipalities need to seize growth opportunities. Having strategies to address challenges for developing a community and preparing priorities for expansion are vital activities. Two overarching goals have been designated to help the City of Laurel grow through annexation.

Goal 1: Adopt a long-range view for the growth of the City

- ❖ Establish a growth-conscious set of policies to expand the City and its services
- ❖ Create priority growth areas for extension of services
- ❖ Develop and approve an Annexation Plan for the Laurel Planning Jurisdiction
- ❖ Support the creation of a long-term Capital Improvement Plan for the extension of essential infrastructure

Goal 2: Manage fiscal responsibility with established and proposed annexation standards

- ❖ Ensure that the established standards are right and proper for the City of Laurel
- ❖ Ease the burden for developers to annex into the City while meeting established standards
- ❖ Allow greater flexibility in development patterns
- ❖ Determine the cost and benefits of annexation

## Housing Goals and Objectives

Housing is a necessity in any community. The goals presented below are a means to ensure that people can find affordable, accessible, comfortable, and attractive housing in the community. To date, Laurel has not struggled with significant housing affordability issues. One housing trend that Laurel might consider is the growing demand for closer-knit, denser, and connected neighborhoods near commercial areas. Many younger Americans have abandoned the traditional single-family home for other housing, including rowhouses, tiny homes, condominiums, and apartments. Many older Americans are also focusing on downsizing to housing that is more accessible to local services, including restaurants, medical services, and grocery stores.

Housing is closely connected with transportation and economic development. Updating the zoning code to allow a more comprehensive array of housing options such as tiny homes, accessory dwelling units, and multi-family housing is an important goal. This update will ensure that currently developed parcels and vacant parcels within the City can be developed with more options for prospective buyers or renters. It is also crucial for Laurel to have standards and code that allow for the efficient use of space already within the City while enabling the effective use of land in the surrounding area.

**Goal 1: Encourage a mixture of housing types to meet the demand of all market sectors**

- ❖ Maintain a diverse array of housing and affordability levels
- ❖ Promote higher density housing types in the downtown area and adjacent to major transportation corridors
- ❖ Study mixed-use housing and other alternative housing types and styles
- ❖ Provide options for a full spectrum of housing from rentals to retirement housing

**Goal 2: Provide information on housing-related grants, loans, and ownership programs**

- ❖ Develop a list of resources for renters and homeowners
- ❖ Collect information on federal, state, local, and philanthropic rental and homeownership programs
- ❖ Advise Laurel area residents as to available support for housing, rent, and homeownership

## Infrastructure Goals and Objectives

Infrastructure is the foundation of the community. It will be vital for the City to utilize long-range planning to establish infrastructure standards, map current infrastructure facilities, and identify infrastructure development costs for necessary and prospective projects.

The drafting of planning documents, including master plans and preliminary engineering reports (PERs) relating to the Laurel water system, wastewater system, and stormwater system, is critical to ensure orderly and effective growth of the City. A Capital Improvement Plan (CIP) is another vital infrastructure planning document that should be completed. Plans and engineering reports should provide useable data, allow for inclusion in grant applications, and present direct insight into necessary current and future projects.

**Goal 1: Maintain an Effective and Efficient Public Infrastructure System that Adequately Serves the Needs of the City**

- ❖ Develop a data-driven infrastructure maintenance schedule
- ❖ Determine any existing gaps in services and other infrastructure deficiencies within the City
- ❖ Adopt up-to-date infrastructure standards that are appropriate for the needs of the City
- ❖ Study using public spaces within floodplains, watercourses, and wetlands to be used as passive recreation areas such as parks and greenways
- ❖ Study the feasibility of recycling programs and other means to reduce solid waste
- ❖ Incorporate stormwater system planning into roadway and other infrastructure planning processes

## Goal 2: Establish the Long-Term Capital and Infrastructure Needs for the City

- ❖ Develop a Capital Improvement Plan for the improvement and expansion of infrastructure
- ❖ Prepare a Water System Master Plan
- ❖ Create a Wastewater System Master Plan
- ❖ Complete a Stormwater Management Plan
- ❖ Ensure infrastructure planning documents are routinely updated.
- ❖ Confirm that the established infrastructure priorities are adequate

## Goal 3: Seek out Possible Funding Sources for the Expansion and Improvement of Infrastructure and Essential Community Services

- ❖ Study the physical and financial needs for the extension of infrastructure to priority growth areas.
- ❖ Collaborate with Montana agencies on major projects and studies
- ❖ Explore federal, state, and philanthropic infrastructure grant opportunities
- ❖ Determine positive impacts from the expansion and improvement of infrastructure
- ❖ Apply for funding opportunities that are appropriate for city priorities and projects and assist in keeping user fees reasonable

## Transportation Goals and Objectives

The transportation network brings people together. This network is a patchwork of streets, roads, sidewalks, bike paths, trails, and rail. It is crucial to couple transportation development with land use. To this end, a goal is the development of a more multi-modal approach to streets and pathways. Implementing bicycle and pedestrian improvements such as bike lanes, greenways, improved signage, and sidewalk improvements is critical. Furthermore, traffic and speed data should be studied on significant routes to determine street safety and determine possible resolutions to improve motorized and non-motorized traveler safety. Laurel seeks to make neighborhoods and commercial areas more accessible and connected by improving pedestrian facilities, including sidewalks, accessible curb cuts, signage, and road markings. Establishing a road network master plan is also vital to create a concrete plan for street expansion and continuity to support orderly and consistent growth patterns.

These transportation goals are a way to increase the quality of life, connect people to their community, increase safety, and plan for current trends and future growth. There are three overarching transportation goals, including objectives and strategies.

### Goal 1: Preserve, Maintain, and Improve the Existing Transportation System

- ❖ Update the Long-Range Transportation Plan (LRTP)
- ❖ Establish a systematic approach for the maintenance and repair of the road network.
- ❖ Develop a Capital Improvement Plan to identify and prioritize significant transportation projects
- ❖ Establish a Road Network Master Plan to ensure street continuity, traffic flow, and neighborhood connectivity,
- ❖ Promote fiscal responsibility and high return on investment
- ❖ Coordinate roadway improvement projects to coincide with underground infrastructure improvements



### Goal 2: Improve the Mobility, Safety, and Accessibility for all users and modes of travel

- ❖ Implement bicycle and pedestrian improvements and traffic calming measures to transform the downtown area into a pedestrian-friendly place
- ❖ Create a looping bicycle/pedestrian trail and street system that connects different areas of Laurel
- ❖ Adopt pedestrian and multi-modal friendly transportation standards and safety measures
- ❖ Explore options to improve and expand the Laurel Transit program and strategies to create other multi-modal transportation connections.
- ❖ Partner with local, regional, and statewide groups to further integrate Laurel into the more comprehensive passenger transportation network

### Goal 3: Connect Transportation Decisions with Land-Use Decisions

- ❖ Integrate land-use planning and transportation planning to manage better and develop the transportation network.
- ❖ Utilize transportation projects to encourage intensive development patterns along significant routes and existing areas of the City.
- ❖ Adopt and implement consistent system policies and maintenance standards
- ❖ Ensure the development of a sustainable transportation system that minimizes environmental impacts

## Economic Development Goals and Objectives

The Laurel economy has changed dramatically in the past few decades. The emergence of online retail has shifted the focus away from traditional brick and mortar downtowns businesses to easy to use and seemingly more convenient online or delivery options. Recently, small towns and cities across the country are finding that thoughtful economic development and land use planning can rehabilitate their downtowns and neighborhoods to reverse some of the losses related to the emergence of online retail.

The City has established focus areas for economic development. These areas include Laurel's traditional downtown core, the Southeast 4<sup>th</sup> St. Commercial district, the 1<sup>st</sup> Avenue Corridor, and Old Route 10 running west from the City. This chapter's primary focus is to establish a smarter, more sustainable development that adds character and connectivity to commercial areas. Commercial areas of Laurel should be attractive places to visit. Placemaking and beautification projects are useful to encourage residents and visitors to explore different areas of the City. Increasing walkability and mixed-use development can also create better housing and commercial opportunities.

The goals presented below are an effort to increase the attractiveness, usefulness, and quality of the community's commercial and economic sectors. The expansion brings new opportunities, and the area near the West Laurel Interchange has significant growth potential. This area could become a central area for the Laurel community's growth and development through the effective use of placemaking strategies, smart growth concepts, and cohesive zoning and development standards. Four main goals with related objectives have been established related to Economic Development as follows:

### Goal 1: Develop downtown Laurel as a destination to live, work, and play

- ❖ Institute placemaking projects to further enhance district character
- ❖ Increase live-work opportunities for current and future residents and businesses
- ❖ Apply TIF funding to beautification, blight removal, and public improvement projects
- ❖ Identify and find solutions for unused or underused parcels as candidates for development

## Goal 2: Create a resilient local economy

- ❖ Strengthen core businesses and industries through communication and connections with technical support
- ❖ Ensure that local economic activities are inclusive and accessible to all stakeholders
- ❖ Implement policies that create stable and sustainable economic growth
- ❖ Work to highlight the shared benefits of working together as a community with local businesses stakeholders, and developers
- ❖ Provide an economic ecosystem that allows for a wide array of businesses, industries, and developments to thrive
- ❖ Study and implement policies to enhance local business demand and alternative strategies for value creation for the community

## Goal 3: Collaborate with area organizations to support economic growth and local employment and training opportunities

- ❖ Communicate with local groups to determine any needs and assistance
- ❖ Create partnerships with local and regional groups to fill local service gaps and create needed programming
- ❖ Take part in events and workshops to support local business initiatives and activities
- ❖ Establish common ground with local and regional groups to provide resources and assistance
- ❖ Connect residents and businesses with like-minded economic, financial, and entrepreneurship resources and opportunities

## Goal 4: Study options for new commercial and industrial properties in anticipated high-growth areas

- ❖ Create a Corridor Master Plan for growth in and around the intersection with Old Route 10 and the West Laurel Interchange
- ❖ Study options and determine priorities for the possible establishment of Tax Increment Financing Districts (TIFs) and Targeted Economic Development Districts (TEDDs)
- ❖ Review and pursue opportunities for clustered commercial or industrial parks
- ❖ Develop funding strategies to provide services for priority growth areas.

## Public Facilities and Services Objectives, Policies and Strategies

Effective and efficient public services are a significant draw for prospective residents, developers, and businesses. Above all, public facilities and services must be accessible, useful, and dependable for everyone residing, working, and visiting the City. Laurel should identify current gaps and determine the projected needs of public facilities as the City grows. It is crucial to work with public stakeholders and departments to include the whole population. Providing consistent and stable service delivery is essential.

### Goal 1: Provide consistent and high-quality public services to the community

- ❖ Develop standard operating procedures to ensure consistency for city departments
- ❖ Develop maintenance procedures for parks, facilities, and public areas.
- ❖ Study current facilities and services to identify gaps and determine projected needs in services

### Goal 2: Respond to the changing nature of the community

- ❖ Plan for the expansion of public facilities in priority growth areas
- ❖ Invest in public facilities that are accessible to everyone in the community
- ❖ Study how to improve city services to boost the quality of life for residents, businesses, and institutions

### Goal 3: Work with city departments and local stakeholders to determine the priority expansion of public facilities and services

- ❖ Open lines of communication between city departments and local stakeholders to gather input on major projects
- ❖ Consider the public service requirements of large-scale projects before their approval and implementation
- ❖ Develop plans for the expansion of Fire, Police, and EMS facilities

## Recreation Goals and Objectives

The wide array of Laurel city parks is a great asset to residents. It is the goal to ensure that current and future city parkland is an essential amenity. Parks should be developed and improved to act as neighborhood focal points. Many of Laurel's parks are very small, with some located in less than optimal locations. It is a goal to ensure that parkland is a useable and enjoyable amenity for residents. The City should study underutilized or burdensome parkland parcels and consider re-use scenarios.

Historical Riverside Park has been a staple of the community for almost one hundred years. The Riverside Park Master Plan was developed in 2018 to provide a blueprint for improvements and the park's use. It will be essential to continue the ongoing improvement efforts and develop policies to attract visitors. Riverside Park should be maintained as a historical, recreational, and economic asset in the future.

### Goal 1: Develop parkland as an essential and enjoyable amenity for residents

- ❖ Ensure new developments have appropriate park space for recreation and general use
- ❖ Study how existing parks can be improved through new facilities, changed layouts, or additions
- ❖ Review current park infrastructure and determine if improvements are necessary to serve the needs of the surrounding area better

### Goal 2: Promote Riverside Park as a vital historic, civic, and recreation resource for residents and visitors

- ❖ Adhere to the projects and strategies presented in the 2018 Riverside Park Master Plan
- ❖ Seek grant funding for structural and site improvements
- ❖ Develop historic markers for Riverside Park and its historic structures
- ❖ Study options for connecting Riverside Park to the city proper through infrastructure improvements, civic engagement, or other means
- ❖ Establish signage and marketing for the assets and resources of Riverside Park to area residents and visitors

Goal 3: Create an interconnected system of parks, greenspace, and trails that are accessible to all

- ❖ Create a city-wide Park System Master Plan to develop project priorities
- ❖ Consider the creation of a City Parks Department to oversee park operations and maintenance
- ❖ Identify unused land that can be transformed into green space or trails for use by the public
- ❖ Update the zoning and development codes to encourage the creation of bicycle and pedestrian trail corridors

## Natural Resource Goals and Objectives

The Laurel planning jurisdiction contains a variety of terrain types and environments. The natural environment should be preserved and enhanced to balance environmental sustainability with economic growth, recreational opportunities, and development. Natural resources and the natural environment can be managed with growth activities to provide social, economic, and community benefits to people over time while continuing their natural functions. The natural resource goals and objectives have been developed with this balance of activities in mind.

Goal 1: Protect Laurel's natural resources and traditional environment

- ❖ Provide options for landowners for conserving portions of their land while developing others
- ❖ Achieve a balanced pattern of growth to ensure environmental concerns are considered during the development
- ❖ Manage the local water resources as a healthy, integrated system that provides long-term benefits from enhanced environmental quality

Goal 2: Incorporate sustainable development patterns in the Laurel subdivision and land use codes

- ❖ Review and update existing zoning and subdivision regulations to ensure environmental preservation and conservation are addressed
- ❖ Review and update landscaping ordinances as needed to best suit Laurel's natural environment
- ❖ Manage rivers, floodplains, wetlands, and other water resources for multiple uses, including flood and erosion protection, wildlife habitat, recreational use, open space, and water supply

Goal 3: Connect with local, regional, and state agencies and stakeholders to improve the natural environment in and around Laurel

- ❖ Sponsor environmental cleanup and rehabilitation programs that include the City, school district, community organizations, and residents
- ❖ Participate in regional watershed studies to achieve adequate long-term flood protection
- ❖ Explore the possibility of creating a conservation corridor along the Yellowstone River

## Intergovernmental Coordination Goals and Objectives

Intergovernmental coordination and collaboration are essential to ensure that the City of Laurel can sustainably develop, seize growth opportunities, and improve residents, visitors, and businesses' quality of life. Consistent intergovernmental coordination will allow Laurel to be a partner and participant rather than a bystander in regional growth.

It will be necessary for the City to regularly communicate with local, county, and state partners to seize grant and development opportunities, provide the Laurel perspective, and connect local groups to those in the broader region. It is envisioned that the City will help direct residents, businesses, developers, and groups to helpful county, state, federal and institutional resources and supports.

#### Goal 1: Establish lines of communication with local, county, and state partners

- ❖ Create an accurate directory of government representatives and staff
- ❖ Update governmental stakeholders regarding ongoing projects and work in the Laurel area
- ❖ Develop working relationships with legislators, staff, and stakeholders at different levels of government

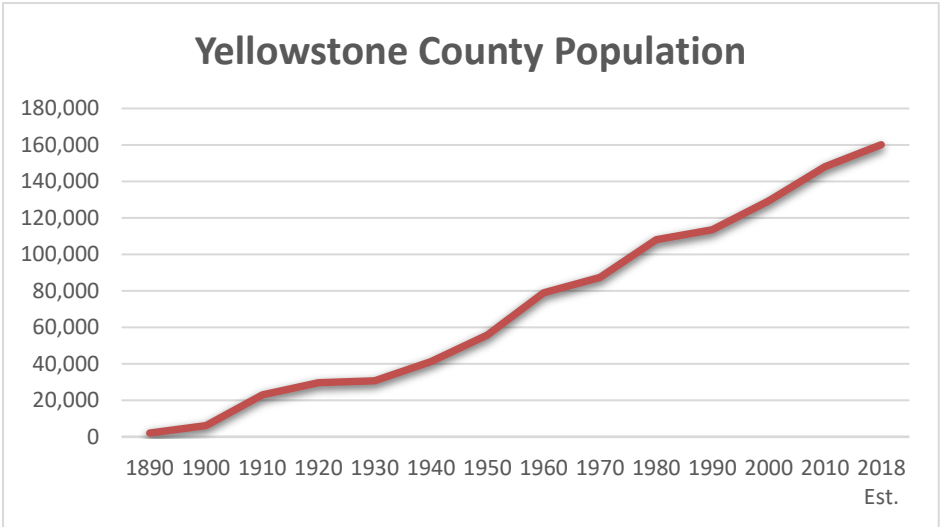
#### Goal 2: Coordinate with local and regional institutions to support and grow the Laurel community

- ❖ Work with economic development groups to seize opportunities for business growth
- ❖ Connect area businesses with institutions and governmental groups that can support their mission
- ❖ Communicate with area legislators to provide information on growth patterns and development in the Laurel area.
- ❖ Maintain open communications with state agencies and the Board of County Commissioners to confirm compliance with statewide codes and operational needs.

# CHAPTER 4: COMMUNITY PROFILE

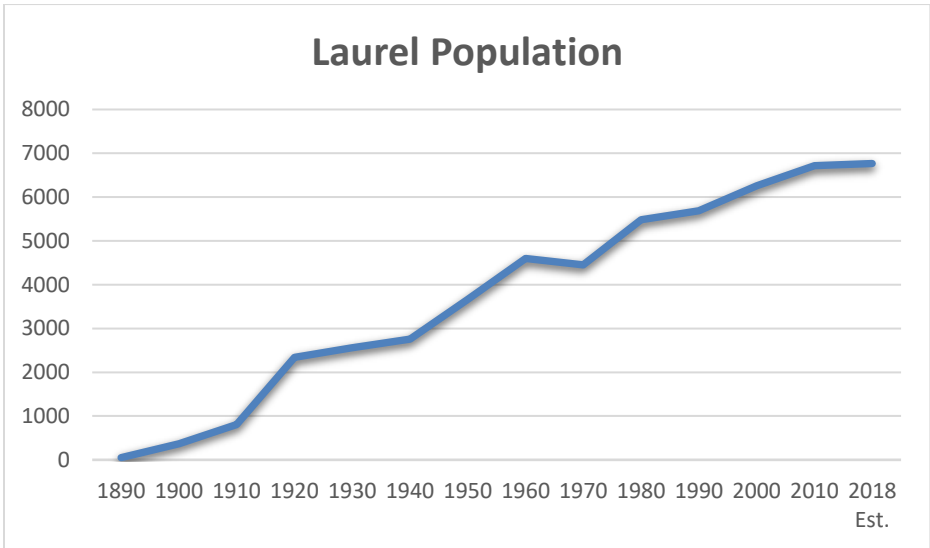
## Population Trends

The City of Laurel was incorporated in 1908. The population of Laurel grew steadily after the early boom years of railroad and oil development. The nearby City of Billings has also contributed to the overall growth and development in Yellowstone County in the past few decades, with Laurel playing a somewhat lesser role. City staff anticipates a continuation of steady growth despite certain developments that may impact this, such as establishing the West Laurel Interchange for interstate I-90.



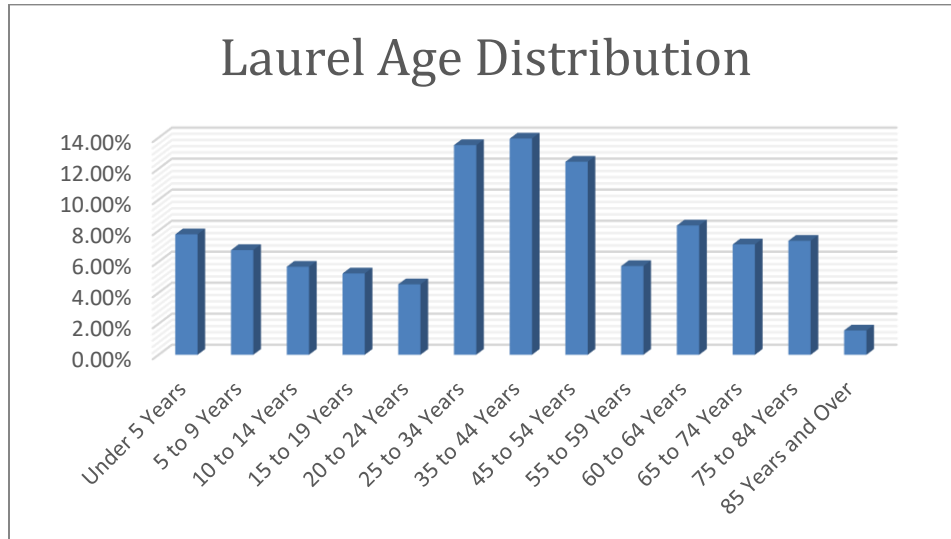
U.S. Decennial Census, 2013-2017 American Community Survey 5-Year Estimates

Laurel has grown slowly over the past forty years. It is anticipated that Laurel will reach a population of 7,000 after the 2020 U.S. Census is completed. **Laurel's current population is 7,203.**



U.S. Decennial Census, 2013-2017 American Community Survey 5-Year Estimates

Residents of Laurel tend to be older. The chart below shows that most residents are above 25, with almost 40 percent of the population between the ages of twenty-five and fifty-nine.



2013-2017 American Community Survey 5-Year Estimates

## Ethnic Characteristics

The charts below provide a summary of the ethnic makeup of the City of Laurel. The current Census estimates indicate that Laurel is not a very diverse community. The lowest estimate for white/Caucasian residents is 95.11 percent, which is displayed in the “Hispanic or Latino and Race” Chart below.

Race	Estimate	Percent
Total Population	6,885	100.00%
White	6,775	98.40%
Black or African American	11	0.16%
American Indian and Alaska Naïve	192	2.79%
Asian	0	0.00%
Native Hawaiian and Other Pacific Islander	0	0.00%
Some Other Race	16	0.23%
2013-2017 American Community Survey 5-Year Estimates		

Hispanic or Latino and Race	Estimate	Percent
Total Population	6,885	100.00%
Hispanic or Latino (of any race)	178	2.59%
Mexican	101	1.47%
Other Hispanic or Latino	77	1.12%
Not Hispanic or Latino	6,707	97.41%
2013-2017 American Community Survey 5-Year Estimates		

## Households and Families

There are an estimated 2,882 households and 1,907 families in the City of Laurel. Households in Laurel have a median household income of \$50,778, while Laurel families have an estimated median income of \$68,575. An estimated 9 percent of Laurel residents are below the poverty level compared with 5.5 percent of families. It is forecasted that Laurel’s overall population will increase by 1.3 percent between 2019 and 2024, with an increase in total households of 1.1 percent and families of 8.6 percent.

## Education

Laurel is a well-educated community. 94.07 percent of the population over the age of 25 has attained a high school diploma, with 51.21 percent having at least completed some college or an associate degree program. Laurel spends less per student than the United States average but maintains a more positive student per librarian and student per counselor ratio.

Education	Laurel, MT	United States
Expenditures Per Student	8,629.00	12,383.00
Educational Expenditures Per Student	7,897.00	10,574.00
Instructional Expenditures per Student	5,080.00	6,428.00
Pupil/Student Ratio	15.87*	16.80
Students per Librarian	464.70	538.10
Students per Counselor	348.50	403.20

Education in Laurel, Montana. Bestplaces.net. Accessed 2/3/2020.

\*Figure 25: Student to Teacher Ratios (2013), Towncharts.com

## Work Commute

Seventy-nine percent of Laurel residents commute to work alone in a car, truck, or van. This percentage is slightly higher than the national average of 76.4 percent. Laurel does have a higher than average carpool rate, with 13.66 percent versus the national average of 9.2 percent, according to the American Community Survey. Laurel residents travel an average of 21.5 minutes to work, which can be partially attributed to the fact that several Laurel residents travel to the nearby city of Billings for employment purposes. (Billings is approximately 17 miles away).

Commuting to Work	Estimate	Percent
Workers 16 Years and Over	3,528	100.00%
Car, Truck, or Van - Drove Alone	2,787	79.00%
Car, Truck, or Van - Carpooled	482	13.66%
Public Transportation (excluding Taxicab)	22	0.62%
Walked	82	2.32%
Other Means	15	0.43%
Worked at home	140	3.97%
Mean travel time to work (minutes)	21.50	
2013-2017 American Community Survey 5-Year Estimates		



# CHAPTER 5: EMPLOYMENT AND POPULATION FORECASTS

A diverse mix of businesses helps a city thrive and allows residents to live, work, and play in their communities. A diverse array of businesses also keeps a community more resilient in the case of economic downturns. The Laurel community has ~~been blessed with~~ two long-term stable employers; the Montana Rail Link -BSNF railyard and the CHS Refinery. These two institutions are well established and are not anticipated to disappear. The City of Laurel hopes to diversify the local economy further and attract various businesses and related employment. The growth policy focuses on revitalizing Laurel’s downtown businesses, assessing how zoning can be updated to meet the needs of businesses and employees better, and connecting Laurel neighborhoods with the existing business communities to help increase traffic to existing establishments.

## Employment Forecasts

66.92 percent of the estimated 5,362 residents of Laurel aged 16 years and over are in the labor force. Only 2.69 percent are unemployed, and 30.40 percent are not in the labor force, according to the 2017 U.S. Census estimates. The unemployment rate has remained steady, with the current rate at approximately 2.5 percent. Laurel also has a balanced split of occupations, with no general sector having more than 16 percent of the total labor pool. This type of mix of industries and employment is suitable for a community as it helps to insulate it from major economic shifts.

Industry	Estimate	Percent
Total Civilian Employed Population 16 years and over	3,588	100.00%
Agriculture, Forestry, Fishing and Hunting, and Mining	153	4.26%
Construction	262	7.30%
Manufacturing	315	8.78%
Wholesale Trade	157	4.38%
Retail Trade	603	16.81%
Transportation and Warehousing, and Utilities	206	5.74%
Information	66	1.84%
Finance and Insurance, and Real estate and rental and leasing	208	5.80%
Professional, Scientific, and Management, and Administrative and waste management services	299	8.33%
Education Services, and Healthcare and Social Assistance	533	14.86%
Arts, Entertainment, and Recreation, and Accommodation and Food Services	493	13.74%
Other Services, except public administration	233	6.49%
Public Administration	60	1.67%
2013-2017 American Community Survey 5-Year Estimates		

## Housing

Housing is a critical asset to a community. Maintaining a mix of affordable housing is essential to attracting a diverse array of people to the community. Housing provides shelter and provides character to a community by way of how it is designed, situated, and utilized. The charts below provide an overview of housing in Laurel. Laurel has a low housing vacancy rate and many owner-occupied units.

Housing Occupancy	Estimate	Percent
Total housing units	2,992	100%
Occupied housing units	2,882	96.30%
Vacant housing units	110	3.70%
2013-2017 American Community Survey 5-Year Estimates		

Sixty-seven percent of all houses in Laurel are owner-occupied. This information means that people have invested their time, money, and effort into the Laurel community because they live here full-time.

Housing Tenure	Estimate	Percent
Occupied Housing Units	2,882	100.00%
Owner-Occupied	1,931	67.00%
Renter-Occupied	951	33.00%
2013-2017 American Community Survey 5-Year Estimates		

Affordable rents enable a wide array of people to live in the community. Seventy percent of renters in Laurel pay 35 percent or less of their income toward their monthly rent. This percentage is positive because it allows more money to be utilized for other consumer purposes, such as restaurants, shopping, and other services.

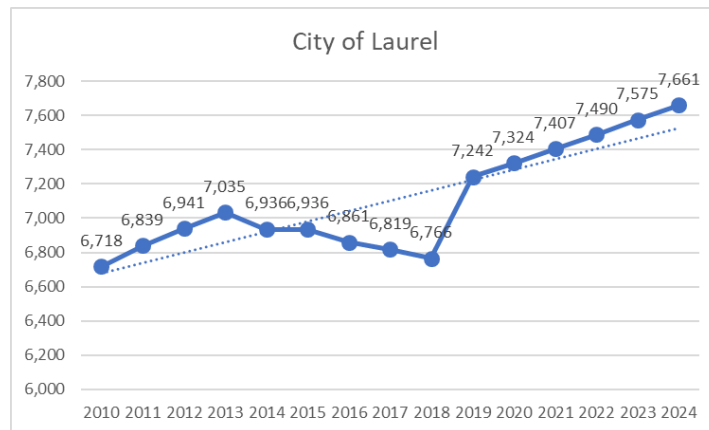
Gross Rent as a Percentage of Household Income	Estimate	Percent
Occupied units paying rent	898	100.00%
Less than 15.0 percent	115	12.81%
15.0 to 19.9 percent	183	20.38%
20.0 to 24.9 percent	52	5.79%
25.0 to 29.9 percent	161	17.93%
30.0 to 34.9 percent	121	13.47%
35.0 percent or more	266	29.62%
2013-2017 American Community Survey 5-Year Estimates		

Seventy-eight percent of houses in Laurel are worth between \$100,000 and \$300,000. The median household value is \$169,900. This data is very positive as affordable houses and rents allow a more diverse array of people to become homeowners and put long-term roots into the community.

Housing Value	Estimate	Percent
Owner-Occupied Units	1,931	100.00%
Less than \$50,000	203	10.51%
\$50,000 to \$99,999	155	8.03%
\$100,000 to 149,999	377	19.52%
\$150,000 to \$199,999	592	30.66%
\$200,000 to \$299,999	554	28.69%
\$300,000 to \$499,999	50	2.59%
\$500,000 to \$999,999	0	0.00%
\$1,000,000 or More	0	0.00%
Median (In Dollars)	\$ 165,900	
2013-2017 American Community Survey 5-Year Estimates		

## Population Forecasts

Laurel saw a dip in population between 2013 and 2018 (from 7,035 to 6,766). This trend was reversed in 2019, with an increase in population to 7,242 residents. It is anticipated that Laurel will grow at a steady rate over at least the next five years. This assumption considers the community’s proximity to the City of Billings and the ability to attract businesses, residents, and commuters that support the Billings and Yellowstone County economy.



Growth Rate	2010-2019	2019-2024
Population	0.880%	1.30%
Households	0.840%	1.10%
Families	0.580%	8.60%
Median Household Income	X	1.68%
Per Capita Income	X	2.44%

## CHAPTER 6: Land Use

### Overview

Laurel is in South Central Montana, 16 miles west of Billings, the largest City in Montana. Laurel is located along major transportation routes, including Interstate I-90, Route 212, and Old Route 10. Laurel is located 223 miles east of Helena, the state capital, seventy miles from the northeast entrance of Yellowstone National Park, 80 miles from the Little Big Horn Battlefield National Monument, and 137 miles from Bozeman.

Laurel is located on the western boundary of Yellowstone County. This area has seen significant development with the City of Billings' continued growth, but the surrounding region remains sparsely populated and remains mostly prairie, rangeland, and farmland.

### Trends

The City of Laurel has developed slowly in the past few decades. The development has focused itself north and west of the City. There are also many vacant and underused parcels within the City itself. The area adjacent to Interstate I-90 is mostly commercial and industrial. This similar land use is seen along Old Route 10 to the west of the City.

### Existing Land Uses

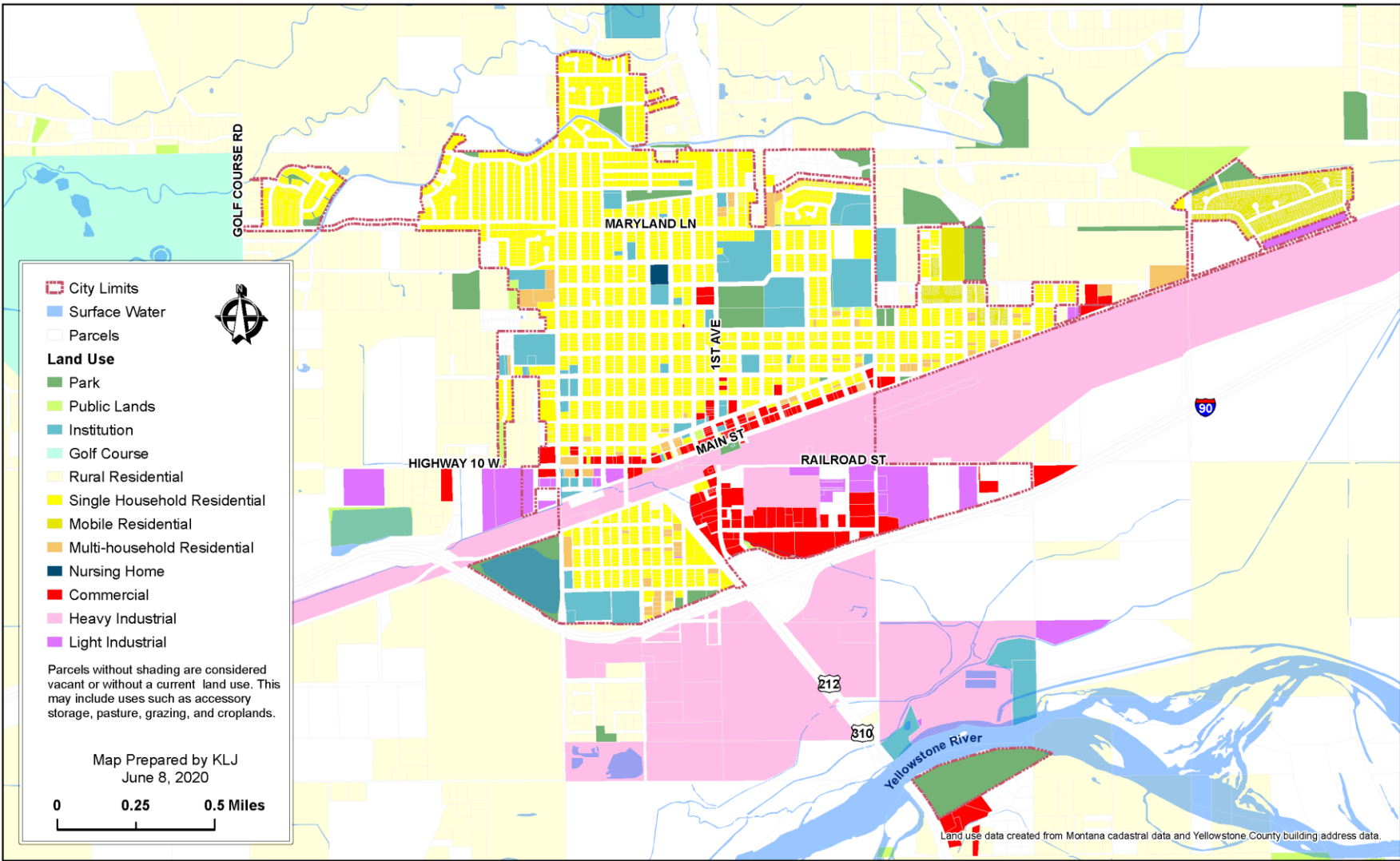
The City of Laurel has a variety of established zoning districts. These districts cover a wide range of uses and purposes. The districts and their official definitions can be found below.

- ~~❖—Agricultural open space (AO) zone—The agricultural open space zone is intended to preserve land for agricultural and related use. Land within this zone is usually un-subdivided and contains a minimum of roads, streets, and other utilities. It may be cultivated acreage or land less suitable for cultivation, yet suitable for various agricultural enterprises using the broadest scope of the agricultural definition. Land within this zone may be located adjacent to highways and arterial streets. The AO zone is further intended to discourage the scattered intrusion of uses not compatible with an agricultural rural environment.~~
- ~~❖—Suburban residential (SR) zone—This zone is limited to single family residential tracts on a minimum of five acres of land and on which agricultural uses may be conducted with the exception that animal units shall not exceed ten per five acres.~~
- ~~❖—Residential tracts (RT) zone—This zone is designed for single family residential homes on a minimum of one acre of land. Livestock is limited to two livestock units per acre with additional units allowed per additional half acre increments in conformance with Section 17.08.651 of this code. No livestock is allowed in the city limits, and all livestock must be removed if/when annexation occurs.~~
- ~~❖—Residential estates 22,000 (RE 22,000) zone—This zone is intended to provide of low density, single-family, residential development in areas near or adjacent to the City that are served by either central water or sewer systems.~~

- ❖ Residential-7500 (R-7500) zone – This zone is intended to provide an area for medium, urban-density, single-family, residential environment on lots that are served by a public sewer and sewer system.
- ❖ Residential-6000 (R-6000) zone – This zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.
- ❖ Residential light multifamily (RLMF) zone – This zone is intended to provide a suitable residential environment for medium density (up to a fourplex) residential dwellings. The area is usually served by a public water and sewer system.
- ❖ Residential multifamily (RMF) zone - The RMF zone is intended to provide a suitable residential environment for medium to high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.
- ❖ Residential manufactured home (RMH) zone - The RMH zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses.
- ❖ Planned unit development (PUD) zone – This zone is intended to provide a district in which the use of the land is for the development of residential and commercial purposes, as an integrated unit.
- ❖ Residential professional (RP) zone - This zone is intended to permit professional and semiprofessional uses compatible with surrounding residential development.
- ❖ Neighborhood commercial (NC) zone - The NC zone is intended to accommodate shopping facilities consisting of convenience retail and personal service establishments which secure their principal trade by supplying the daily needs of the population residing within a one-half mile radius of such neighborhood facilities. The location and quantity of land within the NC zone should be a business island not more than four acres in size and that no business frontage should extend more than six hundred feet along any street.
- ❖ Central business district (CBD) classification - The CBD classification is intended to primarily accommodate stores, hotels, governmental and cultural centers and service establishments at the central focal point of the City's transportation system.
- ❖ Community commercial (CC) classification - The CC classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area within a one and one-half mile radius and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials.

- ❖ Highway commercial (HC) district - The purpose of this district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.
- ❖ Light industrial (LI) classification - A LI classification is intended to accommodate a variety of business warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial center of the City and surrounding area.
- ❖ Heavy industrial (HI) district – This district accommodates manufacturing, processing, fabrication, and assembly of materials and products. Areas designated as heavy industry should have access to two or more major transportation routes, and such sites should have adjacent space for parking and loading facilities.
- ~~❖ Airport (AP) zone – The AP zone is designated to preserve existing and establish new compatible land uses around the Laurel airport.~~
- ❖ Floodplain (FP) zone - This zone is designed to restrict the types of uses allowed within the areas designated as the floodplain and floodways as officially adopted by the Montana Board of Natural Resources and Conservation, Helena, Montana.
- ❖ Public (P) zone – This zone is intended to reserve land exclusively for public and semipublic uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare.
- ❖ Zoning District Number 18- County Zoning – The regulations and development pattern adopted in the zone are for the purpose of protecting and furthering the health, safety, and general welfare of the people living in the district and in Yellowstone County, Montana. This zoning district comprises of an agriculture zone, a suburban zone, a residential zone, a recreational zone, and a commercial zone. Zoning District Number 18 was adopted in July of 1997.

The Planning Board is currently reviewing the zoning designations inside Laurel city limits and may be tasked with county zoning recommendations and after future discussions with the County Commissioners. A new interlocal agreement between the City of Laurel and the Yellowstone County may be necessary to facilitate zoning regulations for the City of Laurel and an area to be determined around the City of Laurel.



EXISTING LAND USE

Laurel Area Existing Land Use Zoning, 2020-Updated maps are attached to this document for the 2023 update.

## Residential and Rural Residential

Laurel's many residential districts provide a variety of housing densities, volumes, and types. Laurel has a joint city-county Planning Board and has regulations that accommodate these two different modes of living. The older areas of the City, such as the south side and neighborhoods adjacent to downtown, have higher density zoning as is appropriate for those originally platted parcels and smaller-scale residential buildings. Newer developments and additions to the City generally have lower density zoning than the original Laurel townsite and are more suburban. It is important to provide a mix of residential styles and types to provide residents and prospective residents a housing choice.

## Commercial

Laurel is a full-service community with supermarkets, gas stations, bars, and restaurants accessible to the public. There are a variety of different commercial areas as well. The traditional central business district remains heavily commercial, with some buildings containing apartments on the upper floors. The area adjacent to I-90 accessible from 1<sup>st</sup> Avenue S. by E. Railroad St. and SE 4<sup>th</sup> St. contains commercial and industrial properties that serve residents and highway travelers. The parcels along Old Rt. 10 contain a mix of zoning, including highway-focused commercial properties. Many properties located along E. Main Street are zoned Community Commercial and contain a variety of establishments.

## Public

The City of Laurel maintains a full array of public facilities to serve the residents, businesses, and institutions within the city limits. The City maintains a fully staffed city hall, public library, public works shops, a water treatment plant, and a sewer treatment plant. The Laurel School District maintains the Laurel High School and Middle School along with Graff Elementary School, South Elementary School, and West Elementary School.

## Parks

Laurel is home to many parks of all shapes and sizes. The most important of these parks are Thompson Park and Riverside Park. Thompson Park is in the City center and has many athletic fields, a public pool, and public facilities. Riverside Park is a historic park that has been used by residents and travelers to the area since before the City of Laurel officially existed. Throughout Laurel's history, this park has been used by private, civic, and government groups. Many other smaller parks are established as land has been annexed into the City and further developed.

## Industrial

There is a large amount of industrial property in and around the City of Laurel. The City of Laurel was initially built around the commercial rail yard currently operated by Montana Rail Link, the most massive switching yard between Minneapolis and Seattle. The second major industrial property is the large refinery complex owned and operated by CHS Inc. The other crucial industrial property in and around the City is the Fox Lumber operation, located along East Railroad Street.



## Urban Renewal

The City of Laurel established a Tax Increment Finance District (TIF) in 2007 that encompasses the traditional downtown area and the SE 4<sup>th</sup> Street commercial area. This District has provided financing for infrastructure projects and grant funding to local property owners and residents for façade, structural, signage improvements, and technical assistance within the district. The grant program is managed by the volunteer board that makes up the laurel Urban Renewal Agency.

## **CHAPTER 7: FUTURE LAND USE**

### **Overview**

Laurel has struggled to grow over the past two decades due to a lack of long-term planning capacity, lack of funding, and a lack of focus on larger goals. Laurel's somewhat stagnant growth happened during a time of consistent growth for the neighboring City of Billings and other areas throughout Yellowstone County. Laurel must be forward-thinking if it wants to thrive as a separate entity outside of Billings. This change of thinking involves planning for commercial and industrial expansion, seizing growth opportunities, and adopting zoning and development standards that meet the city needs and attract developers and new residents.

Residents of Laurel pride themselves on the small-town character of the community. The City needs to properly plan for growth and have the appropriate regulations to grow and maintain the classic community character that residents enjoy. This balance includes establishing appropriate building design standards, zoning requirements, and signage standards to maintain community character.

### **Residential Districts**

Residential areas within Laurel's **planning jurisdiction** come in many shapes and sizes. Some are more densely built and more urban looking, while others are the traditional, modern American suburb with single-family homes. Many American cities continue to maintain a more restrictive style code that limits specific residential uses, types, and sizes while others have begun moving toward a more inclusive model of allowing different styles, sizes, and housing types in residential areas.

Some different housing types compared to the traditional single-family home include accessory dwelling units (ADU's), townhomes, and rowhouses. Expanding housing options can be as simple as adjusting the number of allowable units and setbacks for lots. Development in residential neighborhoods can be increased through small changes. Studying the existing districts and updating setbacks and other restrictions can significantly impact helping our neighborhoods evolve and grow over time.

### **Vacant Land**

The City currently has numerous unused or vacant parcels that could be brought into productive use. Adaptive reuse of vacant structures is a strategy many cities use to revitalize downtowns. Prioritizing infill development for the downtown area and the SE 4<sup>th</sup> Street District can help bring new businesses, jobs, and residents. The City can also utilize Tax Incremental Financing (TIF) funding to support vacant properties' acquisition and rehabilitation within the downtown and SE 4<sup>th</sup> Street commercial areas. Partnering with local institutions and organizations to better utilize unused land as gathering spaces or as a home for community projects and other efforts can help people see new land uses that may have been unused/vacant for many years.

### **Development Standards**

The City of Laurel currently has multiple development standards that include the Public Works Standards, rules governing utilities, and subdivision development requirements. Adopting a consistent and understandable set of development standards for areas within the **City and its zoning jurisdiction planning jurisdiction** will ease the development process for residents, landowners, and developers.

## Extraterritorial Zoning

The extraterritorial zoning of Laurel extends approximately one mile outside the municipal city limits. This current zoning district is classified as "Residential Tracts" and is focused on low-density residential. The City needs to ensure that this zoning designation and its requirements still adequately cover county residents' needs within the zoning jurisdiction. It is recommended that City staff ensure this extraterritorial zoning can easily allow county residents to join the City if they so choose.

## Infrastructure Extension

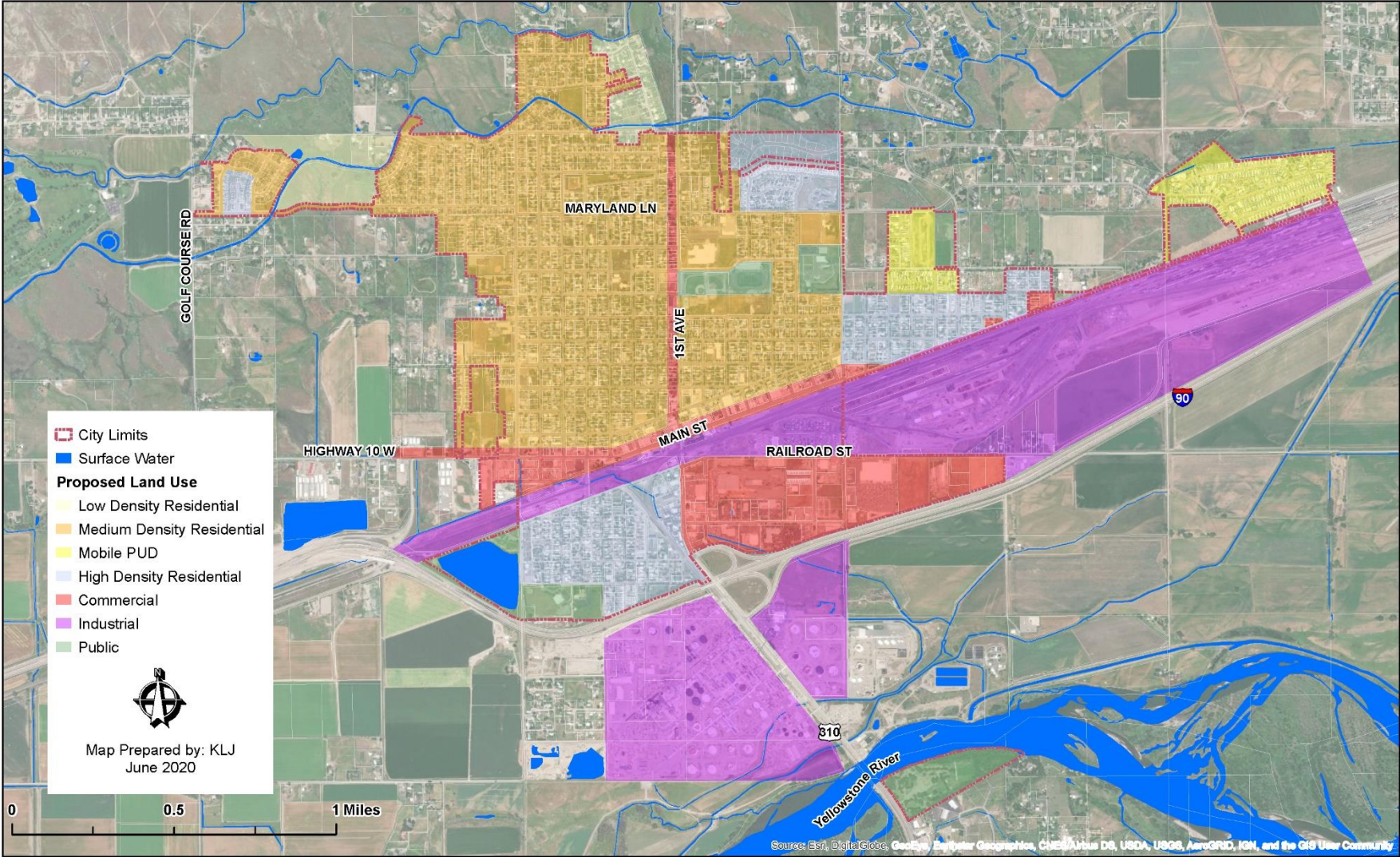
Planning for the expansion of city services and infrastructure is vital in bringing new growth to a community. The City did not address long-term infrastructure and growth for many years. Installing new infrastructure is expensive, but it is more costly to lose development opportunities that allow the community to grow and develop.



Identifying and installing critical infrastructure along major routes needs to be a priority for city staff. There are many opportunities to support these infrastructure efforts through public and private grants and loan programs. Many grant programs exist to extend infrastructure to support job creation and economic growth. Grants such as these can be used to expand infrastructure to the recently completed West Laurel Interchange.

New development and growth require adequate infrastructure to support it. Development of an Annexation Plan and a Capital Improvement Plan can

establish the priority areas for growth and establish project costs for identified infrastructure needs. Laurel has not previously prepared either of these types of plans. It would be wise for city staff, partners, and stakeholders to study the possibilities for significant commercial and industrial development in the area and plan infrastructure to accommodate these new land uses.



PROPOSED LAND USE MAP

~~Laurel Future Land Use, 2020~~ Updated maps are attached to this document for the 2023 update and shall be inserted upon final approval.

## Future Land Use Goals and Objectives

This plan's overall goal is to conserve open space while maximizing areas currently in and directly adjacent to the City. Parks and greenways will be essential amenities for residential developments and commercial corridors and should be considered in initial planning rather than as an afterthought. Zoning will be updated to provide a more diverse array of housing types and density. Priority areas and parcels for annexation and development will be determined, and infrastructure extension costs will be discussed. Codes will be updated to maintain community character while simultaneously enabling the development of new neighborhoods. Work in the central business district will focus on infill and mixed-use development to create the most effective use of Laurel's traditional downtown.

### Goal 1: Conserve open space and traditional land uses

- ❖ Encourage cluster developments to incorporate open space into new developments
- ❖ Provide options for landowners for conserving portions of their land
- ❖ Study and Implement strategies to create an interconnected system of parks and greenways and open space that are accessible to area residents

### Goal 2: Develop downtown Laurel into a vibrant place to live, work, and play

- ❖ Encourage mixed uses for living, working, and shopping local
- ❖ Identify priority parcels for infill development
- ❖ Implement Placemaking projects to create a more livable and enjoyable downtown
- ❖ Partner with local groups to support community businesses, events, and gatherings
- ❖ Connect with regional agencies to access project funding, receive technical support, and boost the visibility of Laurel development opportunities

### Goal 3: Update Subdivision Code to meet the needs of Laurel and the surrounding area

- ❖ Provide clear and consistent standards
- ❖ Ensure the proper scale and scope of regulations
- ❖ Include trails, open space, and greenway considerations in parkland subdivision review
- ❖ Regularly review and update the Subdivision Code as needed to remain current

### Goal 4: Update the Zoning Codes to provide for greater flexibility of allowable uses, clearer requirements, and more efficient land use of the planning jurisdiction

- ❖ Study the inclusion of different types of housing within residential districts
- ❖ Update Overlay Districts, Parking Requirements, and the Sign Code to better fit the City's needs and character
- ❖ Allow mixed-use live/work opportunities in commercial areas
- ❖ Enable property owners to use their land more effectively and efficiently
- ❖ Work with Yellowstone County Commissioner's to enact previous believed zoning regulations for the area around the City of Laurel

### Goal 5: Use long term planning documents to identify funding and address priority needs for infrastructure and development

- ❖ Establish an Annexation Plan to develop priority growth areas and strategies
- ❖ Develop a Capital Improvement Plan for vital infrastructure to support the City as it grows

- ❖ Prepare a Commercial and Industrial Development Study for land adjacent to major transportation routes in the Laurel area

## **CHAPTER 7.5: ANNEXATION**

### **Overview**

The annexation of properties outside the current city limits must have Laurel remain a viable, independent community. Annexing territory into a municipality helps a city grow geographically, economically, and socially. Laurel's actual City has grown slowly over the past few decades, with very few new subdivisions and parcels annexing into the City despite many developments in the surrounding area. The City of Laurel and its residents seek to maintain their longstanding identity and character while supporting steady growth. Due to the City's proximity to the fast-growing City of Billings, annexation is now necessary to ensure Laurel's long-term viability, character, and independence.

Annexation planning is a long-term process in both scope and scale. Targets and goals are usually set for a timeline of five and ten years, with performance measures in place to track progress. Implementing successful annexation and growth activities involves thoughtful updates to local development and annexation codes, addressing infrastructure gaps, and outreach to nearby county property owners and developers to showcase the City's benefits.

### **Purpose**

Annexation is presented in Title 7, Chapter 2. in the Montana Code Annotated that establishes the Creation, Alteration, and Abandonment of Local Governments. Parts of this chapter sets the conditions and rules for annexation and addition of territory into a municipality, establishes the ways areas can be annexed and provides specific limitations to these processes for both municipalities and property owners.

Annexation is a process that brings new territory into a municipality and extends public services to that territory. Annexation is a necessary process to continue the growth and development of communities in Montana. Adding new territory to a community adds new business opportunities, industry, recreation, and residential developments. Annexation also provides an opportunity for new resources and amenities to be added.

### **Importance**

Laurel is currently at a crossroads in development. The City has not grown or expanded significantly in the past few decades, while the nearby city of Billings has been steadily expanding westward toward Laurel. Billings has established and implemented a long-term annexation and expansion plan while Laurel has had piecemeal annexations and additions to the City. Laurel could find itself hobbled financially if it does not address annexing new territory that can create growth opportunities as Billings steadily expands into western Yellowstone County.

Proper annexation planning and implementation can lead to increased economic activity, new residential development, and increased revenues for the local government to provide services. Growth and expansion need to be an official part of Laurel's conversation to remain a viable, livable, and autonomous community in the future. It will be necessary to update the current annexation policy to ensure it provides reasonable restrictions, clear guidelines, and options and incentives to developers and property owners who want to annex the City.

## Priority Areas

Establishing priority areas is essential for setting a plan for growth, starting discussions with property owners and developers, and preparing projects. A map of the Laurel Planning Jurisdiction and priority growth areas are presented on the next page.

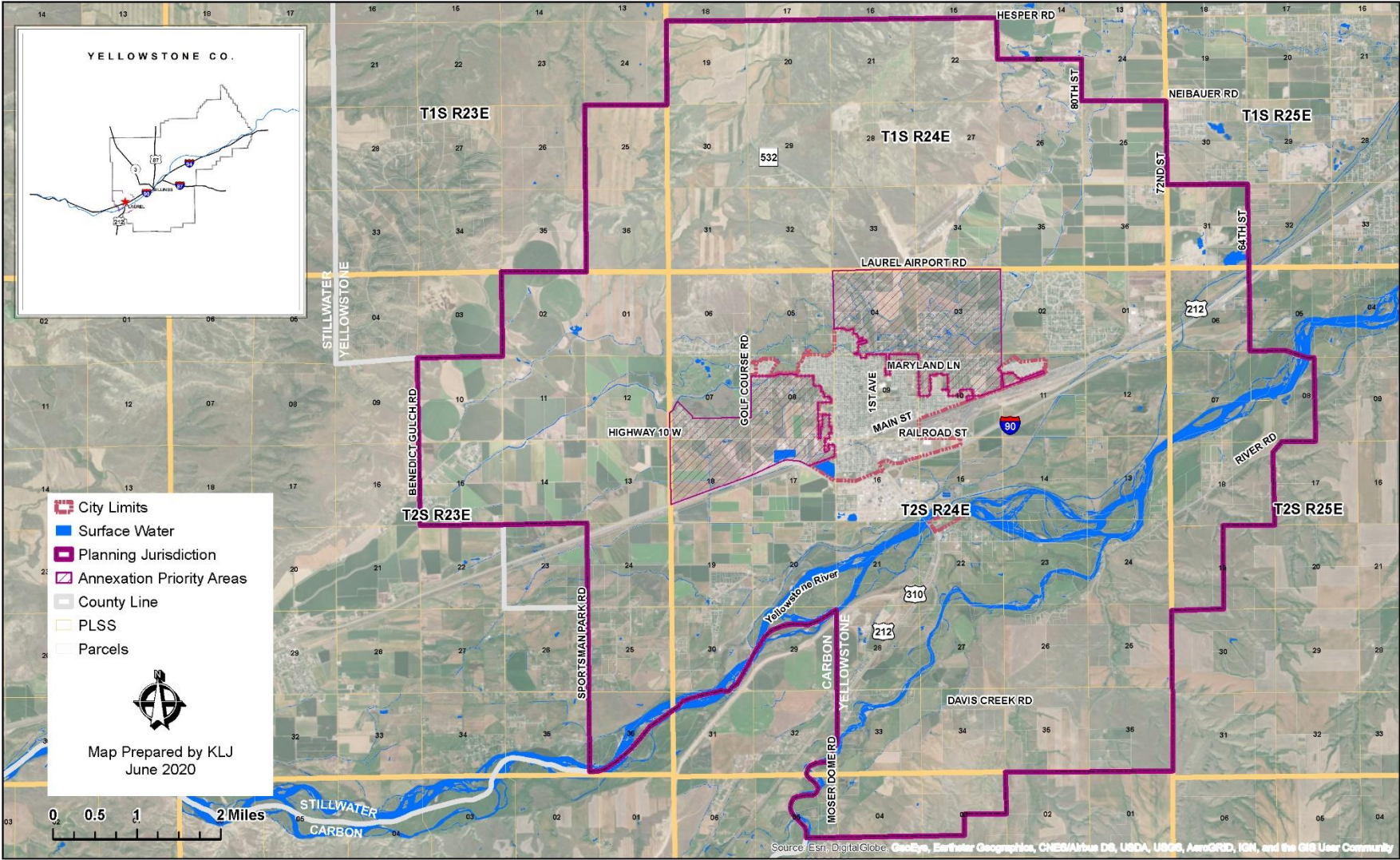
Areas to the west of Laurel are a high priority for development due to their proximity to the City and established transportation corridors. The annexation of territory to the west presents the most viable options for growth. Roadways already serve this area, and there are adjacent services nearby. A high priority should be placed on parcels between 8<sup>th</sup> Avenue and Golf Course Road, parcels neighboring the intersection of Old Rt. 10, and the West Laurel Interchange.

There are many areas directly adjacent to the east of the City that would be prime candidates for annexation in addition to the previously mentioned westward expansion. The parcels between Alder Avenue and Yard Office Road, especially those along East 8<sup>th</sup> Street, should be considered and the lands adjacent to the Village Subdivision. These areas are already closely linked to the City with roads and services, and their inclusion would fill gaps in the Laurel City Map.

A few specific areas should be looked at for annexation north of the City as well. These include lands off West 12<sup>th</sup> Street that straddle the big ditch, areas between Montana Avenue and Great Northern Road, and the land neighboring 1<sup>st</sup> Ave North to Lois Place.

Growing the City of Laurel to the south is not a viable option because the CHS refinery makes up the bulk of the land between Interstate-90 and the Yellowstone River. The costs associated with the extension and construction of city services to those parcels adjacent to and south of the Yellowstone River would be prohibitive due to the distances needed to extend infrastructure and the fact that floodplain makes up much of the land adjacent to the Yellowstone River.





PLANNING JURISDICTION

~~Laurel Planning Jurisdiction and Priority Growth Areas, 2020~~ Updated maps are attached to this document for the 2023 update and shall be inserted upon final approval.

## Annexation Policies

~~Laurel has not annexed many territories in recent years. This lack of annexation can be attributed to the 2008 annexation policy, which many prospective developers consider draconian. Many property owners and developers have remarked that the policy's strict requirements and its lack of alternatives and options for infrastructure financing and build-out place too high a price on annexation to make it feasible. Discussions should take place as to if this approved policy still serves the City's needs and what policies and requirements would enable growth activities and annexation more fully. A future annexation policy should also establish priority areas and specific goals over the next five to ten years. The City of Laurel may want to update its annexation policy as it was last adopted in 2008 and changes may be necessary to provide the best opportunities for land inclusion into the City of Laurel.~~

## Infrastructure Extension

Connection to improved utilities and services is the main driver behind annexing into a municipality. Laurel has not developed a long-term plan around extending services that can enable property owners to annex into the City more quickly. Developing a CIP will help Laurel prioritize growth areas and build out public services to position Laurel for growth and attract new properties and development to the City.

## Annexation Goals

The following two goals were prepared to help the City of Laurel grow through annexation.

### Goal 1: Adopt a long-range view for the growth of the City

- ❖ Establish a growth-conscious set of policies to expand the City and its services
- ❖ Create priority growth areas for extension of services
- ❖ Develop and approve an Annexation Plan for the Laurel Planning Jurisdiction
- ❖ Support the creation of a long-term Capital Improvement Plan for the extension of essential infrastructure

### Goal 2: Manage fiscal responsibility with established and proposed annexation standards

- ❖ Ensure that the established standards are right and proper for the City of Laurel
- ❖ Ease the burden for developers to annex into the City while meeting established standards
- ❖ Allow greater flexibility in development patterns
- ❖ Determine the cost and benefits of annexation

# CHAPTER 8: HOUSING

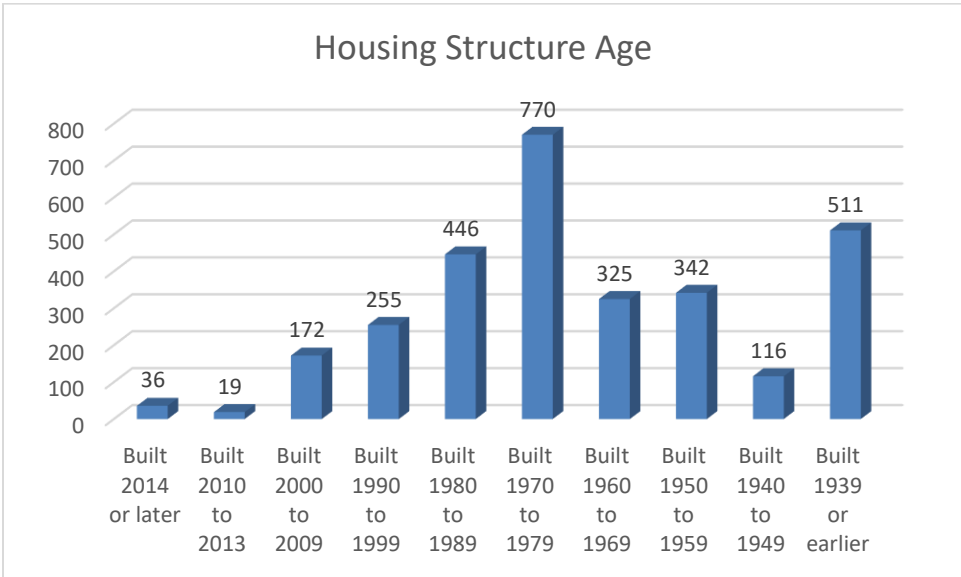
## Overview

Housing is an essential element of any community. This chapter summarizes housing in Laurel and discusses some housing support programs to help renters and current and prospective homeowners. Having adequate, accessible, and affordable housing is an essential piece of what attracts people to a community. The City of Laurel has a variety of housing options and housing types that provide options for residents. It is crucial to maintain a wide array of housing that meets the market's different demands, including rental properties, multifamily units, single-family homes, and retirement homes.

Laurel's location has made it an attractive bedroom community to Billings. This strategic location opens opportunities for traditional neighborhood residential housing and embraces the growing trends of building closer-knit, dense, connected neighborhoods for more urban and in-town development. It will be necessary for the city to think about housing and real estate trends as it grows. This will ensure that the current population's housing needs are met while creating housing that will interest prospective residents and homeowners.

## Households and Housing Units

Approximately 68 percent of Laurel's housing stock dates to before 1979. Aging housing stock can pose issues for maintenance, safety, and accessibility. These issues can lead to the need for code enforcement to step in to ensure the local ordinances are followed and that the situation has not become hazardous or dangerous. Ensuring that new housing is built will provide new homeownership opportunities and help raise the standard of housing available for residents.



2013-2017 American Community Survey 5-Year Estimates

Sixty-five percent of Laurel's housing stock is made up of detached single-family homes. Mobile homes make up the next most significant share of housing at 15 percent of units.

This proportion of detached single-family homes has been the norm for Laurel and many other cities and towns throughout the United States.

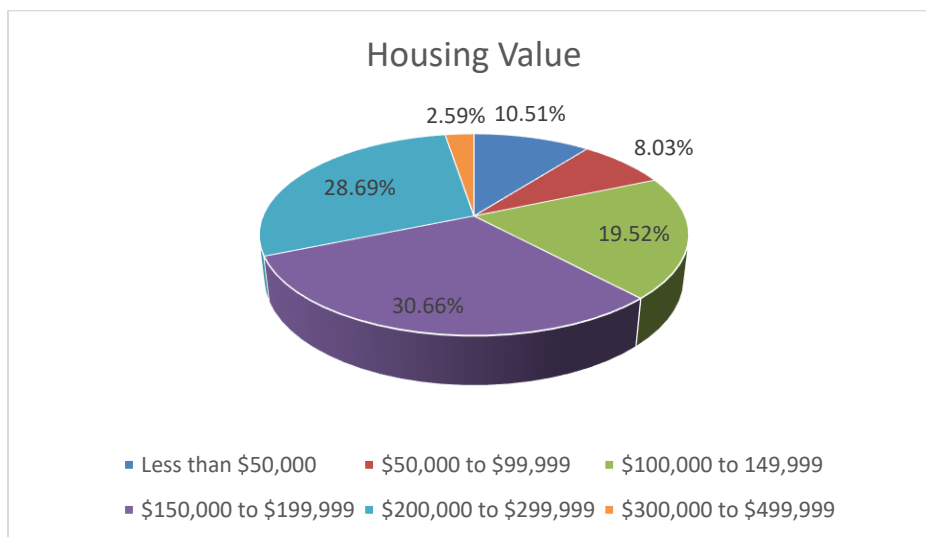
It is important to think about current and emerging housing trends to embrace growth opportunities, whether in a traditional residential neighborhood or more urban or downtown environments.

Units in Structure	Estimate	Percent
Total housing units	2,992	2,992
1-unit, detached	1,952	65.20%
1-unit, attached	87	2.90%
2 units	92	3.10%
3 or 4 units	103	3.40%
5 to 9 units	119	4.00%
10 to 19 units	48	1.60%
20 or more units	130	4.30%
Mobile home	461	15.40%
Boat, RV, van, etc.	0	0.00%
2013-2017 American Community Survey 5-Year Estimates		

A move back towards traditional downtowns has also been seen across the United States. This trend presents various opportunities for diversifying the type and size of housing options to include rowhouses, townhomes, live-work (mixed-use) buildings, and more.

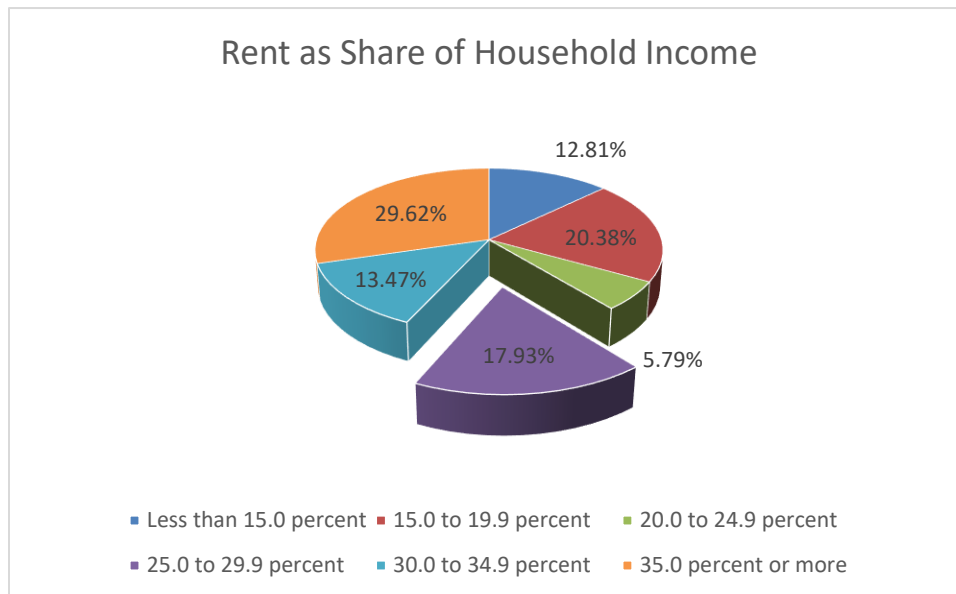
### Housing Affordability

Many parts of the United States are facing issues with housing affordability. This affordability issue has included some communities in Montana, such as Bozeman and Whitefish. Housing in Laurel has generally remained affordable despite being located within twenty miles of the state's largest city. The charts below provide an overview of both current housing value and rental expenditures.



2013-2017 American Community Survey 5-Year Estimates

Rental affordability is an essential factor in retaining residents, especially those who may work in the service and retail industries. Overall, 57 percent of Laurel residents spend less than 30 percent of their income on rent. These statistics is a positive figure that allows a diverse array of residents to afford to live in Laurel.



2013-2017 American Community Survey 5-Year Estimates

## Housing Programs and Incentives

Many housing support and incentive programs exist that are sponsored by non-profits, institutions, and state and federal agencies, including the following:

### Montana Housing Support Programs

- ❖ Bond Advantage Down Payment Assistance program
- ❖ MBOH Plus 0% Deferred Down Payment Assistance Program
- ❖ Multi-Family Coal Trust Homes Program
- ❖ Housing Choice Voucher Program
- ❖ Veterans Affairs Supportive Housing (HUD-VASH)
- ❖ Project-Based Section 8
- ❖ Section 811 Supporting Housing for Persons with Disabilities

The Federal Government also has several First Time Homebuyer Loans and Programs, including the following:

- ❖ FHA Loan Program
- ❖ HUD - Good Neighbor Next Door Buyer Aid Program
- ❖ Homepath ReadyBuyer Program
- ❖ Energy Efficient Mortgage Program
- ❖ HOME Investment Partnerships Program

## Community Land Trust

Community Land Trusts (CLTs) are non-profits that hold land permanently in trust for communities to make it available for housing, farming, ranching, commercial space, historic preservation, or open space. These organizations separate the land price from the improvements made to it, investing subsidy, and enforcing resale restrictions on properties to ensure permanent affordability. Trust Montana is a statewide organization that assists rural cities and towns with managing community land trusts to ensure they can maintain affordable and traditional land uses. CLTs serve an essential role in setting aside land as a community asset for generations to use and enjoy.

## Inclusionary Zoning

Inclusionary zoning is a land-use policy that incentivizes dense housing development through tax relief, abatements, and bonuses. These zoning policies enable developers to maintain regular profits while capturing a share of excess profits for public benefit. Inclusionary zoning utilizes feasibility studies to analyze the impact of density and infill development on specific areas. Communities must carefully weigh each incentive's costs and benefits and evaluate them relative to the affordable housing requirements or goals. Incentives include:

- ❖ Density Bonuses
- ❖ Expedited Processing
- ❖ Fee waivers
- ❖ Parking reductions
- ❖ Tax abatements

## Housing Goals and Objectives

### Goal 1: Encourage a mixture of housing types to meet the demand of all market sectors

- ❖ Maintain a diverse array of housing and affordability levels
- ❖ Promote higher density housing types in the downtown area and adjacent to major transportation corridors
- ❖ Study mixed-use housing and other alternative housing types and styles
- ❖ Provide options for a full spectrum of housing from rentals to retirement housing

### Goal 2: Provide information on housing-related grants, loans, and ownership programs

- ❖ Develop a list of resources for renters and homeowners
- ❖ Collect information on federal, state, local, and philanthropic rental and homeownership programs
- ❖ Advise Laurel area residents as to available support for housing, rent, and homeownership

## **CHAPTER 9: INFRASTRUCTURE**

### **Overview**

The City of Laurel Department of Public Works operates the municipal water treatment and distribution system, the wastewater collection and treatment system. It conducts maintenance and improvement work on roads, streets, sidewalks, and parks. The City of Laurel has recently completed several major infrastructure upgrades. These include an upgrade to the Wastewater Treatment Plant, an overhaul of the Water Treatment Plant, installation of a new water Intake, and improvement of the sedimentation basins at the Wastewater Treatment Plant.

There are still primary infrastructure needs that need to be addressed. The City's water and sewer lines are aging, and in many places are still the original lines installed around the time of incorporation. A major priority is to study how to provide services to the West Laurel Interchange area, which has significant growth potential.

Opportunities also include expanding services to nearby county residents to the north, west, and east of the current city limits. There is a total of 2,858 water connections in the city system. Exploring funding for the extension and improvement of water and wastewater services to enable more annexation and development is worthwhile. Additionally, funding the expansion of the capacity of the City to handle stormwater runoff is of vital importance in increasing the longevity of streets, roads, and pedestrian areas.

The goals and objectives presented in this chapter are focused on just a few critical areas. It is hoped that the City can maintain an efficient and effective system of infrastructure and services that meets the City's needs while establishing long-term capital infrastructure goals to expand and improve services. The City should seek federal, state, and philanthropic grant and loan programs to support these goals and priorities.



### **Wastewater System**

The City of Laurel's Wastewater Treatment Plant is located at 5310 Sewer Plant Road. It is staffed with three operators and one relief. The facility was first constructed in 1908 and underwent substantial upgrades in the 1930s and 1986. The Plant most recently underwent a significant upgrade that was completed in 2016. The reclamation system is a Biological Nutrient Removal system (BNR). The facility now conducts sludge dewatering as well. The new system has reduced nitrogen levels and phosphorus being discharged into the Yellowstone River. Improvement of the Sedimentation Basins was completed in 2019. The wastewater system has a capacity of 1,120,000 gallons per day. City staff should monitor the current wastewater and sewer system to ensure that it can meet the growing demands of the City.

## Water System

The Laurel Water Treatment Plant is located at 802 Highway 212 South. An upgrade of the Water Treatment Plant was completed in 2019. The Plant operates 24 hours per day and is staffed with six employees plus management. The Water Treatment Plant has a treatment capacity of 5,000,000 gallons per day. The Plant provides water service to more than 6,700 people and has a total of 2,858 metered connections.

The Yellowstone River is the raw water source for the City of Laurel. A water right was filed in 1908, giving the City access to 12,600,000 gallons per day. A water reserve was granted in 1978 that allowed for the anticipation of future growth and added 6,380,000 gallons per day.

The original water distribution system was installed in 1908. There is currently one ground storage tank built in 1967 with a capacity of 4,000,000 gallons, with 2,000,000 of them being usable and the other 2,000,000 creating pressure for distribution. Additionally, the City has two booster pump stations. Pipe sizes in the system range from 2 to 18 inches in diameter. The 301 fire hydrants scattered throughout the system are tested routinely to ensure they are working correctly.

The City provides water to all areas within the City Limits; however, 82 residential connections and one industrial connection are outside the City boundary. Property owners in the county who are interested in connecting to the City system must make all the necessary excavations and pay for all materials necessary for connections. The current standards and regulations for public works and utilities require developers to extend to utilities.



The Yellowstone River has provided adequate water for the City, but in recent years concerns have been raised regarding enough flow due to erosion from flooding and droughts. The City has taken steps to counteract these concerns through significant upgrades to the Water Treatment System. Upgrades and improvements were completed on the sedimentation basins and the Water Treatment Plant in 2019.



Additionally, a new water intake in the Yellowstone River was completed in 2017 to ensure a stable water supply despite the changing nature of the river's course and level. One additional project that has been identified is the need for a second water reservoir to create extra storage capacity as the City grows. The City should include this in any future public works planning documents.

## Stormwater System

Stormwater is collected and managed to prevent flooding, erosion, and contamination of water sources. Water can carry pollutants such as oil, fertilizer, pesticides, soils, and trash as it runs off rooftops, paved streets, highways, and parking lots after a rain event or during snowmelt. Stormwater can flow directly into the Yellowstone River from a property or into a storm drain and through the city infrastructure until it is released into the Yellowstone River. The three significant concerns of stormwater management are the volume of runoff water, the timing of runoff water, and the potential contaminants the water is carrying.

The City of Laurel has historically experienced problems with flooding in the downtown area. Flooding activities are generally from heavy rain runoff and not directly due to the nearby Yellowstone River. The City of Laurel has a limited stormwater infrastructure to handle stormwater runoff. The majority of stormwater infrastructure is in the central business district and the South East 4<sup>th</sup> Street area. Stormwater management has also been established for the Elena, Iron Horse, and Foundation Subdivisions.

The City needs to address stormwater infrastructure within its current limits and as it expands. Creating an adequate stormwater management system helps keep roadways in good condition and lessens drivers' hazards in inclement weather. Stormwater system extensions should be considered during any roadway planning procedure to ensure roadway improvements do not have to be recreated.

## Solid Waste Services

The City of Laurel Public Works Department provides exclusive solid waste collection services within the city limits. The City does not provide any solid waste collection services outside of the city limits. Garbage services are not exclusive to parcels that choose to annex into the City as per Montana state regulations. The City of Laurel operates the City's transfer station, which is located at 175 Buffalo Trail Road. The transfer station provides added services such as taking in large or bulky items, tree branches, and other unusual materials and pieces. Laurel utilizes the Billings Regional Landfill located nearby.

## Infrastructure Goals and Objectives

### Goal 1: Maintain an Effective and Efficient Public Infrastructure System that Adequately Serves the Needs of the City

- ❖ Develop a data-driven infrastructure maintenance schedule
- ❖ Determine any existing gaps in services and other infrastructure deficiencies within the City
- ❖ Adopt up-to-date infrastructure standards that are appropriate for the needs of the City
- ❖ Study using public spaces within floodplains, watercourses, and wetlands to be used as passive recreation areas such as parks and greenways
- ❖ Study the feasibility of recycling programs and other means to reduce solid waste
- ❖ Incorporate stormwater system planning into roadway and other infrastructure planning processes

## Goal 2: Establish the Long-Term Capital and Infrastructure Needs for the City

- ❖ Develop a Capital Improvement Plan for the improvement and expansion of infrastructure
- ❖ Prepare a Water System Master Plan
- ❖ Create a Wastewater System Master Plan
- ❖ Complete a Stormwater Management Plan
- ❖ Ensure infrastructure planning documents are routinely updated.
- ❖ Confirm that the established infrastructure priorities are adequate

## Goal 3: Seek out Possible Funding Sources for the Expansion and Improvement of Infrastructure and Essential Community Services

- ❖ Study the physical and financial needs for the extension of infrastructure to priority growth areas.
- ❖ Collaborate with Montana agencies on major projects and studies
- ❖ Explore federal, state, and philanthropic infrastructure grant opportunities
- ❖ Determine positive impacts from the expansion and improvement of infrastructure
- ❖ Apply for funding opportunities that are appropriate for city priorities and projects and assist in keeping user fees reasonable

## **CHAPTER 10: TRANSPORTATION**

### **Overview**

Laurel is at the center of a major transportation network that includes local streets and sidewalks, state arterials, railroad lines, and an interstate highway. The city itself was surveyed and built on a gridded road network that provided orderly development for residential and commercial properties close to the railroad, Old Route 10, and 1<sup>st</sup> Avenue, which run through Laurel's downtown. The establishment of Interstate-90 near Laurel led to commercial development on the south side of the city. Subsequent developments of residential subdivisions and commercial areas have not continued the original ordered network, causing problems for road continuity, provision of services, and orderly and consistent city growth at its boundaries. The railyard and numerous railroad lines bisect the city, separating neighborhoods from each other and creating only two north-south access points, the 1<sup>st</sup> Avenue underpass, and the 5<sup>th</sup> Avenue railroad crossing.

Connecting transportation decisions with land use policy is a crucial city goal. A priority for the city is to develop a multi-modal approach to streets and pathways. The City will encourage intensive land use within and adjacent to the city and along major transportation routes while ensuring residential developments provide adequate and accessible pedestrian improvements to allow everyone to access their community. Establishing a consistent maintenance plan to preserve, improve, and expand the transportation network will provide current and future residents with an easy and effective way to move around the city regardless of travel mode. The orderly growth of the transportation network will also be essential to ensure neighborhoods and commercial areas are easily accessible to all. These transportation goals help increase quality of life, connect people to their community, increase safety, and plan for current trends and future growth.

### **Local Routes & Maintenance**

Laurel's downtown core and original neighborhoods were developed on a gridded network of streets and alleyways. Subsequent developments have strayed from this system and have not followed any set guidelines for road connections or continuity. This lack of orderly roads and pedestrian systems outside Laurel's traditional core has created future growth issues.



Very few existing streets allow for unbroken travel from the east to the west side of Laurel. New development has taken place without considering roadway connections and traffic planning.

Subsequent subdivisions and construction have not provided easements or right of way to continue city thoroughfares, and structures were constructed within the path of right of ways. This lack of forethought is especially apparent west of 8<sup>th</sup> Avenue, which has many roads that seemingly go nowhere. It will be necessary for Laurel to establish specific guidelines to ensure adequate road connectivity for traffic flow, safety, wayfinding, and the extension of future services.

Laurel has only two north-south road connections between its northern and southern neighborhoods. The two connections are the 1<sup>st</sup> Avenue underpass and 5<sup>th</sup> Avenue railroad crossing. The nearest other connections are Exit 437 for East Laurel and Exit 426 to Park City. Investigating other means of north-south access and finding other connection points will improve emergency service response, ease traffic along major routes, and improve accessibility to and from different city areas.

Many of Laurel's roads are also in dire need of repair. Many of the city's older local roads were built with deficiencies and antiquated design methods, which now compound annual maintenance problems. The city recently completed a study of its municipal road network that included an inventory and provide solutions to the system's infrastructure deficits. Utilizing this study and updated development and service standards will lead to improved road conditions and connectivity for Laurel residents, businesses, and visitors.

## State Highways

Two major state routes pass through Laurel. These are 1<sup>st</sup> Avenue, which forms the major north-south route, and Old Route 10, which runs east-west and acts as Laurel's Main Street. These routes support significant commercial and industrial traffic, resulting in congestion during peak hours at intersections.

Seeking mobility and safety improvements along these two routes is encouraged to create more livable, accessible, and safer streets as the city updates its zoning code, subdivision code, and roadway standards. A map of road classifications has also been provided to show further details of the Laurel road network and other major streets and roadways in the city.

## Federal Highways

Interstate-90 passes directly through Laurel. There are currently three off-ramps to access the highway, the most recent of these just completed in 2020 on the city's west end. The interstate has been a source of growth for the city, with many businesses locating in the SE 4<sup>th</sup> Street District adjacent to the highway.

The Montana Department of Transportation recently completed a north-facing on/off-ramp west of Laurel to connect to 19<sup>th</sup> Avenue West. This additional on/off-ramp is expected to alleviate some access issues and provide new development opportunities. This additional access point is also anticipated to bring new growth opportunities for the area. Planning for this growth and seeking out possible funding sources to extend city services to this area is vital

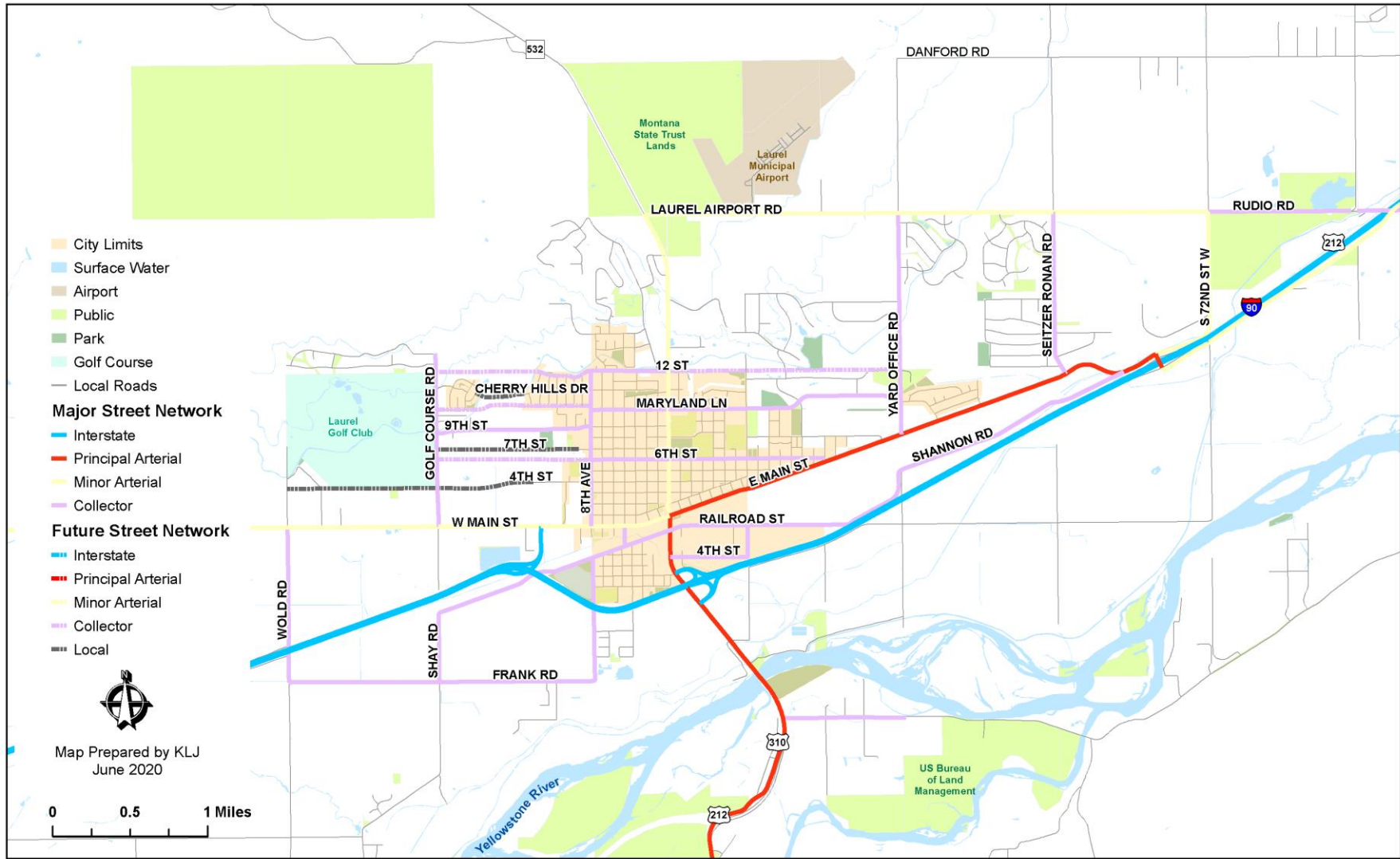
## Railroad

Montana Rail Link **has operated** the rail yard in Laurel. **MRL has decided to terminate its lease with BNSF and BNSF is transitioning to once again assuming operations.** This yard has been active since the late 1800s and is a historic asset to the transportation and economic sectors. The rail yard is a hub for freight and raw materials heading through the area. Despite not being within the city limits, the railroad, CHS refinery, and other industrial properties provide many benefits to the area by providing a healthy



job base, revenue to the school district, and lower tax rates for residential and commercial properties.

The railroad is a major asset to the area and hinders transportation in and around the Laurel area. The railroad is not within the Laurel city limits, and as such, the city has little oversight of the activities taking place. The rail yard and its lines split the city into a north and south side with only two north-south connections, the 1<sup>st</sup> Avenue underpass, and the 5<sup>th</sup> Avenue crossing. The only other north-south connections are the East Laurel Exit and West Laurel Exit on Interstate-90.



MAJOR STREET NETWORK

~~Laurel Road Classifications, 2020~~ Updated maps are attached to this document for the 2023 update and shall be inserted upon final approval.

## Roadway Classifications

- ❖ Interstate Highway (Principal Arterial)
  - Primary through travel route
  - Longest trip length
  - Highest trip speed
- ❖ Principal Arterial
  - Serves major activity centers and includes corridors with the highest traffic volumes and the city's longest trip length.
  - Provides the highest level of mobility, at the highest speed, for long uninterrupted travel.
- ❖ Minor Arterial
  - Interconnects principal urban arterials
  - Provides continuity for rural arterials that intercept urban boundaries
- ❖ Collector
  - Designed for travel at lower speeds and shorter distances.
  - Collectors are typically two-lane roads that collect and distribute traffic from the arterial system.
  - Collector roads penetrate residential communities, distributing traffic from the arterials
  - Urban collectors also channel traffic from local roads onto the arterial system.
  - Serves both land access and traffic circulation in higher density residential and commercial/industrial areas
- ❖ Local
  - Largest element in the American public road network in terms of mileage.
  - Local roads provide basic access between residential and commercial properties, connecting with higher-order roadways.
  - Provides access to adjacent land
  - Short distance trips

## Public Transportation

Laurel Transit was established in 2010 through grant funding from the State of Montana to provide transportation services to the elderly and disabled population in the Laurel area. Laurel Transit currently provides on-demand transportation services within Laurel, its surrounding area, and scheduled service to Billings. Laurel Transit operates Monday-Friday, 10:00 am – 4:00 pm. The Billings scheduled service route begins at 7:30 am. Laurel Transit has connected with local and regional agencies whenever possible to expand its services.



Discussions have previously taken place around the viability of a fixed route system for the city of Laurel. These services are currently not feasible but future growth and development in Laurel could also necessitate better in-town transit connections or a commuter route to Billings.

## Funding Sources

Many state and federal funding sources exist for transportation projects that impact:

- ❖ Road Safety
- ❖ Alternative Transportation
- ❖ Improved Mobility
- ❖ Economic Development
- ❖ Job Creation and Retention

Federal Agencies with available grants include:

- ❖ Federal Highways Administration
- ❖ U.S. Department of Transportation
- ❖ Federal Transit Administration
- ❖ U.S. Department of Agriculture
- ❖ U.S. Environmental Protection Agency

## Transportation Goals and Objectives

The three overarching transportation goals with objectives and strategies are as follows:

### Goal 1: Preserve, Maintain, and Improve the Existing Transportation System

- ❖ Update the Long-Range Transportation Plan (LRTP)
- ❖ Establish a systematic approach for the maintenance and repair of the road network.
- ❖ Develop a Capital Improvement Plan to identify and prioritize significant transportation projects
- ❖ Establish a Road Network Master Plan to ensure street continuity, traffic flow, and neighborhood connectivity,
- ❖ Promote fiscal responsibility and high return on investment
- ❖ Coordinate roadway improvement projects to coincide with underground infrastructure improvements

### Goal 2: Improve the Mobility, Safety, and Accessibility for all users and modes of travel

- ❖ Implement bicycle and pedestrian improvements and traffic calming measures to transform the downtown area into a pedestrian-friendly place
- ❖ Create a looping bicycle/pedestrian trail and street system that connects different areas of Laurel
- ❖ Adopt pedestrian and multi-modal friendly transportation standards and safety measures
- ❖ Explore options to improve and expand the Laurel Transit program and strategies to create other multi-modal transportation connections.
- ❖ Partner with local, regional, and statewide groups to further integrate Laurel into the more comprehensive passenger transportation network

### Goal 3: Connect Transportation Decisions with Land-Use Decisions

- ❖ Integrate land-use planning and transportation planning to manage better and develop the transportation network.
- ❖ Utilize transportation projects to encourage intensive development patterns along significant routes and existing areas of the City.
- ❖ Adopt and implement consistent system policies and maintenance standards
- ❖ Ensure the development of a sustainable transportation system that minimizes environmental impacts



## CHAPTER 11: ECONOMIC DEVELOPMENT



### Overview

Laurel has two traditional industries that have been the community economic pillars; the railroad and oil refining. These two economic sectors play a significant role in the economy. Still, they have been joined by many other services and businesses that diversify economic opportunity to include retail, education, healthcare, and finance. Laurel has seen a decline in downtown and local businesses as Billings has become more accessible, and online shopping and delivery become more readily used. Large and small communities have been forced to compete more and more for businesses, workers, and growth opportunities in an increasingly connected global economy. It will take significant effort to develop Laurel as a community with a self-contained business ecosystem where local businesses and entrepreneurs and larger statewide and national establishments can thrive.

Laurel's proximity to Billings is a smaller scale example of how different factors impact the local community economy. Laurel has been considered a bedroom community to Billings due to its proximity and number of Laurel residents who commute into Billings. It has also become easier for Laurel residents to travel to Billings for food, shopping, and other services. If it were in any other county in Montana, Laurel would be the center of economic development and business activities.

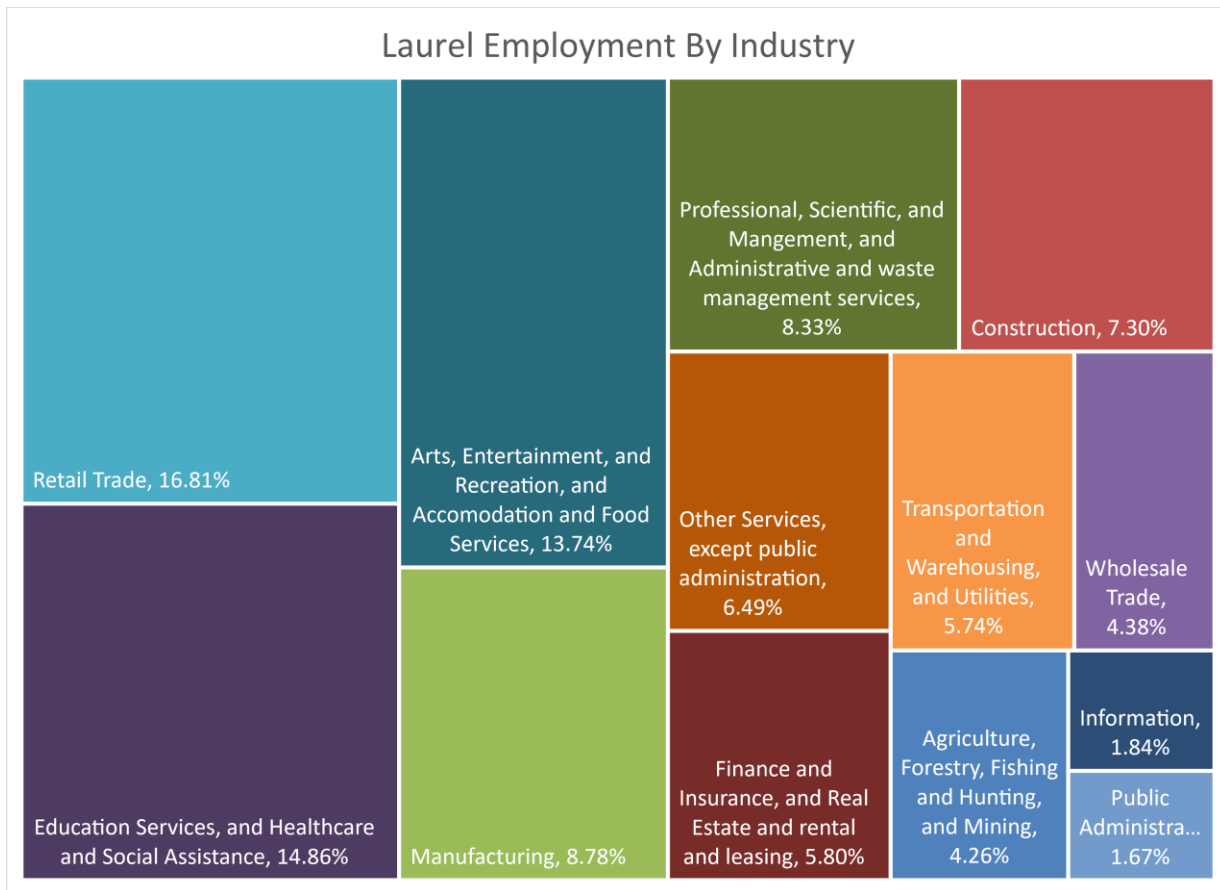
Laurel can still become a community where small businesses thrive, the downtown is healthy, and entrepreneurs take the risk to open a business even with its proximity to Billings. Creating a more attractive and active business community is not an impossible task. Goals have been established to help develop Laurel independently while keeping it connected with Yellowstone County and the Billings area.

Studying and adopting policies to develop downtown Laurel into a destination to live, work, and play can help breathe new life into the community. Focusing on resilient economic growth activities will create both new activity and sustainable, long term economic stability. Increasing Laurel's collaboration and communication with area groups can help connect stakeholders to business funding supports, employment, and training opportunities that would otherwise not be available. Growth is anticipated on the west side of Laurel. It is essential to plan for this growth by studying options for new commercial and industrial properties in priority areas.

## The Local Economy

Workers in Laurel are employed in a wide array of industries. The following chart presents a visual representation of the different industries and their percentage in those workforces. A diverse employment base helps to ensure a stable and resilient economy. Improving the City's core sectors while opening up new growth opportunities is an important objective to help keep the local economy healthy.

Several major industries are located directly outside the city limits that have a large impact on the community. These include the MRL railyard and the CHS refinery. These two industries provide many jobs to Laurel residents and those residing within the Laurel planning jurisdiction. These anchor industries provide livelihoods to many Laurel area residents and support other industries and businesses in the Laurel planning area. It will be essential to maintain good relationships with MRL and CHS to coordinate growth efforts and adequately develop the Laurel area.



(2013-2017 American Community Survey 5-Year Estimates)

## Economic Development Organizations

Various groups are active in the economic development field in the Laurel and Yellowstone County area. Big Sky Economic Development and Beartooth Resource Conservation & Development serve the Laurel community and have services available for businesses and residents.

These agencies can help leverage funding and access to different state and federal programs to support local economic development efforts.

### Laurel Chamber of Commerce

The Laurel Chamber of Commerce provides services to foster a healthy business climate in the Laurel area for business owners, employees, and customers. The Chamber supports and hosts many community events, including farmer's markets, the July 4<sup>th</sup> Celebration, and the Christmas Stroll. The Chamber has also developed relationships with local organizations and businesses to create a better business climate, a thriving downtown, and improve the community.



### Big Sky Economic Development Agency

The official mission statement of Big Sky Economic Development is "... to sustain and grow our region's vibrant economy and outstanding quality of life, by providing leadership and resources for business creation, expansion, retention, new business recruitment, and community development."

Big Sky Economic Development Agency (BSEDA) is the South-Central Montana region's certified economic development authority. BSEDA directly serves a nine-county region, including Petroleum, Wheatland, Golden Valley, Musselshell, Sweetgrass, Stillwater, Yellowstone, Carbon, and Big Horn counties. BSEDA provides services and support for small business development, community development initiatives, federal procurement assistance, tax increment financing assistance, workforce development, veterans business assistance, and business financing.

The City of Laurel Planning Director is currently the Ex-Officio representative for the City of Laurel on BSEDA's Board of directors. The Ex-Officio member represents the interests of the City on the Board and communicates the position of the City to BSEDA's staff and partners.

### Beartooth Resource Conservation & Development

Beartooth Resource Conservation & Development, or Beartooth RC&D, began in 1969 as a partnership between the USDA Natural Resource Conservation Service and Carbon and Stillwater Counties to serve that area. Beartooth is now an officially designated Economic Development District and has expanded its support to Sweet Grass, Yellowstone, and Big Horn Counties. Beartooth RC&D provides technical assistance and community development services to groups in the South-Central Montana region.

The overall mission of Beartooth RC&D is to improve local economic and social conditions by focusing on the conservation, utilization, and development of the natural and human resources of the region. The City has begun regular conversations with Beartooth RC&D to coordinate local economic development efforts and be notified of ongoing work in the region. Keeping communication channels open and collaborating on projects will help support Laurel's economic development and the surrounding area.

## Economic Development Objectives and Policies and Strategies

Four main goals and related objectives have been established that focus on Economic Development and are as follows:

### Goal 1: Develop downtown Laurel as a destination to live, work, and play

- ❖ Institute placemaking projects to further enhance district character
- ❖ Increase live-work opportunities for current and future residents and businesses
- ❖ Apply TIF funding to beautification, blight removal, and public improvement projects
- ❖ Identify and find solutions for unused or underused parcels as candidates for development

### Goal 2: Create a resilient local economy

- ❖ Strengthen core businesses and industries through communication and connections with technical support
- ❖ Ensure that local economic activities are inclusive and accessible to all stakeholders
- ❖ Implement policies that create stable and sustainable economic growth
- ❖ Work to highlight the shared benefits of working together as a community with local businesses stakeholders, and developers
- ❖ Provide an economic ecosystem that allows for a wide array of businesses, industries, and developments to thrive
- ❖ Study and implement policies to enhance local business demand and alternative strategies for value creation for the community

### Goal 3: Collaborate with area organizations to support economic growth and local employment and training opportunities

- ❖ Communicate with local groups to determine any needs and assistance
- ❖ Create partnerships with local and regional groups to fill local service gaps and create needed programming
- ❖ Take part in events and workshops to support local business initiatives and activities
- ❖ Establish common ground with local and regional groups to provide resources and assistance
- ❖ Connect residents and businesses with like-minded economic, financial, and entrepreneurship resources and opportunities

### Goal 4: Study options for new commercial and industrial properties in anticipated high-growth areas

- ❖ Create a Corridor Master Plan for growth in and around the intersection with Old Route 10 and the West Laurel Interchange
- ❖ Study options and determine priorities for the possible establishment of Tax Increment Financing Districts (TIFs) and Targeted Economic Development Districts (TEDDs)
- ❖ Review and pursue opportunities for clustered commercial or industrial parks
- ❖ Develop funding strategies to provide services for priority growth areas.

# CHAPTER 12: PUBLIC SERVICES AND FACILITIES

## Overview

Municipalities and County Governments provide numerous public services to their residents, businesses, and institutions. Effective public services are vital for a community to thrive. Public services include fire departments, police and sheriff departments, parks and recreation programs, libraries, emergency medical services, public works departments and water and sewer utility systems. Public officials need to take a lead role by planning and implementing expansions and improvements of public services that maintain and improve their community's quality of life.

This chapter presents the array of public services operated by the City of Laurel and Yellowstone County and provides goals and objectives to improve and expand those services to help the community better. A proactive approach to public services can also lead to many benefits as newly established or upgraded services can incentivize new development and growth. Effective public services show prospective residents, business owners, and developers that the municipality and the county is working to provide stable services while addressing future service needs.



## City Administration

Laurel City Hall is located at 110 West 1st Street. The City Hall contains offices for the City Clerk-Treasurer, Water Department, Planning Department, and the Public Works Department. The City Hall also contains the City Council Chambers, the Office of the Mayor, City Court, and related administrative archives.

## Laurel Police Department

The Laurel Police Department is a full-service department serving the community twenty-four hours a day, seven days a week. The City of Laurel currently has 14 sworn officers employed by the City. Services include patrolling for criminal activities and traffic violations, accident investigation, and misdemeanor and felony crime investigation. The Department's service area is within Laurel's municipal boundaries unless responding as backup to another law enforcement agency in the surrounding area. The Laurel

Police Department works with the Eastern Montana Drug Task Force, (EMDTF) assists the Yellowstone County Sherriff on calls near Laurel, and works closely with the Montana Highway Patrol.

The City of Laurel ensures that its officers are appropriately certified and trained above and beyond the state requirements. Officers must pass a twelve-week introductory police officer course at the Montana Law Enforcement Academy in the state capital of Helena. Furthermore, communication officers must also attend and pass a one-week course for their additional responsibilities. The Laurel Police Department also hosts its introductory reserve course annually for reserve officers.

The Laurel Police Department is currently located in the Fire-Ambulance-Police Building (FAP building). The facility is shared with the Fire Department and Ambulance service. The facility was built in 1976 and has seen several additions and renovations over time. The FAP Building is aging and lacks many facilities that the departments require. The Police Station lacks sufficient office space for its officers, a breakroom, separate locker room facilities for male and female officers, and the radio room lacks adequate fire control due to the space required for department servers. This space also lacks secure vehicle and equipment storage areas. It is essential that the city seek out funding options to improve, expand, and construct new facilities for the Police Department.



The Department is in need of a new facility. Planning should focus on construction of a new Police Station to the West of the City to follow anticipated growth trends. This location is also a security requirement for the Department. A westward location would be upwind from the Railroad lines and Refinery complex which would be secure in the face of any major ecological, chemical, or radiological crisis that might originate at these industrial and shipment points. Major elements for a future Police Station include:

- ❖ DUI Processing Rooms (secure with camera system)
- ❖ Video Security system (specifically for animal storage, inventory, and evidence)
- ❖ Separate Locker Rooms with bathing facilities and adequate locker space
- ❖ Full kitchen/breakroom area
- ❖ Secure and reinforced lobby area and front desk with audio system
- ❖ Evidence storage rooms with processing rooms and secure lockers
- ❖ Storage bays for larger amounts of evidence and vehicles
- ❖ Secure weapons room for ammunition, weaponry, and cleaning supplies
- ❖ Vehicle Storage area for Police vehicles and equipment under cover and secured.
- ❖ Conference room for meetings, presentations, press conferences, and trainings

Department leadership has identified certain staffing needs for the department as Laurel grows. The department needs a second Lieutenant position and a possible Captain position. These command positions would provide more effective leadership for the patrol officers. The Department also plans to add a Parking & Animal Control position in the near future. The department also needs additional civilian positions filled including an additional dispatcher, and an evidence technician and executive assistant to help with day to day duties.

The current policies and procedures for the Department date to 2014 and have not been updated due to a lack of manpower and lack of time. Department leadership has identified the program Lexipol as a vital digital resource that will help to keep the department's policies and procedures up to date. The Department plans to contract with Lexipol to assist with updating policies, training, and overall helping to keep law enforcement agencies current.

## Fire Protection and Emergency Medical Services

### Laurel Volunteer Fire Department

The Laurel Volunteer Fire Department (LVFD) has served the City of Laurel and the surrounding area since its inception in 1909. The Mission statement of the Laurel Volunteer Fire Department is:

"Laurel Fire Department is committed to serving the City of Laurel, its residents, the surrounding fire districts, and the visitors to our City for any of their emergency fire rescue needs. We will do this through strong dedication and commitment to our community with a long tradition guiding us to what is important."



The LVFD provides full-service fire response service to the City of Laurel, Laurel Airport Authority, Yellowstone Treatment Center, Laurel Urban Fire Service Area, and Fire Districts 5, 7, and 8. These services include structure fires, wildland fires, vehicle fires, industrial hazards, water, ice rescue, vehicle extractions, Hazmat situations, rope rescue, and public service calls.

It has been recognized that the LVFD needs to adapt to the changing nature of fire services. It will be essential to improve the delivery of high-quality services to the community by planning and implementing new policies. The LVFD has begun the development of a "Fire Services Business and Work Plan" that presents information about the Department as well as goals and objectives to improve and expand fire services. Goals presented in the Draft Work Plan include:

- ❖ Finance – Develop avenues of revenue to offset costs for manpower, operations, and equipment replacement
- ❖ Equipment replacement – Develop a schedule for equipment replacement
- ❖ Education – Communicate with city officials on the beneficial aspects of the current LVFD structure
- ❖ Training – Continue and expand training to evolve with ever-changing fire services
- ❖ Communications – Develop communication lines between various groups at Department, local, county, and state levels.
- ❖ Performance Management – Evaluate Department on skills and abilities for career advancement and adjustments to training needs
- ❖ Construction of a New Fire Station – A new station will be necessary to meet a growing community's needs.

Firefighters in Montana are required to complete a minimum of thirty training hours per year. Many of the members of the LVFD regularly complete over 100 hours of training hours per year. Members of the LVFD are allowed to travel to specialized schools and training sessions to learn new information and share it with their fellow firefighters in the Department.

The LVFD is actively involved in the community through events and has held annual events such as Fire Prevention Weeks and Safety Days. The LVFD also manages the fireworks display for the 4<sup>th</sup> of July celebration. The Laurel 4<sup>th</sup> of July celebration is well-known throughout the state and brings awareness of the work of the LVFD.

The LVFD is currently set at 45 members to meet current community needs. The Department undertook a reorganization in 2010 to better coordinate efforts. This reorganization allowed the Department to meet any partially paid staff requirements for a department if the City of Laurel met the requirements for a Second-Class city of 7,500 residents or more. The Laurel Volunteer Fire Department has a mutual aid agreement with Yellowstone County Fire Services.

As previously noted, the Department is in the Fire-Ambulance-Police Building (FAP building). This facility has three full bays and an extra half bay for equipment. The LVFD also has access to equipment bays at the Laurel City shops as necessary. It is anticipated that an expansion of the FAP building or the construction of a new facility will be necessary to cover the Laurel community's fire service needs long-term adequately.

### Ambulance Service

The primary mission of the City of Laurel Ambulance Service (LAS) is to provide quality pre-hospital emergency medical services and transportation to medical facilities promptly and safely to those residing, visiting, or traveling through the Laurel service area. The Department is a hybrid model, with certain full-time positions and additional volunteers. The Department has a full-time director and five full-time Emergency Medical Technicians (EMTs). LAS staff are trained to provide at least a minimum of Basic Life Support (BLS) assistance. They also have the necessary endorsements from the state to provide other advanced services.

As previously noted, the LAS is located at the Fire-Ambulance-Police building. The FAP building has space for three ambulances, restrooms, a crew lounge, offices, a small kitchen, and storage rooms. The building also has a community meeting room attached. The City needs to consider options for upgrades, expansions, or new facility locations to improve emergency services.

### School District

The Laurel School District serves the City of Laurel and the surrounding area. The District instructs 2,100 students in total. The District maintains instructional levels from Kindergarten through twelfth grade (K-12). The grades are grouped as follows:

- ❖ Kindergarten through 4th grade – Elementary School
- ❖ Grades 5 through 8 – Middle School
- ❖ Grades 9 through 12 – High School

The Laurel School District currently operates five school buildings that include:

- ❖ Laurel High School
- ❖ Laurel Middle School
- ❖ Fred W. Graff Elementary
- ❖ South Elementary
- ❖ West Elementary



The Laurel School District's Mission is: "Dedicated to the individual development of each student, every day, without exception." Students are assigned to a classroom or group depending on what will best serve that student. Considerations are made for class size, peer relations, student/teacher relations, and teaching instructional style. The School District also has administrative offices located at the old Laurel Middle School at 410 Colorado Avenue.

The Goals of the Laurel School District are:

- ❖ To deliver a quality educational program that promotes both academic success and the overall development of every student.
- ❖ To meet the needs and skill level of each student.
- ❖ To promote high student expectations, the importance of lifelong learning and creative/critical thinking.
- ❖ To provide the students with a strong desire to learn.
- ❖ To foster self-discovery, self-awareness, and self-discipline.
- ❖ To develop an awareness of and appreciation for cultural diversity.
- ❖ To stimulate intellectual curiosity and growth.
- ❖ To provide fundamental career concepts and skills.
- ❖ To help the student develop sensitivity to others' needs and values and respect for individual and group differences.
- ❖ To be free of any sexual, cultural, ethnic, or religious bias.

The District previously established goals for District growth in a 10-15 Year Master Facility Plan. This plan included developing a new facility for grades 3 through 5 and a transportation facility, the remodeling of existing schools, relocating administrative offices, selling aging district-owned structures, and addressing inadequate learning environments in certain facilities. The District developed these goals to grow with the community and adapt when necessary and will be updating their Master Facility Plan in 2021.

## Public Library

The Laurel Public Library was created in 1916 via ordinance and opened to the public on July 18, 1918. The Library was first established at 115 West 1<sup>st</sup> Street, the site of the current City Hall. The Library relocated to its current facility at 720 West 3<sup>rd</sup> Street in 1989 after fundraising by volunteers, and the Library Board allowed for the move. The Laurel Public Library serves the citizens that reside within the city limits. Yellowstone County residents are served without cost. Stillwater and Carbon County residents can also apply for and receive a library card. The Library's mission is to provide a "place where community members can grow, teach, and interact in mutual benefit with others."

The current library facility is approximately 6,000 square feet and contains four wings. The Library's clients' general needs are met by the current building, but improvements have been discussed. The Library could be improved by expanding the building to include a storage room, meeting rooms, and small study rooms. The needs of library clients have been growing, and the Library will need to grow with them.

The Library does not have any specific sharing agreements with the ~~Parmlly~~ Library in Billings or other regional libraries. The Library is currently part of the Montana Shared Library Catalog Consortia by agreeing with the Montana State Library. This consortium comprises more than 140 libraries across the state consisting of public, academic, and particular library types.

## **Yellowstone County Sheriff's Office**

The mission of the Yellowstone County Sheriff's Office is to maintain and improve the quality-of-life within the community by working with all people to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

The Sheriff's department covers the entire county and is the sole operator of the county's only detention facility. The sheriff's department provides law enforcement within the planning jurisdiction around Laurel and coordinates law enforcement activities with the Laurel Police Department.

The Yellowstone County detention facility is in Billings Montana and serves as the only detention facility for inmates from the local community as well as a detention facility for state and federal inmates while they are being processed through the court system. The detention facility is overcapacity most of the time and the county is currently focused on ways to improve the detention facility and plan for expansion as the population in Yellowstone County continues to increase.

## **Yellowstone County Public Works Department**

This department is comprised of four divisions: The Administration Division, the Road and Bridge Division, the Junk Vehicle Division, and the Noxious Weed Division.

The mission of the Yellowstone County Public Works Department is to manage the county's transportation infrastructure, junk vehicle disposal, and noxious weed control in the most cost-effective manner possible.

The Public Works Department is managed by a director who is appointed by and reports to the Yellowstone County Board of Commissioners. The Director is responsible for all operations, programs, and services provided by the department.

## **Yellowstone County GIS Department**

This department maintains a computer system designed for storing, manipulating, analyzing, and displaying data in a geographic context. The GIS department provides the ability to assist in the decision-making process by providing an additional tool to analyze and compare numerous geographic data layers along with traditional databases.

The GIS department provides an interactive way to find information about Yellowstone County. Information about Floodplain, Public Works, School, Sheriff, Zoning, Elections, Levy Districts, and Emergency and Cemeteries are displayed as layers that can be turned on/off, queried, and identified by using a click of your mouse on the map.

## **Yellowstone County Disaster and Emergency Services Department**

The DES department or emergency management is an integrated effort to prevent- or minimize the seriousness of emergencies and disasters and to plan and coordinate the community's response to them should they occur. It requires establishing partnerships among professional emergency management

personnel to prevent, respond to, and recover from disasters. This department is responsible for an emergency management program, and continual improvement saves lives and reduces losses from disasters.

## **Yellowstone County Clerk and Recorders Office**

The Clerk and Recorder is an elected county official established by the Constitution of Montana. Statutory authority establishes the duties as providing the primary administrative function for recording and maintaining the majority of all the legal documents relating to real estate records, land descriptions, county birth and death records and the records of the Board of County Commissioners. The first Yellowstone County Clerk and Recorder took office on February 2, 1883. Currently the office records an average of about 200 documents per day.

The types of documents that are maintained in the Clerk's office include:

- Deeds
- Mortgages
- Liens
- Powers of Attorney
- Homestead Declarations
- Subdivision Plats
- Certificate of Survey
- Military Discharge
- Federal Income Tax Liens

## **Yellowstone County Elections Office**

The Election Department administers the maintenance of the voter registration files, candidate filings and all aspects of the election process. Additionally, information is available concerning upcoming election dates, polling places and the results of current elections. Of primary emphasis and concern is making voter registration and the process of voting as simple and accessible as possible.

Voter registration cards will be mailed out if requested, can be downloaded from this the Yellowstone County website, or completed in the office. Cards are also available in the telephone book, Montana tax booklets and state agencies. Absentee ballot requests can also be mailed out upon request or downloaded and upon our receipt of this signed document a ballot will be mailed to the elector.

## Public Services and Facilities Goals and Objectives

Effective and efficient public services are a necessity for existing and prospective residents, developers, and businesses. Above all, public facilities and services must be accessible, helpful, and dependable for everyone residing, working, and visiting the City and County. City Departmental staff should identify the current gaps and projected needs of public facilities as the City and County experiences growth. It is vital to work with public stakeholders and departments to ensure input and projects positively impact the whole population. Providing consistent and stable service delivery is paramount.

### Goal 1: Provide consistent and high-quality public services to the community

- ❖ Develop standard operating procedures to ensure consistency for city and county departments
- ❖ Develop maintenance procedures for parks, facilities, and public areas.
- ❖ Study current facilities and services to identify gaps and determine projected needs in services

### Goal 2: Respond to the changing nature of the community

- ❖ Plan for the expansion of public facilities in priority growth areas
- ❖ Invest in public facilities that are accessible to everyone in the community
- ❖ Study how to improve city services to boost the quality of life for residents, businesses, and institutions

### Goal 3: Work with city /county departments and local stakeholders to determine the priority expansion of public facilities and services

- ❖ Open lines of communication between city/county departments and local stakeholders to gather input on major projects
- ❖ Consider the public service requirements of large-scale projects before their approval and implementation
- ❖ Develop plans for the expansion of Fire, Police Law Enforcement, and EMS facilities

## **CHAPTER 13: RECREATION PLAN**

### **Overview**

Access to recreational opportunities and parkland is a critical component of quality of life for communities, especially Montana communities. The parks and public areas owned and maintained by the City of Laurel are assets to local and area residents. Access to walking, biking, hiking, and other local amenities help boost residents' and visitors' quality of life. Many cities and towns have begun establishing greenways and trails to connect parks and open spaces with local neighborhoods. Incorporating these into Laurel planning and development strategies can help enhance livability and help residents be healthier and more active.

The City should consider developing a vision for the Laurel parks system that would establish priorities for park funding and placement of parks that would be most useful for residents. Creating a connected park and trail system would enable residents to enjoy more parts of Laurel and the surrounding area.



Many of Laurel's parks are very small, with some located at less than ideal or fully accessible locations. Parkland must be a fully useable amenity for residents. Parks should be developed and improved to act as neighborhood focal points. The City should also study underutilized or burdensome parkland parcels and consider reuse scenarios.

Repurposing vacant or underused land as parks and trails can create many added benefits for a community. Downtown Laurel currently has large areas of vacant land owned by the BNSF Railroad and leased by MRL. Studying options for low impact reuse of this land as parkland or greenways could enliven downtown by activating the south side of Main Street, creating more opportunities for residents to spend time downtown, and creating more public space for events or gatherings.

Riverside Park has been a staple of the community for almost one hundred years. The Riverside Park Master Plan was developed in 2018 to provide a blueprint for improvements and the park's use. It will be essential to continue the ongoing improvement efforts detailed in that plan and develop policies to attract Yellowstone County and beyond. Riverside Park should be maintained as a historical, recreational, and economic asset in the future.

## City Parks

There are many public parks throughout the City of Laurel. Some of the larger, more established parks are listed below. There are also many smaller unnamed parks throughout the city.

- ❖ Thomson Park
- ❖ Russell Park
- ❖ Nutting Park
- ❖ Kiwanis Park
- ❖ Murray Park
- ❖ South Pond
- ❖ Riverside Park
- ❖ Lions Park
- ❖ MT State Firefighters Memorial Park

## Yellowstone County Parks

The County has many parks in the Laurel Yellowstone City County Planning jurisdiction. Most of these parks are the result of subdivisions of land that required parkland dedication as part of the subdivision process. Many of these parks are not developed or are underdeveloped. Yellowstone County has a parks board that advises the County Board of Commissioners on park planning and implementation of park improvements.

## Parks Funding, Governance, and Operations

The City of Laurel Public Works Department is responsible for maintaining and improving park facilities. Public Works provides staff time and funding toward the upkeep of park facilities. The City of Laurel Park Board comprises volunteers who provide oversight and input on park operations, maintenance, and activities.

Riverside Park is an essential historic asset for the city, the region, and Montana. Many private and public groups are active in this park's historic preservation, including the Yellowstone Historic Preservation Board that helps to support preservation and improvement efforts in Riverside Park.

## Community Sponsored Events

Community sponsored events are an effective way to get residents outside, engaged with nature, and connected to their community. Laurel has a history of hosting popular events that get people outside and active. City staff and local stakeholders should continue to work together to promote outdoor events to encourage people to be more active in the community.

Laurel hosts several events throughout the year. The July 4<sup>th</sup> festivities include the Chief Joseph Run, pancake breakfast, parade, and fireworks celebration. Laurel also hosts an annual Christmas tree lighting event downtown, farmer's markets, and other seasonal events throughout the year.

The city's parks are a focal point for residents and visitors. They represent an important asset that makes Laurel a better place to live. City staff should partner with local groups to support community

events and create more opportunities for recreational activities and outdoor enjoyment in the city's neighborhood parks.

## Recreation Objectives and Policies and Strategies

### Goal 1: Develop parkland as an essential and enjoyable amenity for residents

- ❖ Ensure new developments have appropriate park space for recreation and general use
- ❖ Study how existing parks can be improved through new facilities, changed layouts, or additions
- ❖ Review current park infrastructure and determine if improvements are necessary to serve the needs of the surrounding area better

### Goal 2: Promote Riverside Park as a vital historic, civic, and recreation resource for residents and visitors

- ❖ Adhere to the projects and strategies presented in the 2018 Riverside Park Master Plan
- ❖ Seek grant funding for structural and site improvements
- ❖ Develop historic markers for Riverside Park and its historic structures
- ❖ Study options for connecting Riverside Park to the city proper through infrastructure improvements, civic engagement, or other means
- ❖ Establish signage and marketing for the assets and resources of Riverside Park to area residents and visitors

### Goal 3: Create an interconnected system of parks, greenspace, and trails that are accessible to all

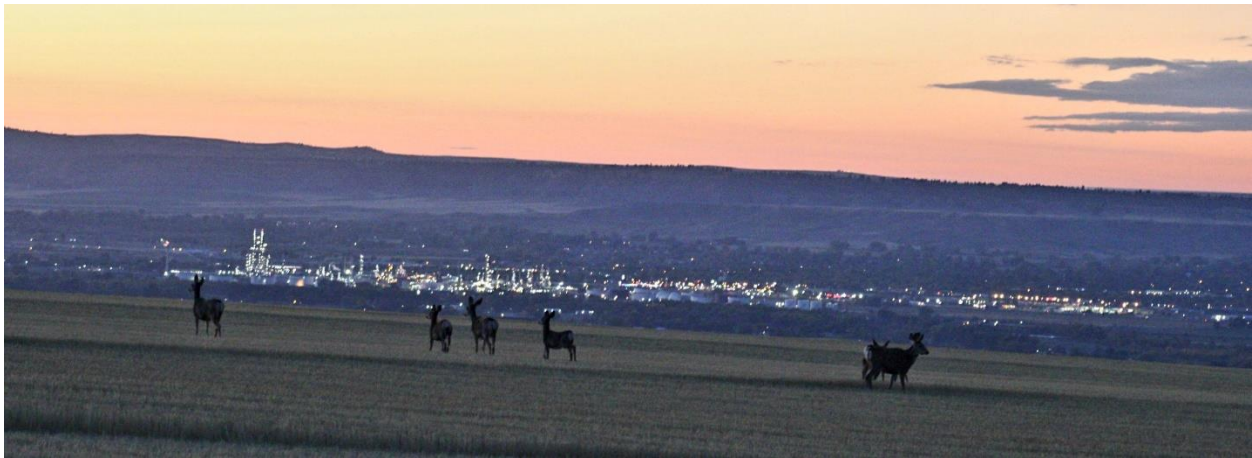
- ❖ Create a city-wide Park System Master Plan to develop project priorities
- ❖ Consider the creation of a City Parks Department to oversee park operations and maintenance
- ❖ Identify unused land that can be transformed into green space or trails for use by the public
- ❖ Update the zoning and development codes to encourage the creation of bicycle and pedestrian trail corridors

## **CHAPTER 14: NATURAL RESOURCES**

### **Overview**

The Laurel planning jurisdiction contains a variety of terrains and environments. The city itself is urbanized and is surrounded by several residential subdivisions. A variety of farmland, grazing land, riverine areas, and wetlands surround the city and make up much of the planning area. Laurel's natural features pose unique opportunities and challenges that should be considered when planning for growth.

The natural environment should be preserved and enhanced to balance environmental sustainability with economic growth, recreational opportunities, and development. Natural resources and the natural environment can be balanced with growth activities to provide social, economic, and community benefits to people over time while continuing their natural functions. The proximity to natural areas such as parks, trails, and other open spaces is an essential variable for many people as they choose where to live and work.



The Laurel area is an interconnected network of land and water resources that contribute to the community's health, economic well-being, and quality of life. This network of natural resources requires investment and maintenance, just like roads and utility systems. Creating a balance of conservation, management, and growth can reward a community with excellent benefits, including increased quality of life, longer-lasting infrastructure, and improved property values.

### **Groundwater Resources**

Groundwater quality and quantity will become a growing concern as Laurel and the surrounding area develops. Traditional modes of living will shift because of groundwater issues. The direct impact of development in the area will be a reduction of groundwater recharge capacity. Groundwater recharge has averaged 8.2 inches per year but depends on the specific land use and soil type. The planning area contains relatively thin alluvial gravel deposits of groundwater. The average saturated thickness of local aquifers is fifteen feet, with the thinnest saturated zones occurring along cliffs and bluffs and the Yellowstone River's channel.



## Wildlife Habitat

### Rivers, Streams, and Lakes

It is important to recognize the Yellowstone River as a critical asset to Laurel. The Yellowstone River provides a stable water source for the city and recreational opportunities and riverine wildlife habitat. Maintaining the Yellowstone River as a resource is a complex job that includes managing the river ecosystem, monitoring historic water rights, and considering the local community's needs for economic and residential uses.

There are also many year-round and seasonal drainage and irrigation ditches that carry water through the city. These ditches include the Nutting Drain Ditch, Big Ditch, High Ditch, and Cove Ditch. Flooding is known to occur intermittently near the ditches. High water levels on properties near the ditches are a concern for property owners seeking to develop their property.



### Floodplains

A floodplain is an area of land adjacent to a stream, river, or other water sources that stretches from the banks or boundaries of its channel to the base of higher elevation terrain that experiences flooding during high discharge rainfall periods. Floodplains are natural drainage basins for the discharge of heavy precipitation. The Yellowstone River exhibits vast floodplains and variations in flow due to terrain. Flow rates are dependent upon the season and the amount of rain and snowmelt. Flows are usually at their highest during the spring months and into early summer.

The Federal Emergency Management Agency (FEMA) utilizes the 100-year floodplain boundaries as the standard measurement for floodplain regulation. The 100-year floodplain is the area that has a one percent chance of flooding each year from a specific water source. The federal government expects municipalities and counties to take a proactive approach to flood damage prevention. Laurel has had an established Flood Insurance Rate Map (FIRM) since 1982. This map was most recently updated in November of 2013.

Most of the Laurel planning area is outside the 100-year floodplain. The areas within the 100-year floodplain include many properties directly abutting the Yellowstone River and its tributaries, some irrigation and stormwater ditches running through the city, and portions of downtown Laurel along Main Street as well as directly adjacent side streets. Laurel's Riverside Park is also within the floodplain.

### Wetlands

Wetlands are ecosystems that are flooded by water permanently or seasonally. Wetlands have unique vegetation, wildlife, and hydric soils.

Wetlands near Laurel include riparian areas along the Yellowstone and Clark's Fork Rivers, marshes, spring seeps, and prairie potholes. Wetlands have historically been obstacles and have been removed whenever possible. Much of Laurel and the surrounding area suffers from high groundwater. Close attention must be paid to high groundwater and its impacts on public utilities such as water lines, sewer lines, and stormwater drainage systems. It is vital to understand wetlands and their traditional role in the environment to better plan for growth and development.

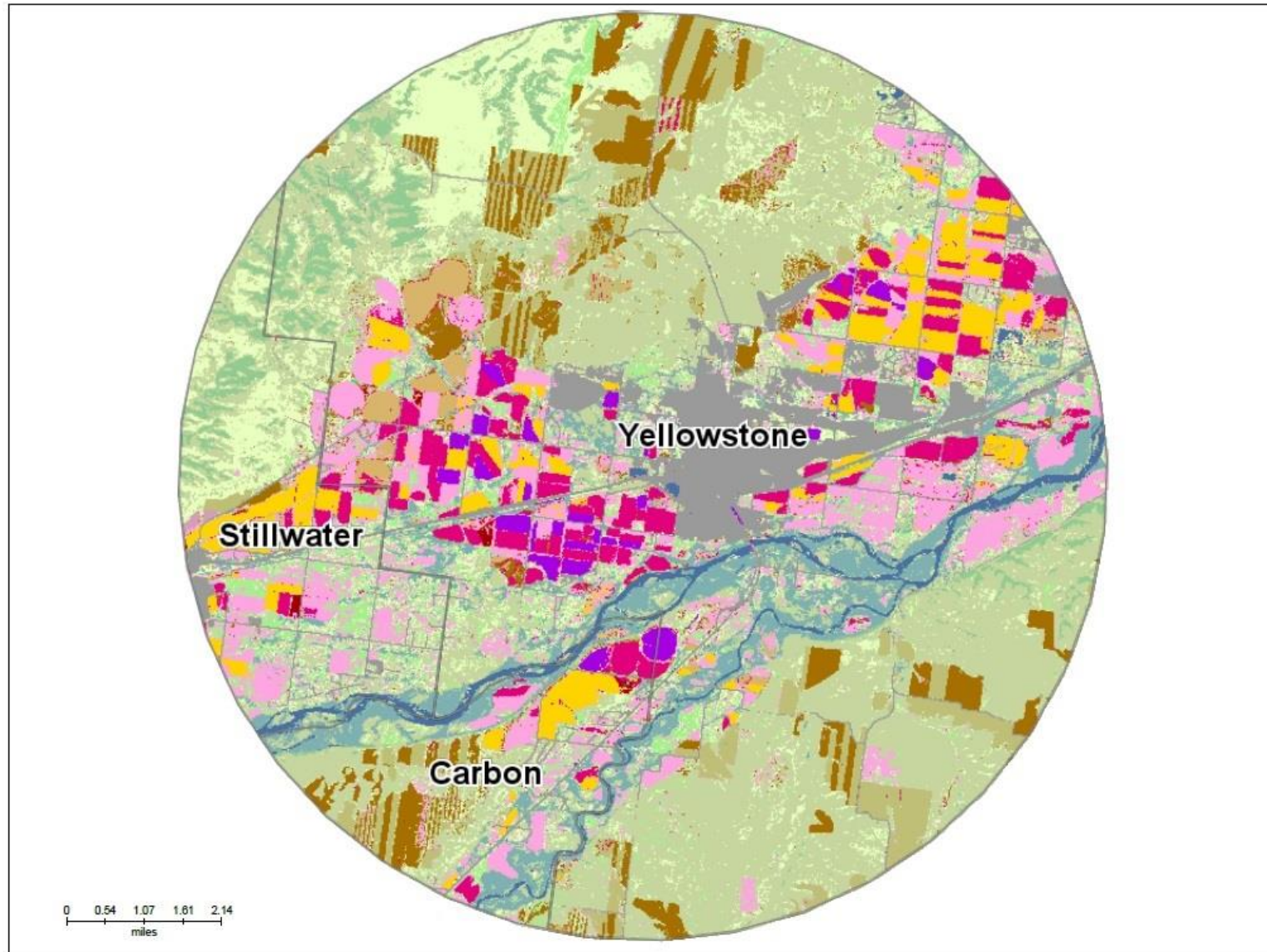
## Agricultural Land

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) defines prime farmland as land with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. These crops also have the soil quality, growing season, and moisture supply needed to produce economically sustained high crop yields when managed appropriately.



Laurel and Yellowstone County have been home to agricultural farms and ranches since the beginning of European settlement in the area. There a vast amount of agricultural farmland within the Laurel planning jurisdiction itself. The map below presents the varieties of crops in the Laurel planning area.

# Laurel - Crop Data



Land Cover Categories  
(by decreasing acreage)

**AGRICULTURE\***

- Grass/Pasture
- Alfalfa
- Fallow/Idle Cropland
- Other Hay/Non Alfalfa
- Winter Wheat
- Barley
- Corn
- Spring Wheat
- Sugarbeets
- Dry Beans
- Triticale
- Peas
- Safflower
- Oats
- Flaxseed
- Canola

**NON-AGRICULTURE\*\***

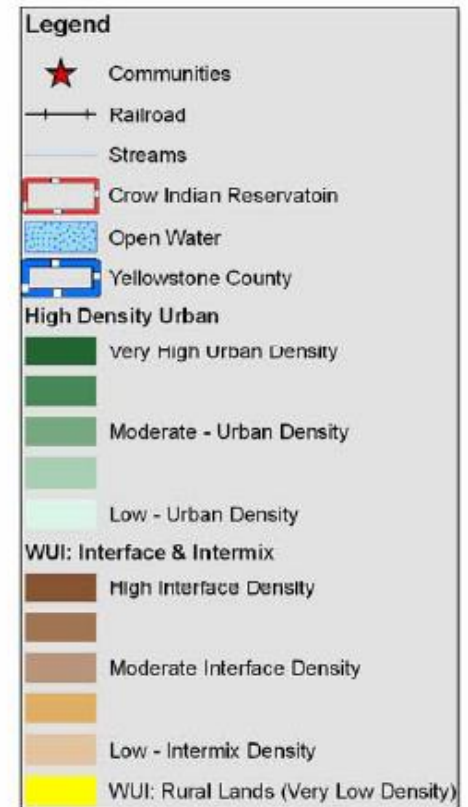
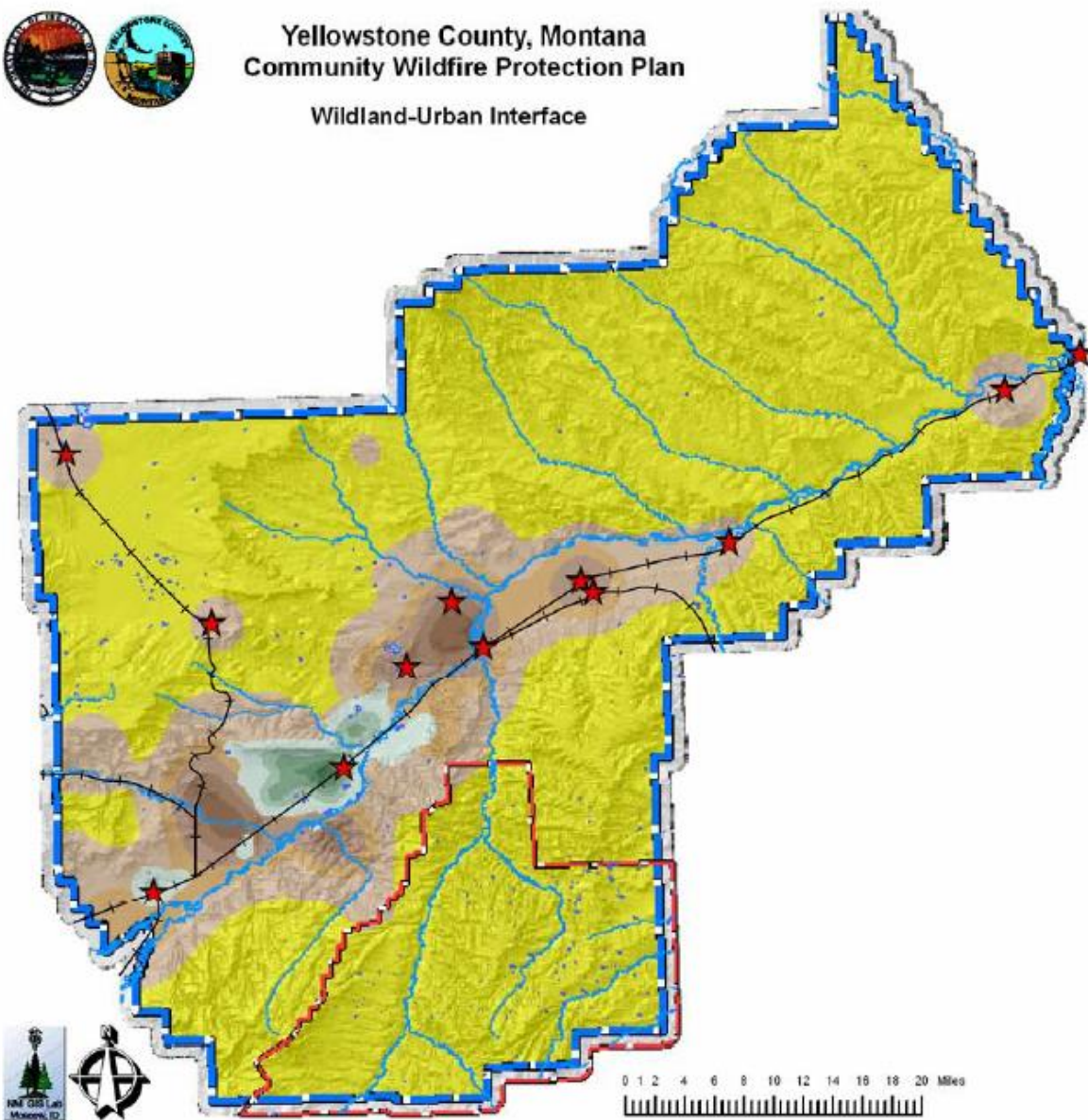
- Shrubland
- Woody Wetlands
- Evergreen Forest
- Developed/Low Intensity
- Developed/Open Space
- Herbaceous Wetlands

# Wildland-Urban Interface and Significant Infrastructure



Yellowstone County, Montana  
Community Wildfire Protection Plan

Wildland-Urban Interface



## Wildland-Urban Interface

Laurel was part of the planning process for the Community Wildfire Protection Plan in 2006. A Wildland-Urban Interface (WUI) map was prepared as a part of this process. The planning process's goal was to improve fire prevention, reduce hazardous fuels, restore, fire-adapted ecosystems, and promote community assistance.

Yellowstone County has a diverse ecosystem with an array of vegetation that has developed with, and adapted to, fire as a natural disturbance. Decades of wildland fire suppression and long-standing land-use practices have altered the plant community. They have resulted in dramatic shifts in the types of fires and local species composition. Rangelands and farmland in Yellowstone County have become more susceptible to large-scale, high-intensity fires that threaten life, property, and natural resources because of these long-term practices.

## Floodplain

**Floodplain** – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

**Floodway** – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot.

**Regulated Flood Hazard Area** – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated.

The purpose of Floodplain Hazard Management Regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

- Protect human life and health.
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- Minimize prolonged business and public service interruptions.
- Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to

- Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

The Regulated Flood Hazard Area includes areas specifically identified, labeled and illustrated on maps such as Floodplain, Floodway, or Flood Fringe that have differing uses allowed and minimum building standards that apply. The Regulated Flood Hazard Area is the geographic area inundated by the Flood of 100-year Frequency illustrated and depicted in the referenced studies and maps.

The Regulated Flood Hazard Area supporting study and maps illustrating the regulatory area are based on studies and maps that have been specifically adopted pursuant to 76-5-201et.seq. The maps and accompanying study become the Regulated Flood Hazard Area only when formally adopted by DNRC and subsequently by the political subdivision by these regulations. The original source of studies and data may be from a Flood Insurance Study by FEMA, or other studies by Corps of Engineers, Soil Conservation, United States Geological Service or other federal or state agency.

Within the Regulated Flood Hazard Area, subdivisions including new or expansion of existing manufactured home parks, must be designed to meet the following criteria:

- The Base Flood Elevations and boundary of the Regulated Flood Hazard area must be determined and considered during lot layout and building location design;
- Locations for future structures and development must be reasonably safe from flooding;
- Adequate surface water drainage must be provided to reduce exposure to flood hazards;
- Public utilities and facilities such as sewer, gas, electrical and water systems must be located and constructed to minimize or eliminate flood damage; and
- Floodplain permits must be obtained according to these regulations before development occurs that is within the Regulated Flood Hazard Area.

## Natural Resource Goals and Objectives

### Goal 1: Protect Laurel's natural resources and traditional environment

- ❖ Provide options for landowners for conserving portions of their land while developing others
- ❖ Achieve a balanced pattern of growth to ensure environmental concerns are considered during the development
- ❖ Manage the local water resources as a healthy, integrated system that provides long-term benefits from enhanced environmental quality

### Goal 2: Incorporate sustainable development patterns in the Laurel subdivision and land use codes

- ❖ Review and update existing zoning and subdivision regulations to ensure environmental preservation and conservation are addressed
- ❖ Review and update landscaping ordinances as needed to best suit Laurel's natural environment

- ❖ Manage rivers, floodplains, wetlands, and other water resources for multiple uses, including flood and erosion protection, wildlife habitat, recreational use, open space, and water supply

Goal 3: Connect with local, regional, and state agencies and stakeholders to improve the natural environment in and around Laurel

- ❖ Sponsor environmental cleanup and rehabilitation programs that include the City, school district, community organizations, and residents
- ❖ Participate in regional watershed studies to achieve adequate long-term flood protection
- ❖ Explore the possibility of creating a conservation corridor along the Yellowstone River

# CHAPTER 15: GROWTH POLICY IMPLEMENTATION

## Overview

The 2020 Laurel Growth Policy is a significant upgrade of the existing Growth Management Plan. The previous Growth Management Plan provided very useful information regarding existing community characteristics as well as trends that had future implications for the community, but it did not provide specific recommendations regarding how the community might best address existing and emerging issues.

The content of this chapter is critical to compliance with state law and provides necessary details for the Laurel community to be eligible for various funding programs and resources. The chapter is organized into two primary sections as follows:

1. Section 1: Identification of tools available to Montana cities to help implement the growth policy; and
2. Section 2: Fulfills a specific requirement in Montana State Law requiring growth policies to evaluate jurisdictional subdivision regulations in the following three ways:
  - a. Identification of how local government defines various impact assessments as specified in the law
  - b. Addressing how public hearings for proposed subdivisions will be conducted, and
  - c. Addressing how the local government will make decisions with respect to various impact assessments

In addition, the second section identifies specific objectives, policies, and strategies for six planning topic areas which are also outlined throughout the Growth Policy text:

- ❖ Land Use
- ❖ Housing
- ❖ Infrastructure
- ❖ Economic Development
- ❖ Public Facilities and Services
- ❖ Intergovernmental Coordination

In some cases, the topic areas identify specific resources and programs that are available to help implement strategies identified for each topic area. Objectives are also listed, and for each identified objective, there are recommended implementation measures. The implementation measures are either recommended policies or strategies. Recommended policies reflect the intent of how a governing body might address a planning topic or issue through policy. Strategies reflect a specific course of action that a governing body might utilize to address a specific planning topic or issue.

## Implementation Tools

This section identifies several types of Growth Policy implementation tools. Generally, there are five types of tools at a local government's disposal to help implement a growth policy. They include:

- ❖ **Regulations:** Regulations are generally outlined and authorized by Montana Code Annotated (MCA) and adopted into law by local government.



- ❖ **Policies:** The Growth Policy and other adopted plans contain policies that express the community’s interest in pursuing a course of action on topics and issues. Unlike regulations, local government has discretion in the implementation of policies.
- ❖ **Government Finance:** Government finance tools represent the community’s financial commitment to fund the implementation of policies and strategies outlined in the Growth Policy.
- ❖ **Education:** Educational tools, such as the growth policy itself, include several activities that inform the public, appointed officials and elected officials that facilitate effective decision making.
- ❖ **Coordination:** Coordination tools are voluntary measures in the local government or between a local government and other local, state and federal government or agency that result in more efficient and effective delivery of services or a shared response to a common concern.

A discussion of each of the types of growth policy implementation tools is provided below. The tools described are not all inclusive but rather are intended to provide examples of tools that are commonly used by communities in Montana. Several of the tools are already being utilized by the City of Laurel. The tools not in use may be considered as additional means to advance the implementation of the Growth Policy.

## Regulatory Tools

### *Subdivision Regulations*

MCA requires counties to adopt subdivision regulations that comply with the Montana Subdivision and Platting Act. Subdivision regulations control the creation or modification of the division of land into new parcels or tracts. They also control the design of subdivisions and provide standards for adequate provision of infrastructure without adversely impacting public services and natural resources.

The City of Laurel has adopted subdivision regulations that are enforced in the City or on lands proposed for annexation into the City. Subdivision regulations will need to be updated to be consistent with this Growth Policy and must include any amendments made during the 2020 Montana Legislative session.

### *Zoning Regulations*

Zoning regulations are a common regulatory tool to control land use. One of the primary purposes of zoning regulations is to minimize land use incompatibility. Zoning regulations also establish standards that limit the density or intensity of development as well as other characteristics of development such as off-street parking, signs, lighting, site layout, etc. Zoning regulations are supplements to a zoning map that establishes zoning districts in the jurisdiction. The zoning map provides the means to separate incompatible land uses and zoning regulations mitigate potential land use incompatibilities at the boundaries separating different zoning districts.

The City of Laurel adopted zoning regulations in 2001. Over the years, several amendments have been made. The city is in the process of reviewing a comprehensive update to the zoning regulations as prepared by their planning consultant. ~~Pursuant to MCA, the City of Laurel can establish extraterritorial zoning jurisdiction up to one mile beyond the city limits if Yellowstone County and the city create the extraterritorial area and provide for joint administration.~~

The area around the City of Laurel’s city limits was previously believed to an extra-territorial zoning jurisdiction up until recently when state statues were reviewed and it was discovered that MCA 76-2-310 does not give the City of Laurel the right to adopt extra-territorial zoning beyond municipal boundaries.

MCA 76-2-310 states “Extension of municipal zoning and subdivision regulations beyond municipal boundaries. (1) Except as provided in 76-2-312 and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

- (a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;
- (b) up to 2 miles beyond the limits of a city of the second class; and
- (c) up to 1 mile beyond the limits of a city or town of the third class

Yellowstone County has adopted subdivision regulations for the planning jurisdiction around Laurel city limits and therefore the City cannot extend it’s zoning regulations beyond it’s municipal boundaries. Yellowstone County has enforced the adopted subdivision regulations for lands outside the City of Laurel limits and has historically approved or denied the subdivision of land in the area surrounding the City of Laurel.

### *Design Standards*

Design standards are most often contained within zoning regulations but can also be established in subdivision regulations. The purpose of design standards is to enhance the appearance and functionality of a development. Overly restrictive design standards can impede development. If properly crafted, design standards can significantly enhance the built environment without placing undue burdens on a developer.

### *Floodplain Regulations*

Floodplain regulations are intended to regulate the use of land located within an officially designated 100-year floodplain in order to protect buildings and occupants from the risks associated with flooding. Floodplain provisions are contained in the subdivision regulations. Some communities choose to participate in the National Flood Insurance Program Community Rating System (CRS). CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Any community in compliance with the minimum requirements of NFIP may participate. Participation in the CRS results in discounted premiums for flood insurance policy holders; between 5 to 45 percent depending on the rating of proposed floodplain management activities, reducing the likelihood or magnitude of damage resulting from a flood.

### *Zoning Compliance Permits*

Zoning compliance permits ensure that development activities comply with zoning regulations. The City of Laurel requires the issuance of zoning compliance permits for most types of improvements to private property.

### *Building Permits*

Building permits are utilized to ensure that construction of buildings follows the State of Montana Building Code. Building permits are required for all buildings over two hundred (200) square feet. Most

residential building permits are issued by the City Building Inspector but permits for commercial or residential buildings with five or more dwelling units are issued by the State.

## Policy Tools

### *Neighborhood or Area Plans*

The Growth Policy can be further implemented by more detailed neighborhood or area plans. With the adoption of the Growth Policy, plans may be prepared that provide a greater level of detail for specific areas or issues as the City finds need.

### *Annexation Policy*

A city expands its boundaries and its jurisdictional authority through the process of annexation. There are six different methods for annexation authorized by state statute (Parts 42 through 46 of Title 7, Chapter 2, MCA). Part 46 authorizes an annexation resulting from a petition from private property owners.

Cities use two tools to facilitate and guide future annexations. The first is a “Limits of Annexation” map that delineates the areas surrounding the city that can be reasonably supported by urban services and infrastructure. The map is prepared in coordination with the preparation of a capital improvements plan. The second is the use of annexation agreements. Entering into an annexation agreement with a property owner prior to the submission of development plans gives a local jurisdiction the opportunity to assign infrastructure and other costs associated with development of the annexed property.

### *Urban Planning Area*

Urban planning areas are different than Extra Territorial/City-County Planning areas. An Urban Planning Area focuses on extension of infrastructure over a portion of the City-County Planning Jurisdiction and typically for a shorter time horizon than the jurisdictional area associated with the City-County Planning Jurisdiction.

Designation of an urban planning area is utilized for the extension of urban services as a jurisdiction grows. It delineates the geographic extent of how far outside the city limits the jurisdiction is prepared to extend urban services within a 10-year planning horizon. This is often accomplished by establishing an urban service area boundary beyond the city limits. The urban service area boundary is established in coordination with planned growth areas identified in the Growth Policy as well as the city’s capital improvement plan. This tool helps a city plan for future growth outside the city limits and puts property owners outside the city limits on notice of what areas will and will not be supported by the extension of urban services.

### *Urban Renewal Districts*

The establishment of urban renewal districts facilitates redevelopment of specifically selected areas in the city. Title 7, Chapter 15, Part 42 of the MCA gives municipalities authority to establish urban renewal districts in areas that meet the statutory definition of “blighted” areas and authorizes the municipality to expend funds in the area to stimulate private investment.

Tax increment finance (TIF) districts are often used to recapture the city’s expenditure of funds for public improvements in the redevelopment area. TIF districts use the incremental increase in tax collections as blighted areas are redeveloped or other improvements are made to properties within the district. It is this increment that is used to retire debt to install the additional or new capital infrastructure.

Municipalities are required to prepare and adopt an urban renewal plan prior to establishing an urban renewal district. For more information see the TIF Section under Government Finance Tools.

## Government Finance Tools

### *Capital Improvement Programs*

City and county governments often program capital improvements on an annual basis. This is a reasonable practice for communities experiencing minimal or no growth activity. However, the use of a multi-year capital improvement program is an important tool to plan for public expenditures when communities are experiencing or anticipating high levels of growth. In such cases, a local government may establish a five-year capital improvement program. As noted above, a multi-year capital improvement program can support the establishment of urban service areas and facilitate negotiation of an annexation agreement.

### *Fee Incentives*

The reduction or full waiver of municipal fees can be utilized to support implementation of specific growth policy goals and objectives. Often the financial incentive is used to support affordable housing or redevelopment projects. The tool can also be used to support specific economic development policy.

### *Impact Fees*

An impact fee is a charge on development assessed at the building permit or zoning compliance permit stage of a project to assist the funding of new or expanded facilities that are needed to accommodate the development. Impact fees are used by communities anticipating or experiencing high levels of growth and are intended to maintain existing or minimum levels of service with minimal costs to existing property owners.

Impact fees can be assessed for a wide range of community services including but not limited to public safety (EMS, police and fire), public works (sewer, water, transportation and drainage facilities), recreation, libraries, etc. Citizens who are assessed impact fees need to receive benefit from impact fee expenditures within a reasonable period, which most often is five years.

### *Local Government Owned Land*

Land that is owned by local government, including school districts, is a valuable resource that can be used to implement growth policy goals and objectives. Undeveloped public land may be used to financially leverage private development that meets a community's high demand need. By reducing or eliminating land acquisition costs the jurisdiction provides a significant financial incentive to facilitate development that supports the implementation of land use, housing or economic development policy. When this implementation tool is used the local government should consider entering into a development agreement to ensure the developer provides the desired outcome.

### *Tax Increment Financing (TIF)*

Tax Increment Financing (TIF) was first authorized by the Montana legislature in 1974. It is a locally-driven funding mechanism that allows cities and counties to direct property tax dollars that accrue from new development, within a specifically designed district, to community and economic development activities within that district. It is intended as a tool that can encourage and support investment in areas where growth has been hindered by a lack of infrastructure and/or the presence of blight.

TIF does not increase property taxes for individuals and businesses located within a designated district. It only affects the way that taxes are distributed after they have been collected. A base taxable value is determined upon the establishment of a TIF district, and any additional tax revenue that accrues due to new development over a specified time frame is used to finance a variety of district improvements.

Eligible improvement activities include:

- ❖ Land acquisition
- ❖ Rehabilitation and renovation
- ❖ Demolition and removal of structures
- ❖ Planning, marketing, and analysis
- ❖ General redevelopment activities
- ❖ Constructing, improving, and connecting to infrastructure

## Education Tools

### *Planning Studies and Data Collection*

The Growth Policy provides significant information and data on the community's various characteristics. It also provides an extensive list of policies and strategies to implement growth policy objectives. In most cases the information and data contained in the growth policy will be enough to justify and implement the policies and strategies.

However, there may be cases where the community will need to conduct more detailed follow-up planning studies and collect additional information to support an implementation activity. Establishing impact fees or urban renewal districts are examples of implementation measures requiring additional study. As discussed below, ongoing collection of data will support Growth Policy monitoring.

### *Growth Policy Monitoring*

The recommended policies and strategies contained in the Growth Policy are based on an assessment of current information and data. Policies and strategies remain relevant so long as conditions in the community are aligned with current trends. However, unanticipated circumstances or opportunities are likely to arise that will warrant a re-evaluation of policies or strategies whether they have been implemented or not. To support a re-evaluation of policies or strategies, data that is applicable to planning topics should be collected and reported on an annual basis. This data will, in effect, provide community indicator information allowing the community to identify the emergence of new trends.

It is recommended that the City consider preparation of an annual community indicator report that can be used to support an evaluation of the level of success in achieving community goals and objectives, and an assessment of the need to implement or revise selected policies and strategies contained in the Growth Policy. Annual community Indicator reports also provide valuation information that can be used in the next update of the Growth Policy. The reports can also be used to justify need when requests for outside funding are made.

Community indicator reports should provide information that can be compared to information contained in the Growth Policy, so change can be measured. Annual community indicator reports should include, but are not limited to an assessment and review of the following information:

- ❖ Building permits for new housing
- ❖ Volume of sales of residential property (Laurel Real Estate MLS Service)
- ❖ Crime statistics (Laurel Police Department)
- ❖ Client caseloads for senior citizen programs (Yellowstone County Council on Aging)

- ❖ Number and type of new or expanded businesses
- ❖ Number and type of new jobs created (Montana Department of Labor and Industry)
- ❖ Tax revenue
- ❖ School enrollment
- ❖ Levels of participation in recreational programs
- ❖ Remaining capacity of sewer treatment facilities
- ❖ Remaining capacity of the landfill
- ❖ Updated population projections prepared by the Montana Department of Commerce
- ❖ Annual departmental budget reports/requests
- ❖ Medical Facility programming/services

## Coordination Tools

### *Intra-Governmental Coordination*

The functions of local government are logically divided into departments. The departmentalization of local government services tends to discourage the sharing of information and coordination between departments. Too often synthesizing information from the various departments to get a holistic view of the community is solely the responsibility of the elected officials and most often occurs during preparation of annual budgets. It is recommended that Laurel consider the timely sharing of department reports with staff members responsible for overseeing implementation of the Growth Policy.

In addition, the City might consider assigning individual departments the task of implementing or evaluating the need to implement recommended policies and strategies that most clearly impact those individual departments. This is an excellent way to spread ownership of the Growth Policy. Annual department reports can provide information on the status of recommended implementation activities. The City might consider including a Growth Policy Implementation section into each department budget, to institutionalize the community's commitment to Growth Policy implementation.

Intra-governmental coordination is also an effective tool to more efficiently deliver services. When leaders of each department meet periodically to share information and service delivery challenges, there is more opportunity to enhance coordination between departments and identify ways that staff, equipment and other departmental resources might be shared to mitigate service delivery challenges.

### *Inter-Governmental Coordination*

The same principles discussed in the previous section apply to coordination between local governments and between local governments and regional, tribal, state and federal agencies. Inter-governmental coordination provides an opportunity to regularly share information about plans and programs and enhance working relationships.

The City might consider establishing a semi-annual meeting schedule with regional, state and federal agencies and a quarterly meeting schedule for local governments within the county. Individual County Commissioners and City Council members can be designated as the liaison for each agency and/or local government. The intangible benefits of this coordination are often the maintaining of open lines of communication and a greater mutual understanding of the perspectives and needs of the larger region and state.

### *Evaluation of Yellowstone County/Laurel Subdivision Regulations*

An evaluation of the administration and standards contained in the Laurel Subdivision Regulations is required as part of the Growth Policy. There are three items that need to be evaluated per Title 76, Chapter 1, Part 6, 76-1-601(3)(h), MCA. 1).

1. How local government defines the various impacts assessments as specified in 76-3-608(3)(a),
2. How local government makes decisions with respect to the impact assessments as made, and
3. How public hearings for proposed subdivisions are conducted.

### *Impact Assessments: Definitions and Evaluation Factors*

Local government subdivision regulations are required to review proposed subdivisions in accordance with the following criteria provided in 76-3-608(3)(a):

- ❖ The effect on agriculture
- ❖ The effect on agricultural water user's facilities
- ❖ The effect on local services
- ❖ The effect on the natural environment
- ❖ The effect on wildlife and wildlife habitat
- ❖ The effect on public health and safety

For each of the above criteria, applicable definitions and evaluative provisions contained in the subdivision regulations must be identified.

#### *Effect on Agriculture*

Agriculture is defined as all aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including forestry or lumbering operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market. The effect on agriculture is evaluated utilizing the following provisions:

1. Is the proposed subdivision or associated improvements located on or near prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service? If so, identify each area on a copy of the preliminary plat.
2. Is the proposed subdivision going to result in removal of any agricultural or timber land from production? If so, describe.
3. Are there any possible conflicts with nearby agricultural operations (e.g., residential development creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds or applying pesticides; agricultural operations suffering from vandalism, uncontrolled pets or damaged fences)? If so, describe.
4. Are there any possible nuisance problems which may arise from locating a subdivision near agricultural or timber lands? If so, describe.
5. What effects would the subdivision have on the value of nearby agricultural lands?

#### *Effect on Agricultural Water User Facilities*

Agricultural water user facilities are defined as those facilities which provide water for irrigation or stock watering to agricultural lands to produce agricultural products. These facilities include, but are not

limited to, ditches, head gates, pipes and other water conveying facilities. The effect on agricultural water user facilities is evaluated by the following provisions:

1. Are there any conflicts the subdivision would create with agricultural water user facilities (e.g. residential development creating problems for operating and maintaining irrigation systems) or would agricultural water user facilities be more subject to vandalism or damage because of the subdivision? Describe.
2. Are there any possible nuisance problems which the subdivision would generate regarding agricultural water user facilities (e.g. safety hazards to residents or water problems from irrigation ditches, head gates, siphons, sprinkler systems or other agricultural water user facilities)? Describe.

### *Effect on Local Services*

Local services are defined as any and all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens. The effect on local services is evaluated by the following provisions:

1. Are there any additional or expanded public services and facilities that would be demanded of local government or special districts to serve the subdivision? Describe.
2. Are there any additional costs which would result for services such as roads, bridges, law enforcement, parks and recreation, fire protection, water, sewer and solid waste systems, ambulance service, schools or busing, (including additional personnel, construction and maintenance costs)? Describe.
3. Who would bear these costs (e.g. all taxpayers within the jurisdiction, people within special taxing districts, or users of a service)?
4. Can service providers meet the additional costs given legal or other constraints (e.g. statutory ceilings on mill levies or bonded indebtedness)?
5. Are there off-site costs or costs to other jurisdictions that may be incurred (e.g. development of water sources or construction of a sewage treatment plant; costs borne by a nearby municipality)? Describe.
6. How does the subdivision allow existing services, through expanded use, to operate more efficiently, or makes the installation or improvement of services feasible (e.g. allow installation of a central water system or upgrading a country road)?
7. What are the present tax revenues received from the un-subdivided land?
  - a. By the County \$ \_\_\_\_\_
  - b. By the municipality, if applicable, \$ \_\_\_\_\_
  - c. By the school(s) \$ \_\_\_\_\_
8. What are the approximate revenues received by each above taxing authority if the lots are reclassified, and when the lots are all improved and built upon? Describe any other taxes that would be paid by the subdivision and into what funds (e.g. personal property taxes on mobile/manufactured homes are paid into the County general fund).
9. Would new taxes generated from the subdivision cover additional public costs?
10. How many special improvement districts would be created which would obligate local government fiscally or administratively? Are any bonding plans proposed which would affect the local government's bonded indebtedness?



### *Effect on Natural Environment*

Natural environment is defined as the physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, sound, light and objects of historic and aesthetic significance. The effect on the natural environment is evaluated by the following provisions:

1. What are the known or possible historic, paleontological, archaeological or cultural sites, structures or objects which may be affected by the proposed subdivision? Describe and locate on a plat overlay or sketch map.
2. How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features within the subdivision or on adjacent land? Describe plans to protect these sites.
3. Would any stream banks or lake shorelines be altered, streams re-channeled or any surface water contaminated from sewage treatment systems, run-off carrying sedimentation, or concentration of pesticides or fertilizers?
4. Would groundwater supply likely be contaminated or depleted as a result of the subdivision?
5. Would construction of roads or building sites require cuts and fills on steep slopes or cause erosion on unstable, erodible soils? Would soils be contaminated by sewage treatment systems? Explain
6. What are the impacts that removal of vegetation would have on soil erosion, bank or shoreline instability?
7. Would the value of significant historical, visual or open space features be reduced or eliminated?
8. Are there any natural hazards the subdivision could be subject to (such as flooding, rock, snow or landslides, high winds, severe wildfires, or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes)?
9. How would the subdivision affect visual features within the subdivision or on adjacent land? Describe efforts to visually blend the proposed development with the existing environment (e.g. use of appropriate building materials, colors, road design, underground utilities and re-vegetation of earthworks).

### *Effect on Wildlife and Wildlife Habitat*

Wildlife is defined as those animals that are not domesticated or tamed, or as may be defined in a Growth Policy. Wildlife habitat is defined as the place or area where wildlife naturally lives or travels through. The effect on wildlife and wildlife habitat are evaluated by the following provisions:

1. What impacts would the subdivision or associated improvements have on wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands or important habitat for rare or endangered species?
2. What effect would pet, or human activity have on wildlife?

### *Effect on Public Health and Safety*

Public health and safety are defined as the prevailing healthful, sanitary condition of wellbeing for the community at large. Conditions relating to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards. The effect on public health and safety is evaluated by the following provisions:

1. Are there any health or safety hazards on or near the subdivision, such as: natural hazards, lack of water, drainage problems, heavy traffic, dilapidated structures, high pressure gas lines, high voltage power lines or irrigation ditches? These conditions, proposed or existing, should be accurately described with their origin and location identified on a copy of the preliminary plat.
2. Would the subdivision be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, dilapidated structures, high pressure gas lines, irrigation ditches and adjacent industrial or mining uses?
3. How will the subdivision affect the adjacent land use? Identify existing uses such as feed lots, processing plants, airports or industrial firms which could be subject to lawsuits or complaints from residents of the subdivision.
4. What public health or safety hazards, such as dangerous traffic, fire conditions or contamination of water supplies would be created by the subdivision?

In addition to the above factors, the subdivision regulations also require preparation of a community impact report on the following public services and facilities.

1. Education and busing
2. Roads and maintenance
3. Water, sewage, and solid waste facilities
4. Fire and police protection
5. Payment for extension of capital facilities

#### *Public Hearing Requirements and Procedures*

The subdivision regulations contain several sections that specify the procedural requirements for the following types of subdivision applications.

1. Divisions of land exempt from subdivision review
2. Review and approval procedures for minor subdivisions
3. Review and approval procedures for major subdivisions, including review and approval of preliminary and final plats
4. Expedited review of a first minor subdivision

The subdivision regulations apply to all jurisdictions within the county. The County is in the process of updating the subdivision regulations for consistency with all applicable enacted amendments to the MCA during the last three Montana legislative sessions. All procedural provisions, including those applicable to public hearings, are consistent with the current statutory provisions contained in the MCA.

#### *Objectives, Policies and Strategies*

A growth policy is a foundational document. It is intended to provide an overview of the community in terms of guidance for future planning. As a guiding document, the growth policy should encourage as many “finer point” studies and documents as possible to encourage refining of larger scope ideas.

Items outlined in the following tables are only options, and do not in any way obligate the governing body to pursue, fund or prioritize any given option or opportunity. Instead, the following are the recommended objectives and policies and strategies for each topic of the Growth Policy. For each policy and strategy, the entity responsible for implementation is identified and a recommended time frame for

implementation is provided. The entity listed first for each policy and strategy (in italicized type) is assigned the primary responsibility to initiate and follow-through with implementation measures. In a few cases, multiple entities are assigned the primary responsibility for implementation. Other listed entities for recommended policies and strategies are responsible for supporting the implementation measures. Four implementation time frames are provided:

1. Immediate (defined as within a year after adoption of the Growth Policy)
2. Short-term (defined as not later than two years after adoption of the Growth Policy)
3. Mid-term (defined as between two and four years after adoption of the Growth Policy)
4. Long-term (defined as prior to the future update of the Growth Policy in 5 years (2025))

## Land Use Goals and Objectives

Goal 1: Conserve Open Space and Traditional Land Uses		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Encourage cluster developments to incorporate open space into new developments	Planning Dept City Council <b>County Commission</b>	Mid-term
Provide options for landowners for conserving portions of their land	Planning Dept City Council <b>County Commission</b>	Immediate
Study and Implement strategies to create an interconnected system of parks and greenways and open space that are accessible to area residents	Public Works Planning City Council <b>County Commission</b>	Mid-term Long-term

Goal 2: Develop downtown Laurel into a vibrant place to live, work, and play		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Encourage mixed uses for living, working, and shopping local	Planning Board <b>County Commission</b> <b>City Council</b>	Short-term
Identify priority parcels for infill development	Planning Board LURA	Mid-term
Implement Placemaking projects to create a more livable and enjoyable downtown	Planning Dept Chamber of Commerce LURA Public Works	Short-term Mid-term
Partner with local groups to support community businesses, events, and gatherings	City Council Planning Chamber of Commerce	Immediate
Connect with regional agencies to access project funding, receive technical support, and boost the visibility of Laurel development opportunities	City Council County Commission Planning Dept BSEDA	Long-term

**Goal 3: Update Subdivision Code to meet the needs of Laurel and the surrounding area**

OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Provide clear and consistent standards	Planning Dept Zoning Commission Public Works Dept	Short-term
Ensure the proper scale and scope of regulations	Planning Dept Planning Board <del>Zoning Commission</del>	Mid-term
Include trails, open space, and greenway considerations in parkland subdivision review	Planning Dept Planning Board	Mid-term Long-term
Regularly review and update the Subdivision Code as needed to remain current	Planning Board City Council <del>County Commission</del>	Long-term

**Goal 4: Update Zoning Code to provide for greater flexibility of allowable uses, clearer requirements, and more efficient land use**

OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Study the inclusion of different types of housing within residential districts	Planning Dept Planning Board	Mid-term
Update Overlay Districts, Parking Requirements, and the Sign Code to better fit the City's needs and character	Planning Dept Planning Board Public Works LURA	Short-term Mid-term
Allow mixed-use live/work opportunities in commercial areas	Planning Dept Planning Board	Short-term
Enable property owners to use their land more effectively and efficiently	Planning Board Planning Dept	Mid-term

**Goal 5: Use long term planning documents to identify funding and address priority needs for infrastructure and development**

OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Establish an Annexation Plan to develop priority growth areas and strategies	City Council Planning Dept Public Works	Mid-term
Develop a Capital Improvement Plan for vital infrastructure to support the City as it grows	Public Works Planning Dept	Short-term

<b>Goal 5: Use long term planning documents to identify funding and address priority needs for infrastructure and development</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Prepare a Commercial and Industrial Development Study for land adjacent to major transportation routes in the Laurel area	Planning Dept City Council <b>County Commission</b>	Mid-term

## Annexation Goals and Objectives

<b>Goal 1: Adopt a long-range view for the growth of the City</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Establish a growth-conscious set of policies to expand the City and its services	Planning Board City Council	Mid-term Long-term
Create priority growth areas for extension of services	Planning Board City Council	Immediate
Develop and approve an Annexation Plan for the Laurel Planning Jurisdiction	Planning Dept City Council BSEDA Beartooth RC&D	Short-term Mid-term

<b>Goal 2: Mangle fiscal responsibility with established and proposed annexation standards</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Ensure that the established standards are right and proper for the City of Laurel	Planning Board <del>County Commission</del> <b>City Council</b>	Short-term
Ease the burden for developers to annex into the City while meeting established standards	Planning Board City Council	Mid-term
Allow greater flexibility in development patterns	Planning Board Planning Dept	Short-term Mid-term
Determine the cost and benefits of annexation	Clerk-Treasurer City Council Planning Dept Public Works	Mid-term

## Housing Goals and Objectives

<b>Goal 1: Encourage a mixture of housing types to meet the demand of all market sectors</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Maintain a diverse array of housing and affordability levels	Planning Dept	Immediate
Promote higher density housing types in the downtown area and adjacent to major transportation corridors	Planning Dept	Mid-term
Study mixed-use housing and other alternative housing types and styles	Planning Dept	Mid-term Long-term
Provide options for a full spectrum of housing from rentals to retirement housing	Planning Dept	Long-term

<b>Goal 2: Provide information on housing-related grants, loans, and ownership programs</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Develop a list of resources for renters and homeowners	Planning Dept Montana Housing	Short-term
Collect information on federal, state, local, and philanthropic rental and homeownership programs	Planning Dept Montana Housing HUD	Short-term Mid-term
Advise Laurel area residents as to available support for housing, rent, and homeownership	Planning Dept	Immediate

## Infrastructure Goals and Objectives

<b>Goal 1: Maintain an effective and efficient public infrastructure system that adequately serves the needs of the City and County</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Develop a data-driven infrastructure maintenance schedule	City/County Public Works	Short-term
Determine any existing gaps in services and other infrastructure deficiencies within the City	City/County Public Works Planning	Short-term Mid-term
Adopt up-to-date infrastructure standards that are appropriate for the needs of the City	City/County Public Works	Short-term
Study using public spaces within floodplains, watercourses, and wetlands to be used as passive recreation areas such as parks and	Planning Dept Planning Board	Mid-term Long-term
Study the feasibility of recycling programs and other means to reduce solid waste	City/County Public Works Planning Dept	Mid-term
Incorporate stormwater system planning into roadway and other infrastructure planning processes	Planning Dept City/County Public Works	Mid-term Long-term

<b>Goal 2: Establish the long-term capital and infrastructure needs for the City and County</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Develop a Capital Improvement Plan for the improvement and expansion of infrastructure	City/County Public Works City Council County Commission	Mid-term
Prepare a Water System Master Plan	Public Works Planning Dept	Mid-term Long-term
Create a Wastewater System Master Plan	Public Works Planning Dept	Mid-term Long-term
Complete a Stormwater Management Plan	City/County Public Works	Mid-term Long-term
Ensure infrastructure planning documents are routinely updated.	City/County Public Works	Long-term
Confirm that the established infrastructure priorities are adequate	City/County Public Works Planning City Council County Commission	Mid-term



<b>Goal 3: Seek out possible funding sources for the expansion and improvement of infrastructure and essential community services</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Study the physical and financial needs for the extension of infrastructure to priority growth areas	Planning Dept Public Works	Mid-term
Collaborate with Montana agencies on major projects and studies	City Council County Commissioners	Immediate
Explore federal, state, and philanthropic infrastructure grant opportunities	City/County Public Works Planning Dept	Short-term
Determine positive impacts from the expansion and improvement of infrastructure	City/ County Public Works Planning Dept	Mid-term
Apply for funding opportunities that are appropriate for city and county priorities and projects and assist in keeping user fees reasonable	Public Works Planning Dept Clerk-Treasurer	Mid-term Long-term

**Infrastructure Funding Opportunities:**

*Montana Department of Environmental Quality, Drinking Water State Revolving Fund Loan Program*

The Montana Legislature established the Drinking Water State Revolving Fund (DWSRF) Loan Program for Drinking Water projects. The program provides at or below market interest rate loans to eligible Montana entities. The Department of Environmental Quality (DEQ) is the administering agency and assures the technical, financial and programmatic requirements of the program are met.

Eligible water projects include acquisition of land that is integral to the project, consolidating water supplies, engineering, new sources, treatment, source water protection, storage and distribution.

Eligible applicants are municipalities, public or private community water systems and non-profit, non-community water systems. The current interest rate for loans is 3.75 percent with payment schedules not to exceed 20 years. Drinking Water Projects qualifying as disadvantaged may extend the term up to 30 years.

Applications are accepted year-round. Preliminary engineering analysis must be reviewed prior to submittal of application.

*Montana Department of Environmental Quality, Water Pollution Control State Revolving Fund Loan Program*

The Montana Legislature established the Water Pollution Control State Revolving Fund (WPCSRF) Loan Program for water pollution control projects. The program provides at or below market interest rate loans to eligible Montana entities. Cooperatively, DEQ and DNRC administer the Water Pollution Control State Revolving Fund Loan Program.

Eligible water quality projects include wastewater treatment plant improvements, interceptors, collectors and lift stations, lagoon construction and rehabilitation, engineering and project inspection, and land used for disposal purposes. All projects must be included in a project priority list and intended use plan for the fiscal year in which funding is anticipated, and the ability to repay loan funding must be demonstrated.

Eligible applicants are municipalities for wastewater projects as well as municipalities and private entities for nonpoint source projects. The current interest rate for loans is 3.75 percent with payment schedules not to exceed 20 years. Water Pollution Control projects qualifying as disadvantaged may extend the payment term up to 30 years. Applications are accepted year-round. Preliminary engineering analysis must be reviewed prior to submittal of application.

#### *Montana Department of Commerce, Treasure State Endowment Program Construction Grants (TSEP)*

The Treasure State Endowment Program (TSEP) awards matching grants to local governments for construction of local infrastructure projects. TSEP construction grants provide help in financing infrastructure projects throughout Montana. Eligible applicants include incorporated cities and towns, counties, consolidated governments, Tribal governments and county or multi-county water, sewer or solid waste districts.

A dollar-for-dollar match is required, but in cases of extreme financial hardship where the public's health and safety are seriously affected, grants up to 75 percent of the project costs may be awarded. Matching funds can be public or private funds. Construction grant applications are limited to a maximum of \$750,000. Applications are typically due the first week of May on even numbered years.

#### *US Department of Agriculture, Water and Environmental Loan and Grant Program (WEP)*

Water and Environmental Programs (WEP) loans and grants provide funding for drinking water, sanitary sewer, solid waste and storm drainage facility projects in rural areas and cities and towns of 10,000 or less. WEP also makes grants to nonprofit organizations to provide technical assistance and training to assist rural communities with their water, wastewater and solid waste problems. Eligible projects include construction, repair and expansion of water, wastewater, storm water and solid waste systems.

Public bodies, non-profit organizations and recognized Indian Tribes are all eligible applicants for the program. This funding opportunity is capped at 75 percent of total project costs. Applications are accepted on a continual basis.

#### *Economic Development Administration, Public Works Grant Program*

The Economic Development Administration (EDA) provides public works investments to support construction or rehabilitation of essential public infrastructure and facilities to help communities and regions leverage their resources and strengths to create new and better jobs, drive innovation, become centers of competition in the global economy and ensure resilient economies.

Eligible projects are those pertaining to water and wastewater systems that address national strategic priorities, assist economically distressed and underserved communities, demonstrate a good return on EDA's investment through job creation or retention, demonstrate or support regional collaboration and employ public-private partnerships to use both public and private resources and/or leverage complementary investments.

Eligible applicants include municipalities, counties, and Indian Tribes. The maximum award attainable is 75 percent of project cost. Application deadlines are variable and would need to be determined at the time of application.

*US Department of Interior, Water Grant Program System Optimization Review Grant*

The Water Program focuses on improving water conservation, sustainability and helping water resource managers make sound decisions about water use. It identifies strategies to ensure present and future generations will have enough clean water for drinking, economic activities, recreation and ecosystem health. The program also identifies adaptive measures to address climate change and its impact on future water demands.

Eligible projects include any plan of action that focuses on improving efficiency and operations on a regional or basin perspective. Eligible applicants include the state, Indian Tribes, irrigation districts, water districts or other organizations with water or power delivery authority.

A 50 percent match is required for this funding opportunity and the maximum award attainable is \$300,000.

## Transportation Goals and Objectives

<b>Goal 1: Preserve, maintain, and improve the existing transportation system</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Update the Long-Range Transportation Plan (LRTP)	Planning Dept City Council County Commission	Mid-term
Establish a systematic approach for the maintenance and repair of the road network.	City/County Public Works City Council County Commission	Short-term
Develop a Capital Improvement Plan to identify and prioritize significant transportation projects	City Council County Commission City/County Public Works	Short-term Mid-term
Establish a road network master plan to ensure street continuity, traffic flow, and neighborhood connectivity	Planning Dept Planning Board City/ County Public	Mid-term Long-term
Promote fiscal responsibility and high return on investment	Clerk-Treasurer City-Council County Commission City/ County Public Works	Immediate
Coordinate roadway improvement projects to coincide with underground infrastructure improvements	Public Works Planning Dept MDT	Immediate

<b>Goal 2: Improve the mobility, safety, and accessibility of all users and modes of travel</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Implement bicycle and pedestrian improvements and traffic calming measures to transform the downtown area into a pedestrian-friendly place	Planning Dept City/County Public Works MDT	Mid-term Long-term
Create a looping bicycle/pedestrian trail and street system that connects different areas of Laurel	Planning Dept Planning Board	Long-term
Adopt pedestrian and multi-modal friendly transportation standards and safety measures	Planning Board Public Works City Council	Short-term Mid-term

<b>Goal 2: Improve the mobility, safety, and accessibility of all users and modes of travel</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Explore options to improve and expand the Laurel Transit program and strategies to create other multi-modal transportation	Planning Dept Clerk-Treasurer	Mid-term Long-term
Partner with local, regional, and statewide groups to further integrate Laurel into the more comprehensive passenger transportation network	Planning Dept Planning Board City Council	Long-term

<b>Goal 3: Connect transportation decisions to land-use decisions</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Integrate land-use planning and transportation planning to manage better and develop the transportation network.	Planning Dept Public Works MDT City Council	Short-term
Utilize transportation projects to encourage intensive development patterns along significant routes and existing areas of the City	Planning Dept Public Works	Short-term
Adopt and implement consistent system policies and maintenance standards	Public Works City Council	Short-term
Ensure the development of a sustainable transportation system that minimizes environmental impacts	Planning Dept Planning Board City Council	Long-term

## Economic Development Goals and Objectives

<b>Goal 1: Develop downtown Laurel as a destination to live, work, and play</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Institute placemaking projects to further enhance district character	Planning Dept LURA Chamber of Commerce	Short-term
Increase live-work opportunities for current and future residents and businesses	Planning Dept	Long-term
Apply Tax Increment Financing (TIF) funding to beautification, blight removal, and public improvement projects	LURA Planning Dept City Council	Mid-term Long-term
Identify and find solutions for unused or underused parcels as candidates for development	Planning Dept LURA	Mid-term

<b>Goal 2: Create a resilient local economy</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Strengthen core businesses and industries through communication and connections with technical support	Planning Dept Chamber of Commerce BSEDA	Immediate
Ensure that local economic activities are inclusive and accessible to all stakeholders	Chamber of Commerce BSEDA	Immediate
Implement policies that create stable and sustainable economic growth	Planning Dept City Council <b>County Commission</b>	Long-term
Work to highlight the shared benefits of working together as a community with local businesses stakeholders, and developers	Planning Dept Chamber of Commerce BSEDA	Immediate
Provide an economic ecosystem that allows for a wide array of businesses, industries, and developments to thrive	Planning Dept Chamber of Commerce Big Sky EDA Beartooth RC&D City Council <b>County Commission</b>	Mid-term Long-term

<b>Goal 2: Create a resilient local economy</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Study and implement policies to enhance local business demand and alternative strategies for value creation for the community	Chamber of Commerce BSEDA Beartooth RC&D	Long-term

<b>Goal 3: Collaborate with area organizations to support economic growth and local employment and training opportunities</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Communicate with local groups to determine any needs and assistance	Planning Dept BSEDA Beartooth RC&D	Immediate
Create partnerships with local and regional groups to fill local service gaps and create needed programming	City Council City/County Departments County Commission	Mid-term
Take part in events and workshops to support local business initiatives and activities	Planning Dept Chamber of Commerce City Council County Commission	Immediate Short-term
Establish common ground with local and regional groups to provide resources and assistance	BSEDA Planning Dept	Mid-term Long-term
Connect residents and businesses with like-minded economic, financial, and entrepreneurship resources and opportunities	Planning Dept BSEDA Chamber of Commerce	Mid-term Long-term

<b>Goal 4: Study options for new commercial and industrial properties in anticipated high-growth areas</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Create a Corridor Master Plan for growth in and around the intersection with Old Route 10 and the West Laurel Interchange	Planning Dept City Council County Commission	Mid-term
Study options and determine priorities for the possible establishment of Tax Increment Financing Districts (TIFs) and Targeted Economic Development Districts (TEDDs)	City Council County Commission Planning Dept BSEDA Beartooth RC&D	Short-term Mid-term

Goal 4: Study options for new commercial and industrial properties in anticipated high-growth areas		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Review and pursue opportunities for clustered commercial or industrial parks	Planning Dept BSEDA Beartooth RC&D City Council County Commission Chamber of Commerce	Short-term Mid-term
Develop funding strategies to provide services for priority growth areas.	Planning Dept City/County Public Works Clerk-Treasurer	Short-term Mid-term

### Economic Development Funding Opportunities

#### *Community Development Block Grant Program*

Each year the US Entity of Housing and Urban Development (HUD) allocates grant funding to the Montana Department of Commerce for the Community Development Block Grant (CDBG) program. Funds are intended to benefit low or moderate-income persons, aid in prevention or elimination of slums or meet urgent community development needs. CDBG is broken into five different funding categories: Planning, Public Facilities, Housing and Neighborhood Renewal, Neighborhood Stabilization Program and Economic Development.

Eligible applicants include counties, incorporated cities and towns, and consolidated city-county governments. Deadlines are staggered throughout the year with planning grants being offered one year and construction grants the following year generally.

#### *Montana Department of Commerce, Montana Main Street Program*

The mission of the Montana Department of Commerce Main Street program is to be a coordinating resource for communities seeking to revitalize their historic downtown or core commercial districts and to provide technical assistance to communities of all sizes. The underlying premise of the Montana Main Street Program is to encourage economic development within the context of historic preservation.

In 2011, the project began gearing toward community development. The Montana Main Street Program was awarded a Preserve America sub grant from the Montana State Historic Preservation Office (SHPO) in 2011. The purpose of the grant was to focus on core and downtown planning and to build capacity under the Main Street program. It was this sub grant that focused the program toward community development.



## Public Facilities and Services Goals and Objectives

Goal 1: Provide consistent and high-quality public services to the community		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Develop standard operating procedures to ensure consistency for city <b>and county</b> departments	City Council County Commission City/County Public Works Planning Dept EMS Fire Dept <del>Police Dept</del> Law Enforcement	Mid-term Long-term
Develop maintenance procedures for parks, facilities, and public areas.	City/County Public Works	Mid-term
Study current facilities and services to identify gaps and determine projected needs in services	City Council County Commission City/County Public Works	Mid-term

Goal 2: Respond to the changing nature of the community		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Plan for the expansion of public facilities in priority growth areas	Planning Dept City Council County Commission City/County Departments	Short-term Mid-term
Invest in public facilities that are accessible to everyone in the community	City/County Public Works	Long-term
Study how to improve city services to boost the quality of life for residents, businesses, and institutions	Planning Dept Public Works	Long-term

<b>Goal 3: Work with city and county departments and local stakeholders to determine the priority expansion of public facilities and services</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Open lines of communication between city/county departments and local stakeholders to gather input on major projects	City/County Departments MDT County Commission City Council Chamber of Commerce	Immediate
Consider the public service requirements of large-scale projects before their approval and implementation	Planning Dept Public Works	Immediate
Develop plans for the expansion of Fire, Police Law Enforcement, and EMS facilities	Planning Dept City /County Public Works Fire Dept Police Dept Sheriff Dept EMS	Short-term Mid-term

## Recreation Goals and Objectives

<b>Goal 1: Develop parkland as an essential and enjoyable amenity for residents</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Ensure new developments have appropriate park space for recreation and general use	Planning Dept Public Works County Parks Board City Council County Commission	Immediate Short-term
Study how existing parks can be improved through new facilities, changed layouts, or additions	Public Works County Parks Board Planning Dept	Mid-term Long-term
Review current park infrastructure and determine if improvements are necessary to serve the needs of the surrounding area better	Public Works County Parks Board Planning Dept	Long-term

<b>Goal 2: Promote Riverside Park as a vital historic, civic, and recreation resource for residents and visitors</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Adhere to the projects and strategies presented in the 2018 Riverside Park Master Plan	Planning Dept Public Works City Council	Immediate

<b>Goal 2: Promote Riverside Park as a vital historic, civic, and recreation resource for residents and visitors</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Seek grant funding for structural and site improvements	Planning Dept City Council	Immediate
Develop historic markers for Riverside Park and its historic structures	Planning Dept YC Historic Pres. Board Western Heritage Center	Mid-term
Study options for connecting Riverside Park to the city proper through infrastructure improvements, civic engagement, or other means	Planning Department Public Works City Council	Long-term
Establish signage and marketing for the assets and resources of Riverside Park to area residents and visitors	Planning Dept YC Historic Pres. Board Western Heritage Center	Mid-term

<b>Goal 3: Create an interconnected system of parks, greenspace, and trails that are accessible to all</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Create a city-wide Park System Master Plan to develop project priorities	Planning Dept Park Board	Mid-term
Consider the creation of a City Parks Department to oversee park operations and maintenance	Public Works Park Board City Council	Long-term
Identify unused land that can be transformed into green space or trails for use by the public	Park Board Public Works Planning Dept	Mid-term Long-term
Update the zoning and development codes to encourage the creation of bicycle and pedestrian trail corridors	Planning Dept	Short-term Mid-term

## Natural Resource Goals and Objectives

<b>Goal 1: Protect Laurel's planning jurisdiction and natural resources and traditional environment</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Provide options for landowners for conserving portions of their land while developing others	Planning Dept Planning Board City Council County Commission	Short-term Immediate
Achieve a balanced pattern of growth to ensure environmental concerns are considered during the development	Planning Dept	Long-term
Manage the local water resources as a healthy, integrated system that provides long-term benefits from enhanced environmental quality	Planning Dept Public Works Montana DEQ Montana DNRC	Immediate

<b>Goal 2: Incorporate sustainable development patterns in the Laurel subdivision and land use codes</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Review and update existing zoning and subdivision regulations to ensure environmental preservation and conservation are addressed	Planning Board Planning Dept City Council County Commission	Short-term
Review and update landscaping ordinances as needed to best suit Laurel's natural environment	Planning Board	Mid-term
Manage rivers, floodplains, wetlands, and other water resources for multiple uses, including flood and erosion protection, wildlife habitat, recreational use, open space, and water supply	Planning Dept Planning Board City/County Departments	Immediate

<b>Goal 3: Connect with local, regional, and state agencies and stakeholders to improve the natural environment in and around Laurel</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Sponsor environmental cleanup and rehabilitation programs that include the City, <b>County</b> , school district, community organizations, and residents	City Council <b>County Commission</b>	Mid-term
Participate in regional watershed studies to achieve adequate long-term flood protection	Planning Board City/County Departments	Long-term
Explore the possibility of creating a conservation corridor along the Yellowstone River	Planning Dept <b>County</b> Park Board County Commission	Long-term

## Intergovernmental Coordination Goals and Objectives

<b>Goal 1: Establish lines of communication with local, county, and state partners</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Create an accurate directory of government representatives and staff	<del>Clerk-Treasurer</del> City Planner	Immediate
Update governmental stakeholders regarding ongoing projects and work in the Laurel area	City Council <b>County Commission</b> Planning Dept	Short-term
Develop working relationships with legislators, staff, and stakeholders at different levels of government	City Council Department Heads	Immediate

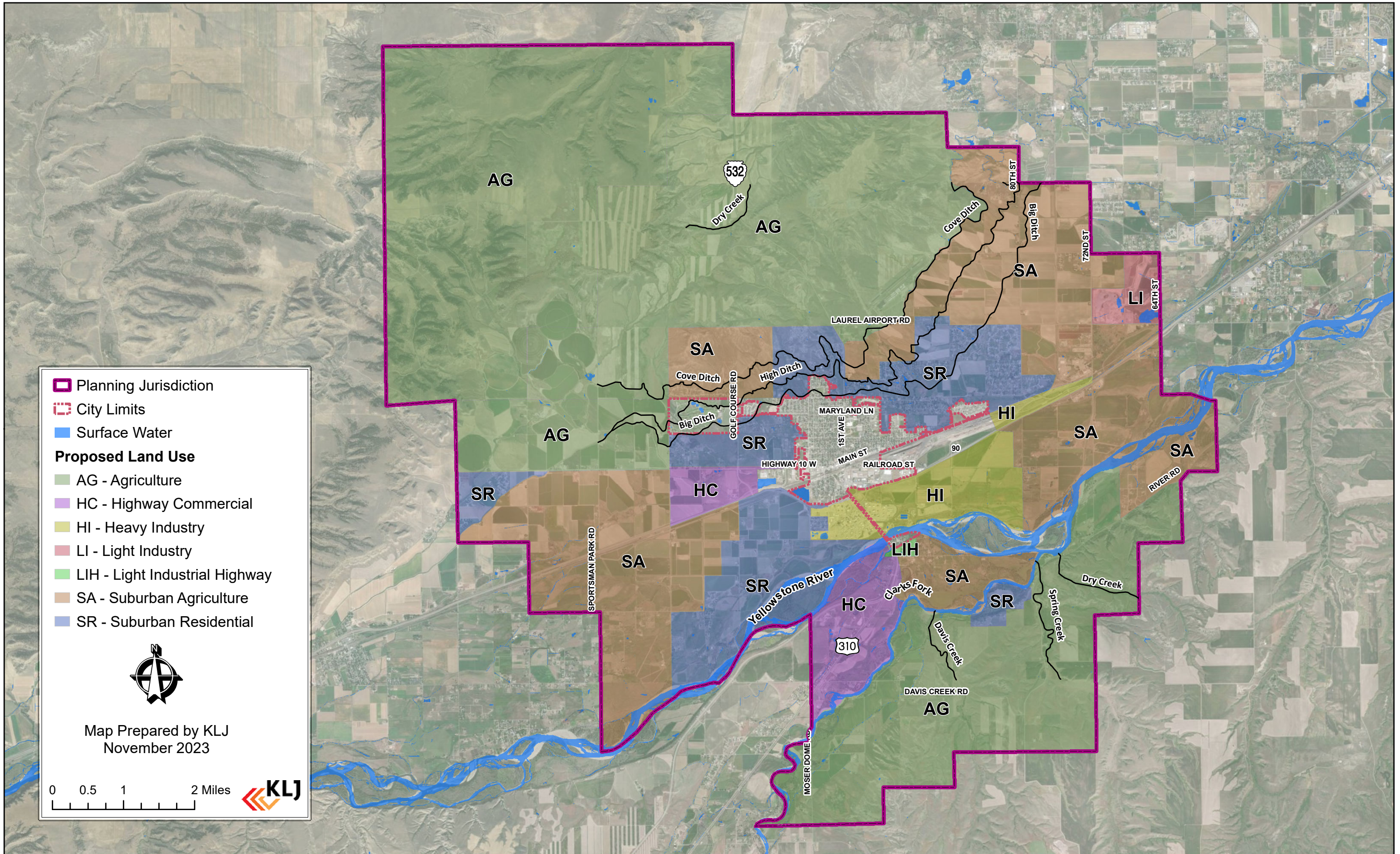
<b>Goal 2: Coordinate with local and regional institutions to support and grow the Laurel community</b>		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Work with economic development groups to seize opportunities for business growth	Chamber of Commerce BSEDA Beartooth RC&D City Council	Immediate

Goal 2: Coordinate with local and regional institutions to support and grow the Laurel community		
OBJECTIVES	RESPONSIBLE ENTITY	TIME FRAME
Connect area businesses with institutions and governmental groups that can support their mission	Chamber of Commerce BSEDA Beartooth RC&D	Immediate
Communicate with area legislators to provide information on growth patterns and development in the Laurel area.	City Council Planning Dept	Short-term
Maintain open communications with state agencies and the Board of County Commissioners to confirm compliance with statewide codes and operational needs.	City Council Department Heads	Long-term

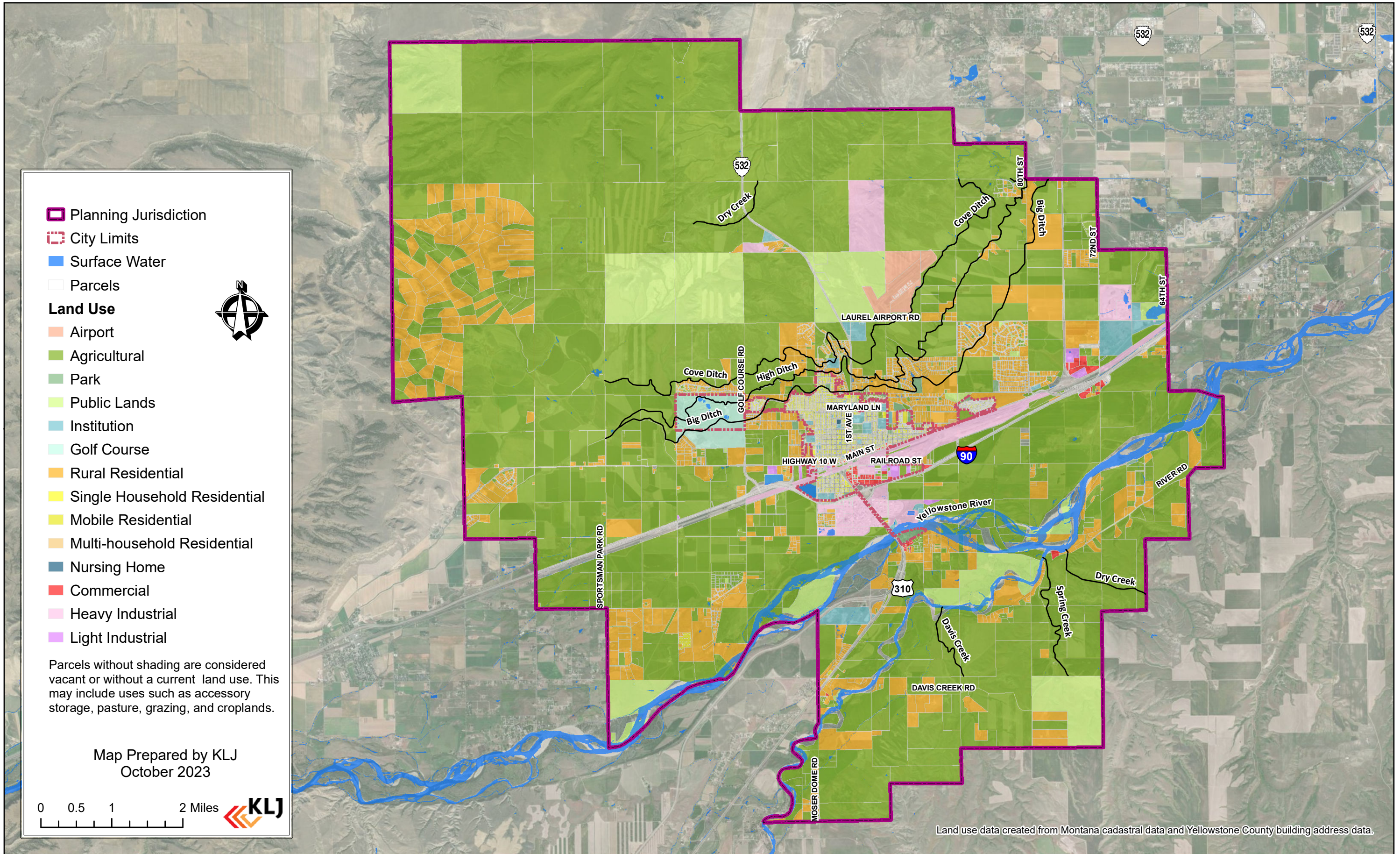
Ongoing inter-governmental coordination efforts will be maintained. The City of Laurel has inter-local agreements with the School District on cooperative efforts, the shared use of facilities, and other areas of mutual interest. The City interacts with a number of agencies and organizations including but not limited to the Laurel School District, Eastern Montana Drug Task Force (EMDTF), Fish, ~~Wildlife~~ Wildlife & Parks (FWP), Department of Environmental Quality, (DEQ), Department of Natural Resources and Conservation (DNRC), and the many departments and shared Yellowstone County jurisdictions.

It will be important to maintain regular communications between City officials and the many local, county, regional, and state groups to discuss ongoing efforts and coordination activities. The County Commissioners have a direct impact on the Laurel area through the four members they appoint to the Laurel City-County Planning Board. This is done due to the mixed city-county make-up of the Laurel planning area that encompasses the city as well as areas within the County jurisdiction. A copy of the 2020 Laurel Growth Management Policy will be submitted to the Yellowstone County Commissioners for review and comment prior to the official adoption by the City Council.

The 2023 update to the Laurel Growth Management Policy is rewritten to rebrand the policy as the Laurel-Yellowstone City-County Planning Jurisdiction Growth Management Policy. Changes to the policy were needed to incorporate properties outside the City of Laurel but within the planning jurisdiction. County departments were added to include the public services that are reflective in the area adjacent to the City of Laurel. The Growth Management Policy 2023 update will serve as a guiding document for the City and County Governments but in no way obligates either entity to strict adherence to this document.

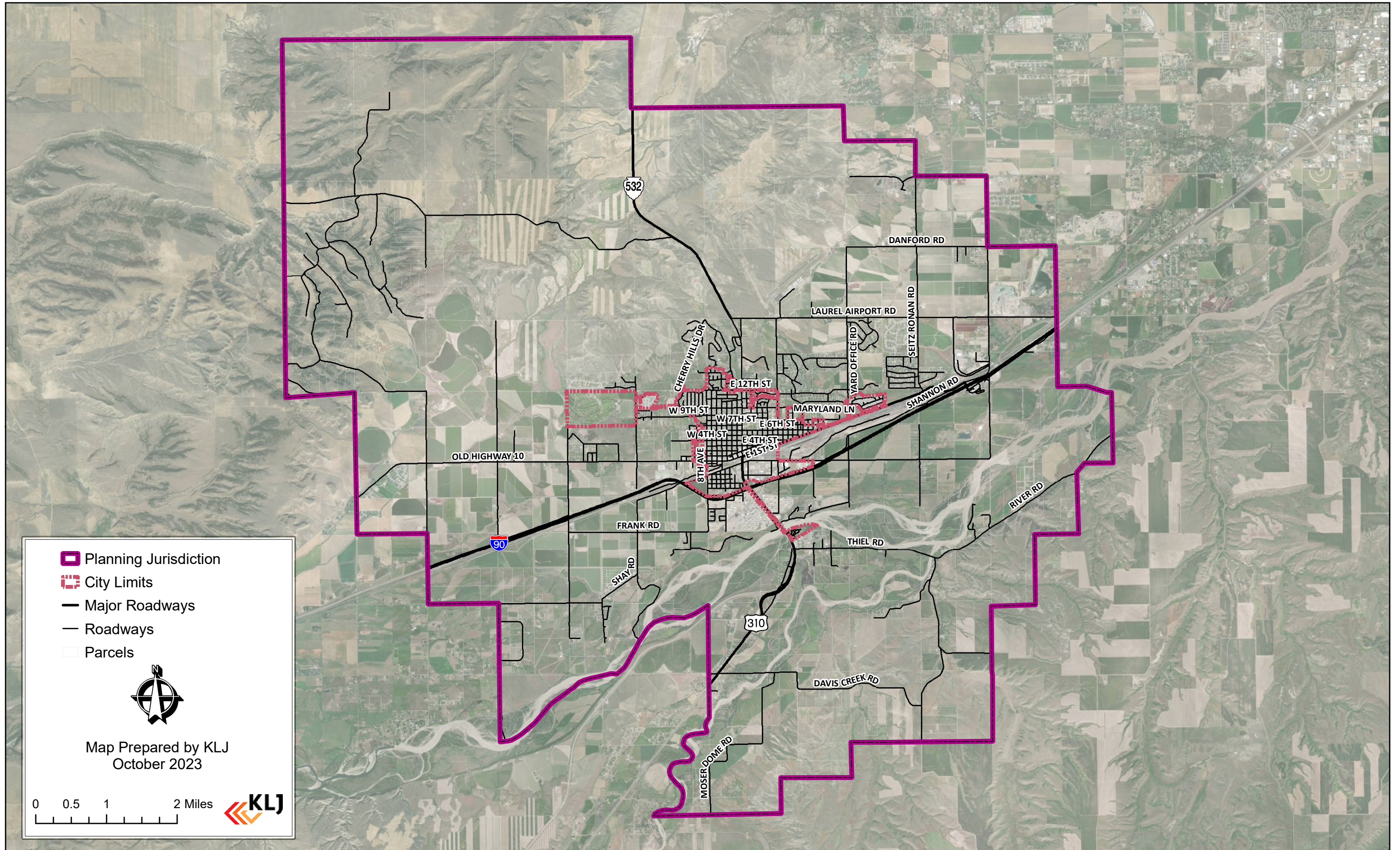


FUTURE LAND USE

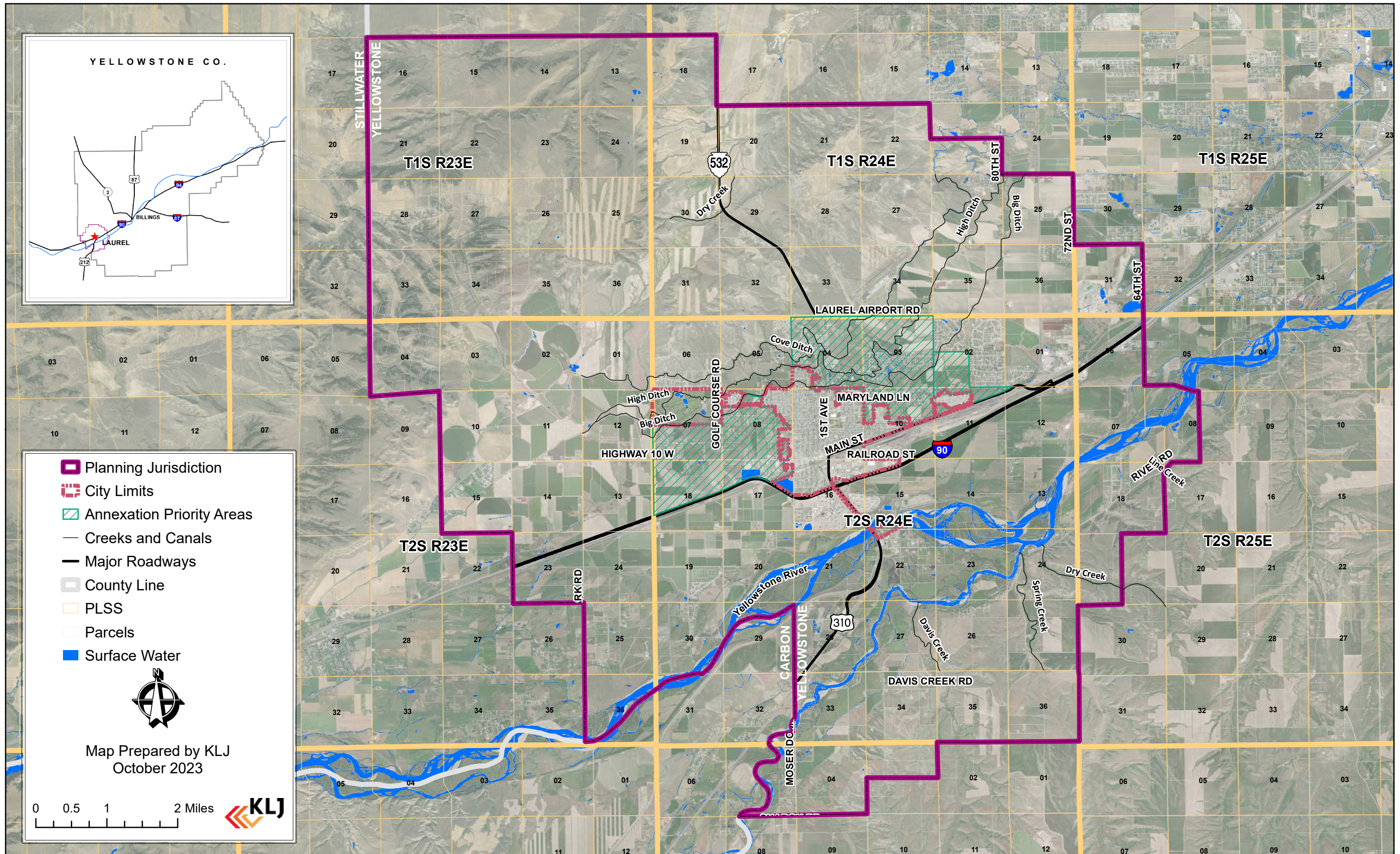


EXISTING LAND USE





# MAJOR TRANSPORTATION INFRASTRUCTURE



PLANNING JURISDICTION

**File Attachments for Item:**

Yellowstone County Subdivision Regulations.

## PUBLIC HEARING NOTICE

The Laurel-Yellowstone City-County Planning Board and Laurel's Zoning Commission will conduct three (3) public hearings on December 20<sup>th</sup>, 2023.

### Public Hearing for Laurel-Yellowstone City-County Growth Management Plan 2023 Update

### Public Hearing for City of Laurel Zoning Ordinances

### Public Hearing for the Yellowstone County Subdivision Regulations for the Laurel Planning Jurisdiction outside the City of Laurel city limits

The hearings are scheduled for 6 P.M., in the Laurel City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, December 20, 2023.

Public comment is encouraged and can be provided in person at the public hearing on December 20<sup>th</sup>, 2023. Public comments can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. Emails or letters of comments should be received by 4pm MST on December 20<sup>th</sup>, 2023. Copies of the documentation and regulations are available for review upon request at the Planning Department office. Questions regarding these public hearings may be directed to the Planning Director at 406-628-4796 ext. 5305, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).

The Subdivision Regulations come from the City of Laurel's Municipal Code that can be found online.

No changes have been made to the Regulations.

The Regulations contemplated the City exercising jurisdiction in the City and the County exercising jurisdiction outside of the City

## **Title 16 SUBDIVISIONS<sup>1</sup>**

### **Chapter 16.00 GENERAL PROVISIONS**

#### **Sections:**

#### **16.00.010 Title.**

These regulations will be known and may be cited as "The Subdivision Regulations of the Laurel-Yellowstone City-County Planning Board and hereinafter referred to as "these regulations."

(Ord. No. O17-01, § 16.01, 3-7-2017)

#### **16.00.020 Authority.**

Authorization for these regulations is contained in the Montana Subdivision and Platting Act (MSPA) (Title 76, Chapter 3, Mont. Code. Ann.).

(Ord. No. O17-01, § 16.02, 3-7-2017)

#### **16.00.030 Purpose.**

The purposes of these regulations are to promote the public health, safety and general welfare of the citizens of Laurel and its planning jurisdictional area by regulating the subdivision of land and to promote a vision for the development for the best possible environment in which to enjoy life, experience natural features, raise a family, earn a living, conduct business, obtain an adequate education, have access to health care facilities, and to be adequately protected from crime and disasters. These regulations are intended to comply with Part 5 of MSPA and to provide for:

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<sup>1</sup>Editor's note(s)—Ord. No. O17-01, adopted March 7, 2017, amended and restated former Chapters 16.04—16.44 of Title 16 in their entirety. Former Chapters 16.04—16.44 pertained to similar subject matter and derived from the following: Ord. No. 07-01, 2007; Ord. No. 07-09, 2007; O08-02, 3-4-08; Ord. No. O13-01, 8-20-2013.

In order to conform to the numbering system of chapters and sections described on Page v of the preliminary pages of this code, the editor has renumbered the chapters and sections of Ord. No. O-17-01 accordingly. Original section numbers used in Ord. No. O17-01 can be found in the legislative history notes at the end of each section.

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- A. The orderly development of the jurisdictional area in accordance with adopted growth policies, neighborhood plans, motorized and non-motorized transportation plans, park plans, and other adopted policies and plans.
  - B. The public health, safety, and general welfare of existing and future residents by avoiding danger or injury by reason of natural or manmade hazards.
  - C. The coordination of roads within subdivided land with the existing and planned transportation network and to avoid or minimize traffic congestion.
  - D. The dedication of adequate land for roadways, public utility easements, and pedestrian/bicycle pathways.
  - E. Proper physical and legal road access, including obtaining of necessary easements and rights-of-way.
  - F. The promotion of adequate open spaces for travel, light, air, and recreation.
  - G. Adequate, water, drainage, and sanitary facilities.
  - H. The consideration of impacts on natural resources and of development in harmony with the natural environment.
  - I. The promotion of cluster development that minimizes costs to local citizens that promotes effective and efficient provision of public services.
  - J. The efficient expenditure of public funds for public services.
  - K. The standardization of the land subdivision process.
  - L. The protection of the rights of all documented property owners affected by proposed subdivisions including water.
  - M. The administration of these regulations by defining the powers and duties of reviewing and approving authorities.

(Ord. No. O17-01, § 16.03, 3-7-2017)

#### **16.00.040 Jurisdiction.**

These regulations govern the subdivision of land within the jurisdictional area of the Laurel-Yellowstone City-County Planning Board as shown on the map filed with the Yellowstone County Clerk and Recorder's Office. The area is described as the lands lying within the city of Laurel and those lands extending four and one-half miles beyond the city limits. For purposes of these regulations, a map can be found in Appendix A.

These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements apply.

(Ord. No. O17-01, § 16.04, 3-7-2017)

#### **16.00.050 Exemptions for certain divisions of land.**

The Montana Subdivision and Platting Act provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the method of disposition is adopted for the purpose of evading the requirements of Title 76, Chapter 3, Mont. Code Ann.

The procedures, criteria, and requirements provided in Appendix B shall be used to review an exemption from subdivision review and to evaluate whether the division of land is for the purpose of evading the Montana Subdivision and Platting Act.

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(Ord. No. O17-01, § 16.05, 3-7-2017)

**16.00.060 Interlocal coordination.**

For subdivisions located within the city of Laurel or proposed for annexation, the Laurel City Council shall act as the AGB. For subdivisions located outside of the city of Laurel the Yellowstone Board of County Commissioners shall act as the AGB.

(Ord. No. O17-01, § 16.06, 3-7-2017)

**16.00.070 Construction timing.**

The applicant or his/her contractors may not proceed with any construction work on a proposed subdivision, including grading and excavation relating to public improvements, until the governing body has given preliminary plat approval of the proposed subdivision plat. If improvements are initiated prior to final plat approval, the subdivider shall assume all risks and liability for error in improvement placement, and the improvements must comply with the conditions and agreements of the preliminary plat approval.

(Ord. No. O17-01, § 16.07, 3-7-2017)

**16.00.080 Transfers of title.**

Except as noted below, a final subdivision plat must be filed for record with the Yellowstone County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner. After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met (MCA § 76-3-303):

- A. That under the terms of the contracts the purchasers of lots in the proposed subdivision makes all payments to an escrow agent, which must be a bank, savings and loan association, or title/escrow company chartered to do business in the State of Montana;
- B. That under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder;
- C. That the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the county clerk and recorder within two years of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments made under the contract; and
- D. That the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the county clerk and recorder, title to the property cannot be transferred in any manner."

(Ord. No. O17-01, § 16.08, 3-7-2017)

**16.00.090 Suitability of land.**

If the planning board finds any portion of a parcel of land proposed to be subdivided unsuitable for subdivision because of potential hazards such as flooding, land-slides, steep slopes, rock falls, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion, or other features which may be detrimental to the health, safety, or general welfare of existing or future residents,

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they will not recommend approval of the subdivision unless the hazards can be eliminated or overcome through approved design and construction plans.

(Ord. No. O17-01, § 16.09, 3-7-2017)

#### **16.00.100 Permission to enter.**

The appropriate governing body (AGB) or its designated agent(s) or agency may investigate, examine, and evaluate the site of the proposed subdivision to verify information provided by the subdivider. The submission of a preliminary plat or final plat application constitutes a grant of permission by the subdivider to enter the subject property.

(Ord. No. O17-01, § , 3-7-2017)

#### **16.00.110. Severability.**

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these Regulations invalid, that judgment will affect only the part held invalid.

(Ord. No. O17-01, § 16.011, 3-7-2017)

#### **16.00.120. Regulations in effect.**

Review and approval or disapproval of a subdivision under these regulations may occur only under those regulations in effect at the time an application for approval of a preliminary plat or an extension of preliminary plat approval is submitted to the AGB.

(Ord. No. O17-01, § 16.012, 3-7-2017)

## **Chapter 16.02 DEFINITIONS**

### **Sections:**

#### **16.02.010 Definitions.**

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this section. The word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

"Access, legal": When the subdivision abuts a public street or road under the jurisdiction of the city, the county, or the state or when the subdivider has obtained adequate and appropriate written easements from a public road to the subdivision across all intervening properties.

"Access, physical": When a road or driveway conforming to city and/or county standards provides vehicular access from a public or private road to the subdivision in a manner to safely convey motorized vehicles, include emergency vehicles along the access.

"Adjoining property owners": Persons who are owners of record of properties adjoining the land being proposed for subdivision platting.

"AGB": "Appropriate governing body": Refers to either the City Council of Laurel or the Board of County Commissioners of Yellowstone County. Each governing body shall make decisions in their jurisdictions. Subdivision



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located in Yellowstone County shall be reviewed by the County Commissioners of Yellowstone County and subdivisions located in the city of Laurel shall be reviewed by the Laurel City Council.

"Agriculture": Montana Code Annotated contains definitions for the words "agriculture" and "agricultural" as follows:

41-2-103, MCA. Definitions. As used in this part, the following definitions apply: (1) "Agriculture" means: (a) all aspects of farming, including the cultivation and tillage of the soil; (b)(i) dairying; and (ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act [12 U.S.C. 1141j(g)]; (c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

81-8-701, MCA. Definitions. The following definitions apply: (1) "Agricultural and food product" includes a horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.

"Agricultural water user facilities": Those facilities which convey water for agricultural land as defined in MCA § 15-7-202, or which provide water for the production of agricultural products as defined in MCA § 15-1-101, including, but not limited to, ditches, drains, pipes, and head gates.

"Agricultural water user": Persons and lands legally entitled to water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on subdivision lots.

"Applicant": The owner of land proposed for subdivision or the owner's legally designated representative for the purposes of submitting a request to subdivide (See "subdivider").

"Bikeway": A generic term for any road, street, path or way, which is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

"Block": A group of lots, tracts, or parcels within well-defined and fixed boundaries. Such boundaries may include streets, railroads, irrigation ditches, streams, platted lands, or a combination thereof.

"Board of county commissioners": The governing body for Yellowstone County, Montana.

"Boulevard": An area of public right-of-way or private easement between the traveled edge of the street or road and the private property line. The boulevard provides for the opportunity to separate vehicle traffic from pedestrian travel. Boulevards often have sidewalks and mailboxes located in them and often are landscaped. A parkway median is a landscaped area located in the middle of the street or road.

"Buildings for lease or rent": Developments that are not subdivisions as defined by the Montana Subdivision and Platting Act. Buildings for lease or rent are governed by the ordinances found in Chapter 18 of the Laurel Municipal Code.

"Certificate of survey": A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

"Conservation subdivision": A development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

"Checkprint": A paper copy of the final plat submitted by the subdivider to the planner for review for compliance with the Administrative Rules of Montana and conditions of approval set by the AGB by staff prior to submitting the final plat on Mylar.

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"City council": The governing body for the city of Laurel, Montana.

"Cluster development": A subdivision of land with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped (MCA § 76-3-103(2)).

"Condominium": A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use by owners of the units (MCA § 70-23-101, et. seq.).

"Covenant (deed restriction)": A limitation contained in a deed that restricts or regulates the use of the real property.

"Dedication": The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted (MCA § 76-3-103(3)).

"DEQ": Montana Department of Environmental Quality.

"Division of land": The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (MCA § 76-3-103(4)).

"Driveway": A vehicular access serving no more than two lots or five dwelling units.

"Dwelling unit": Any building or portion thereof providing complete, independent, and permanent living facilities for one family. A family is any number of individuals, related by blood, marriage, adoption, or other legal means, including any number of minor children in foster care, and/or any number of unrelated persons (including any domestic servants or caregivers) living together in a dwelling unit (24 CFR Part 4, Section 982.401).

"Easement": Authorization by a property owner for another to use the property for a specified purpose, in which the owner agrees not to build, obstruct, or interfere with the specified purpose.

"Engineer (registered professional engineer)": A person licensed in conformance with the Montana Professional Engineers' Registration Act (MCA § 37-67-301 et. seq.) to practice engineering in Montana.

"Flood": When water from any watercourse or drainage rises above the bank or moves outside the channel of that watercourse or drainage (MCA § 76-5-103(8)).

"100-year flood": A flood magnitude expected to recur on the average of once every one hundred years, or a flood magnitude, which has a one-percent chance of occurring in any given year (MCA § 76-5- 103(9)).

"Floodplain": The area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of one hundred-year frequency, except for sheetflood areas that receive less than one foot of water per occurrence are considered "zone B" or a "shaded X zone" (MCA § 76-5-103(10)).

"Floodway": The channel of a watercourse or drainage and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainage, no construction is permitted in the floodway unless permitted by the city of Laurel or Yellowstone County Floodplain Administrator. (MCA § 76-5-103(11)).

"Greenbelt/greenway": Corridors of protected open space managed for conservation and recreation purposes as designated by the AGB. Such corridors may be privately or publicly owned.

"Growth management plan/growth policy": The plan adopted by the city of Laurel to guide growth and change in the Laurel Planning Jurisdictional Area (MCA § 76-1-601).

"Lot": A parcel, plot, tract, parcel or other land area created by subdivision, plat or certificate of survey for sale, rent, or lease.

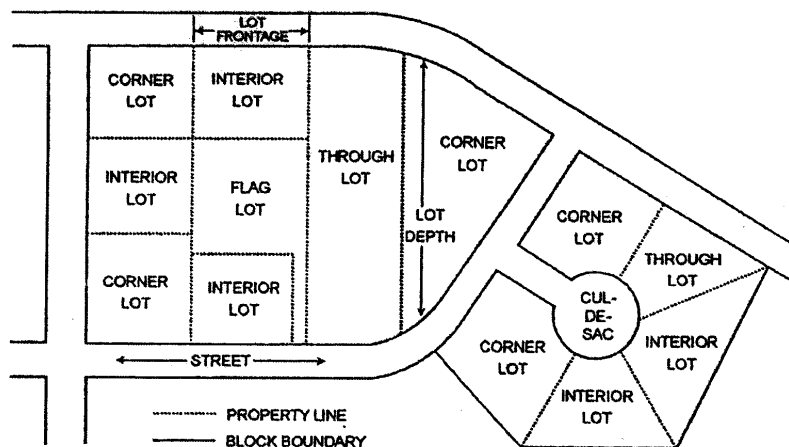
"Lot measurements":

- a. Lot Depth: The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
- b. Lot Width: The average width of the lot.
- c. Lot Frontage: The width of the lot line that fronts a public street right-of-way or public road easement where the lot usually has a driveway access.
- d. Lot Area: The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

"Lot types":

- a. Corner Lot: A lot located at the intersection of two streets.
- b. Interior Lot: A lot with frontage on only one street.
- c. Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.
- d. Flag Lot.
- e. Irregular Lot.

Figure 2.1 Lot Types



"Manufactured home": A detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "mobile homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the International Residential/Building Code applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation. See also Laurel Zoning Code 17.08.763.

"Manufactured home space": A designated portion of a parcel of land designed for the accommodation of one manufactured home and its accessory buildings or structures for the exclusive use of the occupants.

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"Manufactured home park": A single parcel of land or a lot that is designed or used for temporary or permanent spaces for two or more manufactured homes where either the space for a manufactured home or a manufactured home itself is available to the general public for residential use.

"Manufactured home pad": That area of a manufactured home space that has been prepared for the placement of a manufactured home.

"Master plan" (overall plan; sequential development): The plan of a subdivision designed for a single tract and proposed to be subdivided in various stages, phases or configurations.

"Median": A raised divider made of dirt, concrete, or other material located in the middle of a street or road between travel lanes that is often landscaped.

"Mobile home" or "trailer": See "manufactured home." See also Laurel Zoning Code 17.08.763.

"Modular home": A dwelling unit constructed in accordance with the standards set forth in the International Residential/Building Code and bearing the insignia of the State of Montana, applicable to site-built homes, and composed of components assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

"Monument (permanent monument)": Any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

"No access easement": A line designated on a subdivision plat for the purpose of restricting vehicular access from a public right-of-way to a lot.

"Planning board": The Laurel-Yellowstone City-County Planning Board.

"Planning director": The Laurel Planner.

"Plat": A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

- a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnishes a basis for review by a governing body.
- b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act (MCA §76-3-101 et. seq.) (MSPA).
- c. Amended Plat: The final drawing of any change to a filed platted subdivision.
- d. Exempt Plat: A survey or plat that is exempt from local subdivision review and approval under the provisions of the MSPA and as described in Appendix B of these regulations.

"Professional Engineer": See "engineer."

"Public road or street": A road or street that has been dedicated and accepted for public use, or an easement that has been granted and accepted for public use or has been created by judicial fiat or any other operation of law.

"Recreational camping vehicle": A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

"Recreational vehicle park": Any area or tract of land designed or used that contains two or more spaces which are available for rent to the general public for parking or placement of temporary recreational vehicles. This term does not include a parcel composed of individually platted lots.

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"Sidewalk": A minimum five-foot wide concrete walkway for non-motorized traffic only built to city or county standards and provided within the road right-of-way, an easement, or within parkland as applicable.

"Street types": For purposes of these regulations, street types are defined using the Institute of Transportation Engineers Manual as follows:

- a. Alley: Minor rights-of-way used primarily for vehicular access to the back or side of properties that abut on and are otherwise served by public roads.
- b. Arterial: Any major carrier of traffic which generally terminates at both ends at a location that will produce more than two thousand vehicles per day traffic, or upon which the nature of the traffic is such that more than sixty percent of the vehicles are using the street for mobility rather than land access. Typically they are located no more than one mile apart.
  1. Principal Arterial: A street which serves the major centers of a metropolitan area, the highest traffic volume corridors, and the longest trip desires, and which carries a high proportion of the total urban area travel on a minimum of mileage.
  2. Minor Arterial: A street that interconnects with and augments the principal arterials, provides service to trips of moderate length at a lower level of travel mobility than principal arterials, and distributes travel to geographic areas smaller than those identified as principal arterials.
- c. Collector: A street that generally terminates at both ends at an arterial or collector but because of location, curvilinear design, or limited feeder area will not generally serve more than two thousand vehicles per day, or the nature of the traffic is such that approximately fifty percent of the traffic is using the street for land access and fifty percent for mobility. Typically they are located between arterial streets at no more than one-half mile from an arterial street.
- d. Cul-de-sac: A street having only one outlet for vehicular traffic and terminating in a turn-around area.
- e. Frontage Access (Service Road): A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.
- f. Half-Street: A portion of the width of a street, usually located along the perimeter of a subdivision, the remaining portion of which street must be located on adjacent property if the street is to be fully constructed.
- g. Local Streets: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic.
- h. Loop: A local street which begins and ends on the same street, generally used for access to properties.
- i. Urban Route: Roadways which have been identified by the Montana Department of Transportation that must be constructed to urban standards.

"Subdivision": A division of land or land so divided which creates one or more parcels containing less than one hundred sixty acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes (MCA § 76-3-103(15)). However, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act (MCA § 76-3-203).

"Subdivision, major": A subdivision that does not qualify for review as a minor subdivision.

"Subdivision, first minor": A subdivision of a parcel that has never been subdivided or created by a subdivision, or has not resulted from a tract of record that has had more than five parcels created from that tract

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of record under MCA § 76-3-201 or MCA § 76-3-207 since July 1, 1973 (MCA §76-3-609(2)). Furthermore the first minor subdivision contains five or fewer lots, and legal and physical access to all lots are provided and no land is required to be dedicated to public use for parks or playgrounds.

"Subdivision, subsequent minor": Divisions of land creating five or fewer lots that are not first minor subdivisions from a tract of record. Subsequent minor subdivisions located within the Laurel city limits are reviewed as minor subdivisions.

"Development for rent or lease": A development for rent or lease is created when any portion of a parcel is rented or leased for the purposes of temporary or permanent residential or commercial use. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. Subdivisions created by rent or lease are exempt from the survey and filing requirements of the Montana Subdivision and Platting Act (MSPA), but must be submitted for review and approval by the governing body before portions thereof may be rented or leased.

"Surveyor (registered land surveyor)": A person licensed in conformance with the Montana Professional Engineer's Registration Act (Title 37, Chapter 67, Mont. Code Ann.) to practice surveying in the State of Montana.

"Townhome/townhouse": Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

"Tract of record": An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office (MCA § 76-3-103(17)(a)).

"Vicinity sketch": A map included with a site plan or placed on a plat that enables the viewer to clearly determine the location of a proposed subdivision in the city or county.

"Zoning jurisdiction": The area identified as one mile beyond the City of Laurel city limits which has adopted zoning administered by the city of Laurel.

(Ord. No. O17-01, ch. 16.2 3-7-2017)

## **Chapter 16.03 SUBDIVISION REVIEW PROCEDURES.**

### **16.03.010 Compliance with local regulations and state law.**

No subdivision of any lot, tract, or parcel of land shall be undertaken; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be constructed, opened, or extended for public use and travel, or for the common use of occupants of buildings except in strict accordance with these regulations and related state statutes.

(Ord. No. O17-01, § 16.3.1, 3-7-2017)

### **16.03.020 Preapplication meeting.**

All owners of record, subdividers, and their authorized representative shall meet with the planner and other city or county departments prior to submitting the required preliminary plat application. The purpose of this meeting is to discuss these regulations and standards and to familiarize the subdivider with the applicable Laurel goals and objectives. The subdivider must provide a sketch plan of the proposed subdivision for review and discussion. The sketch plan must be legibly drawn showing the rough layout of proposed features in relation to existing conditions. The sketch plan may be made directly on a topographic map with scale no greater than 1"=400'

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and sufficient to show all required information. Approximate tract and lot boundaries, location of easements, utilities, rights-of-way, parks and open spaces, roadways, and a description of general terrain, natural features, existing structures and improvements, and proposed public improvements must be included.

- A. A pre-application meeting checklist specifying the items required for subdivision application, review, and approval will be utilized to conduct the pre-application meeting and must be signed by the planner and the owners of record, subdividers, or their authorized representatives attending the pre-application meeting.
- B. In addition to the pre-application meeting checklist, applicants will also receive a preliminary plat submittal checklist and a list of utility and service providers.
- C. If during the review of the application the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the time frame for response.

(Ord. No. O17-01, § 16.3.2, 3-7-2017)

### **16.03.030 Major preliminary plat application submittal.**

- A. Required. The subdivider shall submit to the planning director or designee for review and recommendation a preliminary plat of the proposed major subdivision, which conforms, to the requirements of these regulations. Information required in submittal of plats and supporting documents shall be performed by or under the supervision of a registered land surveyor or professional engineer licensed to practice in the State of Montana as their respective licensing laws allow.
- B. Application Submittal. Complete and sufficient applications for major preliminary plat approval shall be made to the planning office. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day. The application form is provided in Appendix E "Preliminary Plat Application" and must be accompanied by the required preliminary plat, supporting documents, and applicable fee.
- C. Review of Subdivision Application for Required Elements and Sufficiency of Information:
  - 1. Within five working days of receipt of a subdivision application and review fee, the planner shall determine whether the application contains all required submission materials as required by Appendix F and shall notify the subdivider, or with the subdivider's written permission, the subdivider's agent, of the reviewing agent's or agency's determination. If the planner determines that elements are missing from the application, he/she shall identify those elements in the notification.
  - 2. Within fifteen working days after the planner notifies the subdivider or the subdivider's agent that the application contains all of the required elements, the planner shall determine whether the application and required elements contain detailed supporting information that is sufficient to allow for the review of the proposed subdivision under the provisions of this chapter and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination.
  - 3. If the planner determines that information in the application is not sufficient to allow for review of the proposed subdivision, the planner shall identify the insufficient information in its notification. A determination that an application contains sufficient information for review does not ensure that the proposed subdivision will be approved or conditionally approved by the AGB and does not limit the ability of the planner or the AGB to request additional information during the review process. The time limits provided in the preceding paragraphs 1 and 2 herein apply to each submittal of the application until:

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- a. A determination is made that the application contains the required elements and sufficient information; and
  - b. The subdivider or the subdivider's agent is notified.
4. After the planner has notified the subdivider or the subdivider's agent that an application contains sufficient information delineated herein, the AGB shall approve, conditionally approve, or deny the proposed subdivision within sixty working days based on its determination of whether the application conforms to the provisions of these regulations. For major subdivisions over fifty lots, the AGB shall approve, conditionally approve, or deny the proposed subdivisions with eighty working days. The subdivider and the planner may agree to an extension or suspension of the review period, not to exceed one year, or a subsequent public hearing is scheduled and held as provided in herein. (MCA; s; 76-3-604(4))
- D. Preliminary Plat Contents and Submittal Copies.
1. Content. The preliminary plat shall clearly show on the face of the plat the information listed in Appendix D "Preliminary Plat Requirements."
  2. Copies. The subdivider shall provide the number of copies of the preliminary plat as determined by the planning director or designee at the time of the preapplication meeting. All plats shall be twenty-four-inch by thirty-six-inch size and/or eleven-inch by seventeen-inch size as specified by the planning director or designee. Electronic copies of the plat shall be provided as follows; one copy in .pdf, .jpg or .tif format and one copy in either .dwg or .dxf format is requested.
- E. Supporting Documentation.
1. Required Documents. The supporting information shall include those documents listed in Appendix F "Required Supporting Documents for Major Preliminary Plat Applications."
  2. Required Copies. The subdivider shall provide the number of copies of the supporting documents as determined by the planning director or designee at the preapplication meeting. All documents shall be typed and in a format specified by the planning director or designee.

(Ord. No. O17-01, § 16.3.3, 3-7-2017)

### **16.03.040 Staff and agency review.**

- A. Review Procedure Schedule. Upon receipt of a complete and sufficient major preliminary plat application, the planning director or designee shall schedule the plat before the city-county planning board.
- B. Submittal Distribution. Planning staff shall distribute the application to all affected city and county departments, local, state, and federal agencies, school districts and public utilities for review as appropriate and indicate the review timeframe. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the AGB.
- C. Plat Review. The planner shall review the major subdivision plat submittal and make a staff report of issues, concerns, conditions, or recommendations and send out the list to the planning board members with the agenda of the meeting at which the plat is to be reviewed; a copy must also be sent to the subdivider or his representative.
- D. Hearing Notice. The planning board shall hold a public hearing on all major and applicable subsequent minor preliminary plat applications, placing a notice in a newspaper of general circulation in Laurel not less than fifteen days prior to the date of a public hearing. The planner shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of record of property immediately



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adjoining land included in the plat and located within three hundred feet of the proposed subdivision by certified mail not less than fifteen days prior to the date of hearing (MCA § 76-3-605(3)).

- E. **Planner's Report.** The planner shall prepare a draft findings of fact (the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety as per MCA § 76-3-608(3)(a)) for review by the planning board. The planner shall also forward the recommendation of the planning board to the AGB including basis for such recommendation and its compliance with adopted Growth Management Plan, the Bike/Ped Plan, and other adopted city and county plans and policies in writing no later than ten days after the public hearing (MCA § 76-3-605(4)).
- F. **Subsequent Hearing.** Before acting on the subdivision application, the AGB shall determine whether, subsequent to the public hearing, new information has become available or information that the public has not had a reasonable opportunity to examine. If so, the AGB may act on the subdivision application in accordance with this chapter or schedule a subsequent public hearing for consideration of only the new information that may have an impact on the findings and conclusions that the AGB will rely upon in making its decision on the proposed subdivision. The AGB may chose to hold the subsequent public hearing or may direct the planning board to hold it. In either case, the subsequent public hearing shall be held at the next scheduled meeting for which proper notice for the public hearing on the subdivision application can be provided.

If a subsequent hearing is held, the sixty- or eighty-day working day review period is suspended, and the new hearing must be noticed and held within forty-five days of the AGB's determination to hold a subsequent public hearing. The sixty- or eighty- working day review period will resume from the date of the subsequent public hearing. The governing body may not consider any information that is presented after the subsequent hearing (MCA § 76-3-615).

- G. **Subdivider's Preference.** The AGB shall give due weight and consideration to the subdivider's expressed preferences if the AGB requires mitigation of significant adverse impacts (MCA § 76-3-608(5)(b)).

(Ord. No. O17-01, § 16.3.4, 3-7-2017)

### **16.03.050 Governing body action.**

A governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services (MCA § 76-3-608(1)) or solely on failure to comply with the growth policy (MCA § 76-1-605(2)(b)).

In reviewing a subdivision and when requiring mitigation, the AGB may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (MCA §76-3-608(5)(a)).

The AGB shall send the subdivider written notice of its decision and the reason therefore. (MCA § 76-3-608(4)).

(Ord. No. O17-01, § 16.3.5, 3-7-2017)

### **16.03.060 Preliminary plat approval period.**

The approval or conditional approval shall be valid for not more than three calendar years. At the end of this period the AGB may, at the request of the subdivider, extend the approval for a mutually agreed upon period of time. Any mutually agreed-upon extension must be in writing and dated and signed by the members of the governing body and the subdivider or the subdivider's agent. The AGB may issue more than one extension.

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After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval, providing the approval is obtained within the original or extended approval period described above (MCA § 76-3-610(2)).

After the preliminary plat is approved, and the developer requests changes the planning director or designee shall evaluate the request as described in Section 16.11.040.

(Ord. No. O17-01, § 16.3.6, 3-7-2017)

### **16.03.070 Appeal process.**

A decision of the governing body regarding a proposed subdivision may be appealed to district court, as provided MCA § 76-3-625.

(Ord. No. O17-01, § 16.3.7, 3-7-2017)

### **16.03.080 Final plat.**

A final plat application shall be submitted for review and approval following the procedures outlined in Section 16.03.130 of this chapter prior to the expiration of the preliminary plat approval period.

(Ord. No. O17-01, § 16.3.8, 3-7-2017)

### **16.03.090 First minor subdivision from a tract of record.**

Divisions of land creating five or fewer lots from a tract of record that has not been subdivided or created by a subdivision under the Montana Subdivision and Platting Act or has not resulted from a tract of record that has had more than five parcels created from that tract of record under MCA § 76-3-201 or MCA § 76-3-207 since July 1, 1973 shall be reviewed as a minor subdivision, hereafter referred to as a "first minor" (MCA § 76-3-609). The requirement of holding a public hearing or submitting an environmental assessment does not apply to first minors (MCA § 76-3-609(2)(d)(ii)). Unless the subdivision lies within an area that has adopted zoning regulations, the application must include a draft findings of fact (MCA § 76-3-609(2)(c)).

First minors have to meet the same preapplication meeting requirements as major subdivisions.

- A. First Minor Preliminary Plat Application Submittal. Complete and sufficient application for first minor preliminary plat approval shall be made to the planning director or designee. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following working day.

The application form and supplemental documents are available in the appendices of these regulations. For first minor subdivisions a draft findings of fact must be prepared by the subdivider as part of the submittal. No public hearing or environmental assessment is required.

- B. Review Period. Upon receipt of a complete application, the AGB has thirty-five working days to approve, conditionally approve, or deny the preliminary minor plat application. The review period may be extended with consent of the subdivider provided either in writing or given during a public Planning Board meeting or public hearing.

(Ord. No. O17-01, § 16.3.9, 3-7-2017)

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### **16.03.100 Subsequent minor subdivisions.**

Divisions of land creating five or fewer lots that are not first minor subdivisions shall be reviewed as major subdivisions (MCA § 76-3-609(4)).

The application form, accompaniments, and review processes are the same as for major subdivisions. (Ord. No. O17-01, § 16.3.10, 3-7-2017)

### **16.03.110. Subdivisions qualifying for expedited review.**

- A. Eligibility. Subdivisions, hereafter referred to as "expedited review plats" containing one or two parcels are eligible for expedited review when:
  - 1. They meet the definition of a first minor subdivision from a tract of record;
  - 2. Legal and physical access to all lots is provided;
  - 3. No land in the subdivision will be dedicated to public use for parks or playgrounds;
  - 4. The plat has been approved by DEQ or county environmental health whenever approval is required; and
  - 5. No public improvements are required.
- B. Preapplication Meeting Required.
- C. Expedited Review Plat Application Submittal.
  - 1. Required. The subdivider shall submit to the planning director or designee, for review and recommendation to the AGB, a checkprint of the final plat and all accompaniments.
  - 2. Checkprint. Prior to submitting the final plat on mylar, a subdivider must submit six copies of a final plat application, six paper prints of the final plat, six draft copies of the supporting documents to the planning director or designee for review. The final plat application form is provided in Appendix H "Expedited Final Plat Application" and the form and content of the checkprint and the supporting documents are described in Appendix J "Final Plat Requirements." The final plat review fee and the subdivision title commitment or title report are also required at this stage.
- D. Final Plat and Supporting Documents Contents and Submittal Copies. The subdivider shall submit one electronic copy in .pdf, .jpg or .tif format and if available, one copy in either AutoCad<sup>®</sup> or ArcGIS<sup>®</sup> format. The subdivider must also submit one signed mylar original of the final plat. The form and content of final plat is provided in Appendix J "Final Plat Requirements." The final plat must be accompanied by a complete expedited review plat application form as provided in Appendix H "Expedited Final Plat Application," a subdivision title commitment or title guarantee prepared within the previous six months, all supporting documents, and the required review fee.
- E. Review Procedure. The planner shall route the application, final plat, and supporting documents to the appropriate city and county departments and officials for their signatures within sufficient time to assure the documents are placed on the first available agenda of the AGB for their consideration and authorized signatures.
- F. Governing Body Action. At a regularly scheduled meeting, the AGB shall consider the following information in deciding whether to approve or deny a final plat:
  - 1. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety (MCA § 76-3-608 (3)(a));

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2. Consistency with the adopted Growth Policy and Bike/Ped Plan; and
  3. These subdivision regulations.
  4. The governing body shall give due weight and consideration to the subdivider's expressed preferences (MCA § 76-3-608(5)(b)). The governing body may not deny approval of a subdivision based solely on the subdivision's impacts on educational services (MCA § 76-3-608(1)), or based solely on compliance with the Growth Policy (MCA §76-3-605(2)(b)).
  5. In the event the governing body denies the final plat, it shall send a letter to the subdivider stating the reasons for the denial along with written findings of fact (MCA § 76-3-608(4)).
  6. After all required signatures have been obtained; the plat shall be recorded with the county clerk and recorder within twelve (12) months of the date of approval.

(Ord. No. O17-01, § 16.3.11, 3-7-2017)

### **16.03.120 Amended plats.**

- A. Required. A division of lots within a platted subdivision filed with the county clerk and recorder that redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder (MCA § 76-3-207(2)(a)).
- B. Eligibility. Amended plats shall be processed as first minor subdivisions if they meet the following criteria:
  1. Legal and physical access to all lots is provided;
  2. No land in the subdivision will be dedicated to public use for parks or playgrounds; and
  3. The plat has been approved by DEQ or county environmental health whenever public drainage, or water and sewer systems are required.
  4. Amended plats not meeting these criteria shall be reviewed as major subdivisions.
- C. Form and Content. An amended plat shall be entitled "Amended Plat" and follow the form and content shown in Appendix D "Preliminary Plat Requirements."

(Ord. No. O17-01, § 16.3.12, 3-7-2017)

### **16.03.130 Final plat submittal requirements.**

- A. Required. After receiving a preliminary plat approval for a major, first minor, or subsequent minor, the subdivider may submit a final plat of the proposed subdivision. The final plat shall incorporate all required conditions and changes and conform to the approved preliminary plat and this section.
- B. Checkprint. Prior to submitting the final plat on mylar, a subdivider must submit six copies of a final plat application, six paper prints of the final plat and six draft copies of the supporting documents to the planning director or designee for review. The final plat application form is provided in Appendix I "Final Plat Application" and the form and content of the checkprint and the supporting documents are described in Appendix J "Final Plat Requirements". The final plat review fee and the subdivision title commitment or title report are required at this stage. The planning director or designee may require additional documentation to ascertain whether the conditions of preliminary plat approval have been met.

The planner shall notify in writing the subdivider no later than fifteen working days after receipt of the checkprint of any changes required.

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- C. Final Mylar Submittal. Application for final plat approval shall be submitted to the planning director or designee at any time. The subdivider shall submit one electronic copy in .pdf, .jpg or .tif format and if available, one copy in either AutoCad ® or ArcGIS ® format. The subdivider must also submit two signed mylar original of the final plat. The form and content of final plat is provided in Appendix J "Final Plat Requirements." The final plats must be accompanied by a complete final plat application form as provided in Appendix I "Final Plat Application"
  - D. Review Procedure. The planner shall review the check print and accompanying documents for compliance with the conditions for approval from the AGB. If in compliance the planner shall obtain the required signatures from city or county officials and forward the final plat to the county clerk and recorder.
  - E. Approval Period. After the governing body has approved the plat and all required signatures have been obtained, the plat shall be recorded with the county clerk and recorder within twelve months of the date of approval.

(Ord. No. O17-01, § 16.3.13, 3-7-2017)

## **Chapter 16.04 DEVELOPMENT REQUIREMENTS**

### **Sections:**

#### **16.04.010 General.**

All subdivisions approved by the governing bodies must comply with the provisions of this chapter, except where granted a variance pursuant to Section 16.11.010, Variances, of these regulations. The requirements contained in this chapter apply to subdivisions within the area of the Laurel-Yellowstone City-County Planning Board.

(Ord. No. O17-01, § 16.4.1, 3-7-2017)

#### **16.04.020 Conformance with zoning.**

In addition to the standards outlined in this chapter, the design and development of a subdivision must conform to any applicable Laurel zoning regulations as found in Title 17 of the Laurel Municipal Code. If there are conflicting requirements between these regulations and the zoning regulations the most restrictive standards shall apply.

(Ord. No. O17-01, § 16.4.2, 3-7-2017)

#### **16.04.030 Improvement design.**

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by these regulations must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act (MSPA) and these regulations.

(Ord. No. O17-01, § 16.4.3, 3-7-2017)

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## 16.04.040 Lots.

- A. Regulation of Lots. Each lot must contain a building site that conforms to Yellowstone City-County Health Department regulations, the Laurel Building Code where applicable, the regulations of this chapter, and other applicable State or local regulations. Lots must also be in conformance with zoning regulations.
- B. Dimensions, Orientation, and Topography. The lot size, depth, shape, and orientation shall be appropriate for the location, contemplated use of the subdivision, and the zoning of the property. Areas within the subdivision with a slope of twenty-five percent or greater shall be identified on the face of the preliminary and final plats.
- C. Frontage. Residential, commercial, and industrial lots shall have frontage on a public right-of-way, public road easement, or private easement. The lots size shall be in conformance with any applicable zoning regulations. For those subdivisions located outside of the zoning jurisdiction, all lots shall have a minimum of thirty-two feet of frontage on a public right-of-way, public road easement, or private easement. The planning department may require greater frontage for subdivisions that are commercial and industrial in nature.
- D. Division by Rights-of-Way. No single lot may be divided by a public road, alley, or access easement unless a valid variance is first obtained subject to the variance procedures provided for in these regulations.
- E. Rural Lot Limitations. Residential or commercial lots not served by public sewer or public water systems shall not be less in area than what is required by DEQ regulations. There is nothing contained in this chapter that shall be construed as preventing DEQ or Yellowstone City-County Health Department from requiring that all or any portion of a subdivision shall not be built upon, or that the proposed lot sizes must be increased to ensure protection of public health.

Subdivisions that are developing in the county but are within the city of Laurel zoning jurisdiction, or in close proximity to a public water or sewer system, shall consider in designing water and/or sewer systems the future connection to the public systems. Designing the systems to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system.

- F. Corner Lots. Design of corner lots must meet the following requirements:
  - 1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Corner lots must also be of sufficient lot size and in conformance with zoning as it relates to minimum lot size and setbacks, if applicable.
  - 2. Residential corner lots adjacent to a street identified as a principal or minor arterial must have vehicular access only to an internal street in the subdivision identified as a collector or residential street, except when limited by topography or other physical constraints of the property.
- G. Double Frontage Lots. Double frontage lots (see Figure 2.1 in Section 16.02.010) are allowable when they are necessary due to topography and when a one-foot wide no-access easement (to be shown on the plat) is provided for separation of residential development from railroad or major street rights-of-way.
  - 1. Residential Areas: For any residential subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for lots to back up to the arterial street and provide a one-foot wide no-access easement to prevent vehicle access to the arterial street.
  - 2. Commercial Areas: For any commercial subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one-foot wide no-access easement to prevent uncontrolled vehicle access to the arterial street.

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(Ord. No. O17-01, § 16.4.4, 3-7-2017)

**16.04.050 Blocks.**

- A. Size and Orientation. Length, width, and shape of blocks shall be determined with consideration of the following:
  - 1. Provision of adequate building sites suitable to the needs of the type of use contemplated;
  - 2. Needs for convenient and necessary access, circulation, traffic control and traffic safety, and public safety; and
  - 3. Limitations or opportunities created by the topography.
- B. Rights-of-Way for Internal Non-motorized Connections. Public rights-of-way for internal non-motorized connections within blocks will be required when needed to provide circulation or safe access to schools, parks, playgrounds, shopping, transportation, and other community facilities. Pathways or sidewalks shall also be installed from the end of cul-de-sacs or dead ends to the property boundary of the subdivision to make connections to other cul-de-sacs or streets in adjacent neighborhoods, where deemed appropriate by the AGB.
- C. Block Numbering. All blocks shall be identified with Arabic numerals.

(Ord. No. O17-01, § 16.4.5, 3-7-2017)

**16.04.060 Streets and roads.**

- A. Road Network Performance Standards. When evaluating a subdivision's road network, subdividers and reviewing agencies shall take into consideration the following criteria. These criteria were developed to ensure that all new lots are provided access that is safe, convenient, and effective for future lot owners. The proposed road network shall also enable emergency service providers to protect life and property under emergency situations.
  - 1. Every lot shall have documented legal and physical access.
  - 2. Physical access shall be provided in conformance to the standards found in the subdivision regulations and any other applicable regulations such as zoning, Montana Public Works Standards, City of Laurel Standards for Public Works Improvements and the City of Laurel Rules and Regulations governing Streets when applicable.
  - 3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.
  - 4. Proposed roads shall be looped or connected to other roads whenever possible. Exceptions can be made when there are topographic features that prevent connections or when the legal status of the road prevents connection.
  - 5. Dead end roads and/or driveways greater than one hundred feet in length must have an approved turn-around at their terminus.
  - 6. Major and subsequent minor subdivisions that exceed an aggregate of 5 lots shall have two points of access.
  - 7. Dead end roads shall not be more than one thousand feet in length.

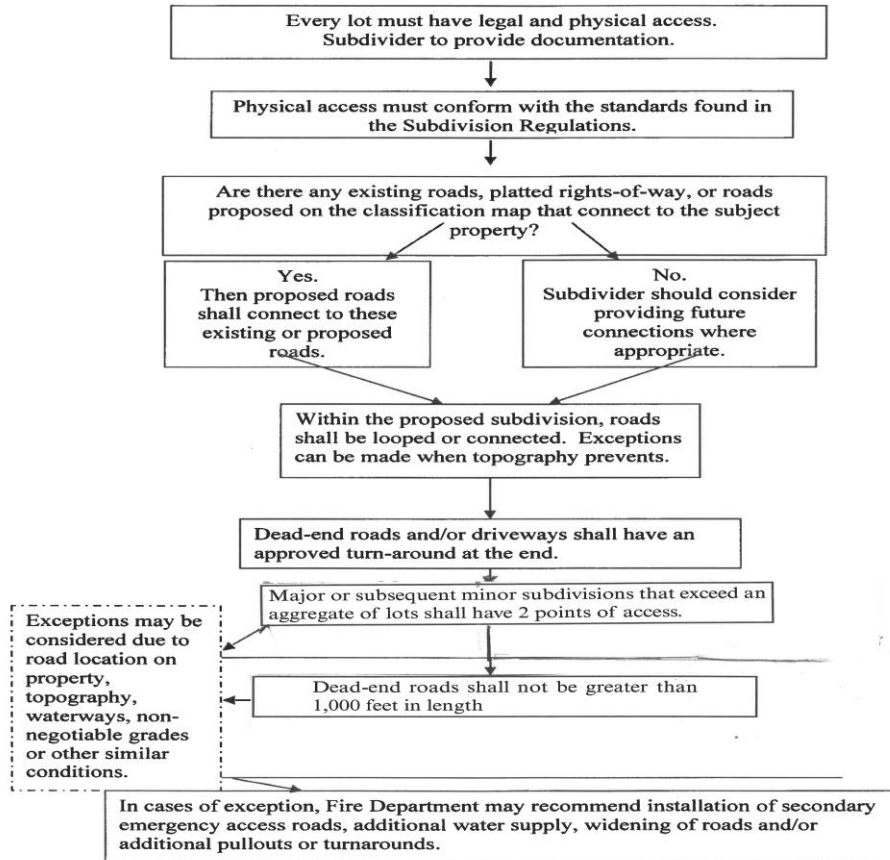
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8. When access roads cannot be installed as required above in #6 & #7 due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire department having authority may recommend additional fire protection measures, including, but not limited to, the installation of a secondary fire apparatus access road, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

**Figure 16.4.A.1. Road Network Evaluation Flowchart**



- B. Streets and Roads, General. The arrangement, type, extent, width, grade, and location of all streets shall conform to any adopted area plans including, but not limited to, the Growth Policy and the Bike/Ped Plan and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.
  1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land. Street right-of-way within the proposed subdivision shall be provided to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions.



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2. Relation to Developed Areas. The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency services, and efficient provision of utilities. Such provision may be waived where the adjacent land use is incompatible with the proposed subdivision, or when prevented by topography or other physical conditions.
  3. Separation of Through and Local Traffic. Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street, or Collector street, the subdivider may be required to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.
  4. Distance between Parallel Right-of-Way. Where a subdivision borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the subdivider shall be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.
  5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subdivisions shall provide a minimum of two access roads built to the standards of this chapter to all lots in the subdivision. Provision of a second access may be required for first minor or subsequent minor subdivisions when deemed necessary for the health, safety, and welfare of the new lot owners. If a second access cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency secondary access road, built to the standards detailed in Section 16.04.120 of these regulations.
  6. Dead-end Roads. Dead-end access roads or driveways in excess of one hundred fifty feet shall not be permitted without an approved turn around at the terminus. Where such roads or driveways terminate, the subdivider shall provide a cul-de-sac or "hammerhead-T" turnaround conforming to the design standards outlined in Figure 16.4.C.3. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication may be required to be provided.
  7. Right-of-Way and Street and Road Developments. In all cases, the right-of-way must be provided when developing the property. If the property is being developed on only one side of an existing or proposed road or street and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional right-of-way or easement from the adjacent property owner. If the additional required right-of-way or easements cannot be secured, the developer must provide the full width of right-of-way on the subject property.

When the development is located in the Laurel zoning jurisdiction, the property developing must build the sidewalk, swale, and portion of the shoulder and roadway as determined by the county public works department to meet the applicable road design standards. The additional improvements on the remaining portion of the right-of-way or road easement will be constructed at the time the adjacent property develops.

8. Street Continuity. Streets that are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five feet.
9. Tangent for Reverse Curves. A tangent shall be introduced where necessary between reverse curves on arterial and collector streets as determined by a professional engineer.
10. Deflected Street Lines to be Curved. When continuing street lines deflect from each other at any one point by more than five degrees, they shall be connected by a curve with a radius adequate to ensure

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stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.

11. Intersections. Local streets shall be laid out so as to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eighty degrees. Such angle of eighty degrees or greater shall be retained for at least fifty feet back from the intersection. Any street intersection involving an arterial and/or collector streets shall intersect at ninety degrees, shall be retained for at least one hundred feet back from the intersection. Not more than two streets shall intersect at any one point unless warranted by design by a professional engineer and reviewed by the appropriate public works department.
  12. Lot Corners at Intersections. Lot corners at all road intersections shall be rounded with a minimum radius of ten feet when the proposed subdivision is located outside of the city of Laurel's zoning jurisdiction.
  13. Sight Distance. The alignment of all streets and roads must provide adequate sight distances in accordance with the most current AASHTO Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.
  14. Approach Permits. The subdivider shall obtain the applicable approach or access permits for all new accesses to city and county roads. For any new vehicular access onto a State controlled road or highway, the subdivider shall obtain an approach permit approved by the Montana Department of Transportation (MDT).
  15. Street/Road Names and Addressing. New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plat approval in order to avoid duplication and confusion with names of existing roads. Lot addresses are assigned by county GIS.
  16. Street/Road Signs and Traffic Control Devices. Street or road signs and traffic control devices of the size, shape, and height in conformance with the standards contained in the Manual on Uniform Traffic Control Devices must be placed at all intersections by the subdivider.
  17. Central Mail Delivery. When required by the U.S. Postal Service, the developer must provide a cluster/gang mailbox for mail delivery.
  18. Road Design and Improvement Standards. All streets and roads, existing or proposed, within and adjacent to a proposed subdivision shall meet the design and improvement standards outlined in Subection C of this section.
  19. Street/Road Maintenance: For all subdivisions not located within city limits or proposed for annexation, the subdivider shall establish a new rural special improvement district or expand an existing adjacent RSID prior to final plat approval to provide funds for ongoing maintenance of all new public improvements associated with the subdivision. These improvements may include, but not be limited to, new roads, bridges, culverts, street signs, sidewalks, pathways and any other public improvements resulting from the subdivision.
- C. Design and Improvement Standards for Subdivisions.
1. General. The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within subdivisions.
  2. Improvement Design. All street improvements shall be designed by and constructed under the supervision of a professional civil engineer. All improvements shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these regulations and adopted policies of the city and county public works departments as appropriate.

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3. Plans and Specifications. A complete set of professionally certified plans and specifications shall be provided to the appropriate public works department prior to initiation of any street improvement construction. The subdivider shall provide professional engineering services for construction inspections and post-construction certifications. Record drawings shall be submitted to the appropriate public works department upon completion of construction.

Post construction certifications shall include, but not be limited to, the following:

- a. Compaction test results;
  - b. Certification that all required improvements are complete;
  - c. Certification that the subdivider knows of no defects from any cause in those improvements;
  - d. Certification that these improvements are free and clear of any encumbrance or lien;
  - e. The method by which the one year guarantee is to be provided; and
  - f. A schedule of actual construction costs shall be filed with the appropriate public works department.
4. Traffic Impact Study. Prior to AGB action on a preliminary plat, a traffic impact study shall be prepared by a professional engineer, with proven competence in traffic engineering and submitted with the preliminary plat for any new major residential, institutional, commercial, or industrial development located within city limits and the zoning jurisdiction. All other proposed subdivisions which will generate five hundred or more vehicular trips per day per the most recent standards of Trip Generation from the Institute of Transportation Engineers shall also be required to provide a traffic impact study. A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. If the study indicates a need for the installation of traffic signals, intersection improvements, or other off-site street improvements to facilitate traffic flow generated by the entire proposed development, the subdivider shall be responsible for his/her proportional share of those improvements. The study shall include, but not limited to the following:
    - a. Estimated number of vehicular trips per day;
    - b. Location of approaches;
    - c. Circulation patterns;
    - d. Location and type of traffic control devices;
    - e. Pedestrian safety;
    - f. Projected turning movements; and
    - g. Impacts on existing street intersections.
  5. Offsite Requirements: When determining a developers proportionate share of off-site improvements the following shall apply:
    - a. Payment for Other Costs Directly Attributable to the Subdivision. When any road or segment of road impacted by the subdivision will not meet or exceed the local jurisdictions road standards at the time of full build out of the subdivision, the governing body shall require the subdivider to pay or guarantee payment of the costs of improving the road so that it meets the local standards. The subdivider shall be required to pay or guarantee payment of costs that reflect the expected impacts directly attributable to the subdivision, as described below. If an engineer, licensed in the State of Montana, certifies that the road or segment of road affected by the proposed subdivision will meet or exceed the applicable road standards at full build out of the subdivision,

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the subdivider shall not be required to contribute to the cost of improving that road or segment of road.

- b. Determining Costs Directly Attributable to the Subdivision. A preliminary engineering report (PER), prepared and certified by an engineer licensed in the State of Montana shall provide estimated costs of improvements necessary to make a road or segment of road meet or exceed the local road standards. The PER shall describe the existing and proposed conditions of the impacted road facility. Estimated costs shall include the following:
- i. Estimated preliminary and final engineering costs including, but not limited to, design plans and specifications, material testing during construction, inspection and administration;
  - ii. Estimated costs of obtaining and completing necessary permits;
  - iii. Estimated surveying costs;
  - iv. Estimated right-of-way acquisition costs;
  - v. Estimated utility relocation costs;
  - vi. Estimated costs for geotechnical and miscellaneous design related site testing and laboratory analysis; and
  - vii. Estimated costs for road construction/improvements including materials, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road subgrade stabilization including geotextiles and subbase, sidewalks, curb and gutter, topsoil salvage and replacements, revegetation, weed management, traffic signals, traffic signal timing changes, temporary traffic control, traffic control, approaches, bridges, guardrails, signage and/or pavement markings, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance to these regulations.
- c. Estimated costs for any other items necessary to improve the road. Estimated costs shall not be older than six months at the time of final plat application. The burden of proof for estimate costs is the responsibility of the subdivider. Estimate costs must be prepared and certified by an engineer licensed in the State of Montana. Estimated costs shall be submitted to the appropriate road and bridge or public works department for review and recommendation. The governing body may, at the subdivider's expense, require a third party, designated by the governing body, to review estimated costs as described in the PER.

With preliminary approval of the subdivision application, the governing body shall determine a percentage of the costs described above by comparing projected annual average daily traffic (AADT) at full build out of the subdivision with existing AADT. The percentage of costs shall be calculated for each segment of road impacted using the following formula

$$P * (100) = I$$

(P-E)

Where:

P = Projected AADT

E = Existing AADT

I = Percentage of Impact

- d. Use of Funds. Upon receipt of funds related to estimated costs, the County shall place funds in an interest bearing reserve account, held and used by the county strictly for the impacted roads or segments of road within the subdivision's impacted area.
5. Street and Road Right-of-Way Dedication. All streets or alleys within, or providing access to, the proposed subdivision shall be dedicated to the public and accepted by the AGB except when an approved public access easement or private road is provided in accordance with these Regulations.
6. Access Easements. Where access to or within a subdivision is proposed using access easements the subdivider must obtain or provide proper easements of sufficient width to satisfy the requirements of Table 16.4C.1. The easement shall meet the following:
- a. Easements must be granted by all property owners whose land the easement(s) cross in a signed and notarized document to be recorded with the final plat.
  - b. The location of any road easement must be shown on the plat if it is within the subdivision or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.
  - c. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land and shall clearly define whether the easement will allow further burden to the easement and the extent of the further burden to the easement.
7. Private Roads. Private roads may be allowed within a subdivision. A private road easement shall be provided meeting the criteria listed under Section 16.04.060.C above. A mechanism for maintenance of any private roads shall be established prior to final plat approval.
8. Right-of-Way and Street Widths. Street right-of-way and surface widths for all roads, public or private, including those located in the Laurel zoning jurisdiction with the exception of those zoned Agricultural Open and Residential Suburban shall be provided as shown in Table 16.4.C.1 below.

Street right-of-way and surface widths for all roads, public or private, on property in the Agricultural Open Space (A-O) and Residential Suburban Zoning Districts or outside of the Unified Zoning Jurisdiction shall be provided as shown in Table 16.4.C.1.

**Table 16.4.C.1. Required Dedications and Street Improvements for Subdivisions**

Street Type	Right-of-Way	Road Width	Lane Width	Parking Width	Turn Lane Width	Median Width	Sidewalk Minimum Width
<b>Principal Arterial</b>							
6 lanes w/ center turn-lane	120'	92'*	12'/14'**	—	14'	—	5'
4 lanes w/ center turn-lane	120'	92'*	12'/14'**	—	14'	—	5'
<b>Minor Arterial</b>							
4 lanes w/ median	100'	68'*	12'	—	—	14'	5'
2 lanes w/ median	100'	52'*	12'	—	—	14'	5'
<b>Commercial Collector</b>							
2 lane	80'	44'*	14'	8'	—	—	5'
2 lanes w/ center turn lane	80'	42'*	14'	—	14'	—	5'
<b>Residential Collector</b>							
2 lane	70'	40'*	12'	8'	—	—	5'

2 lanes w/ center turn lane	80'	50'*	12'	8'	14'	—	5'
<b>Residential Local Access</b>	67'	28'	12	n/s	—	—	5'
<b>Cul-de-Sac 100-600 feet</b>	67'	28'	12	n/s	—	—	5'
<b>Cul-de-Sac &lt;100 feet</b>	40'	24' min.	10	n/s	—	—	—

\* Widths to be provided if warranted by a Traffic Accessibility Study.

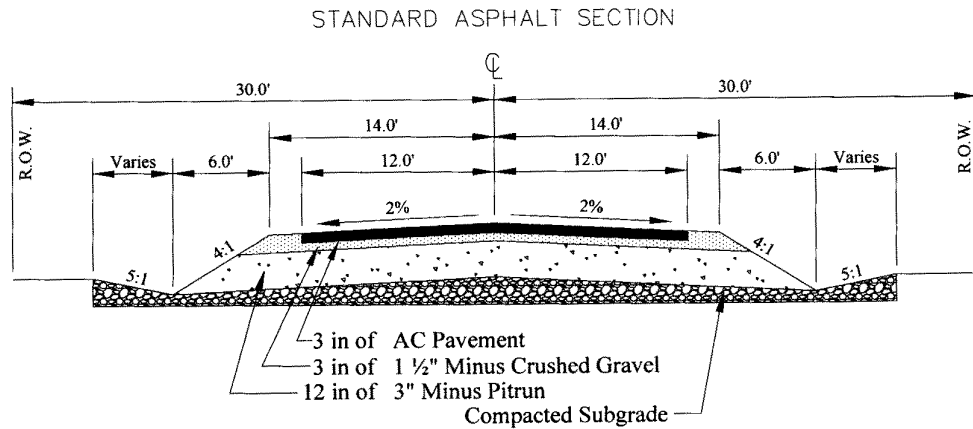
\*\* Interior lane(s) is twelve feet and the outside lane is fourteen feet.

\*\*\* Roads in the Agricultural Open Space or Residential Suburban Zoning Districts, or roads outside of the Zoning Jurisdiction will be built 28' wide to include 24' driving surfaces, 2' shoulders, and drainage swales (See Figure 16.4.C.2. or (See Figure 16.4.C.3.). All roads within the Zoning Jurisdiction, except for those in the Agricultural Open Space or Suburban Residential Zoning Districts, will be built 34' wide to include 24' driving surfaces, 5' shoulders, and drainage swales (See Figure 16.4.C.1).

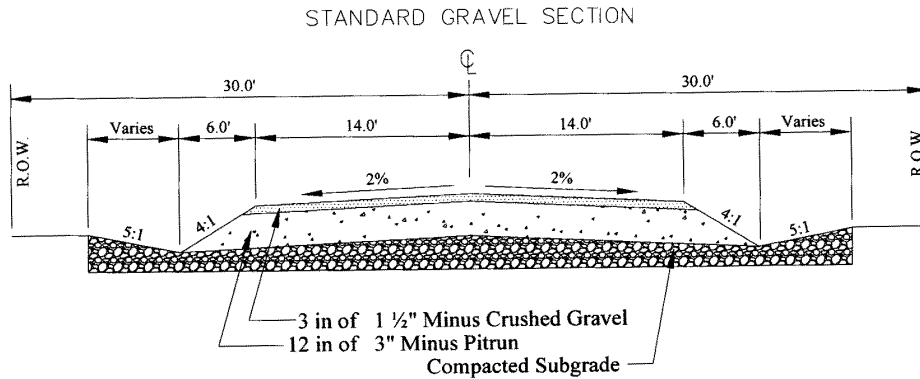
n/s No width is specified.

9. Shoulders. Shoulders shall be required on both sides of all roads where no curb and gutter or parking lanes are required (county subdivisions only). The shoulders shall be two feet wide and graveled, and must meet the specifications of the Yellowstone County Public Works Department.
10. Alleys. Proposed alleys in both residential and commercial subdivision shall meet the following standards:
  - a. The width of an alley shall be a minimum of twenty feet.
  - b. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit single unit truck movement.
  - c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end.
11. Grading/Cut and Fill. All streets and alleys within or adjacent to the subdivision shall be excavated or filled to the grade established by these Regulations.
12. Base Construction: The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated and shall be approved by the appropriate public works department prior to use. (See Figures 16.4.C.1. and 2.)
13. Street Surfacing: All roads within or adjacent to the subdivision shall be paved where they connect to an existing paved road. All roads within or adjacent to the subdivision may be graveled where the connect to an existing graveled road. The standards for such surfacing shall be according to city or county specifications unless otherwise warranted by engineering design. (See Figures 16.4.C.1. & 16.4.C.2)

**Figure 16.4.C.1.**



**Figure 16.4C.2.**



Street Grades. All street grades shall conform to the requirements of the city or county. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment.

Street Type	Percent Grade
Arterial	4
Collector	7
Local Access	12

15. Pedestrian and Sidewalk Connections: Sidewalks shall be installed with all streets within the Laurel zoning jurisdiction with exception of those properties zoned Agricultural Open and Suburban Residential. Required pathway widths shall follow those listed in Table 16.4.C.1. and meet the appropriate governing body public works standards.
16. Access Driveways: Access driveways are defined as an access serving one or two lots and not more than five dwellings. Accesses serving more than two lots or five dwellings shall be considered a road, and shall be built to the road standards outlined in these regulations. An approach permit is required for all new access driveways. New driveways shall meet the following standards:

In residential subdivisions, the maximum driveway width shall be thirty feet. The minimum distance between driveways shall be twenty-five feet or as otherwise allowable by the public works director for the city of Laurel and Yellowstone County

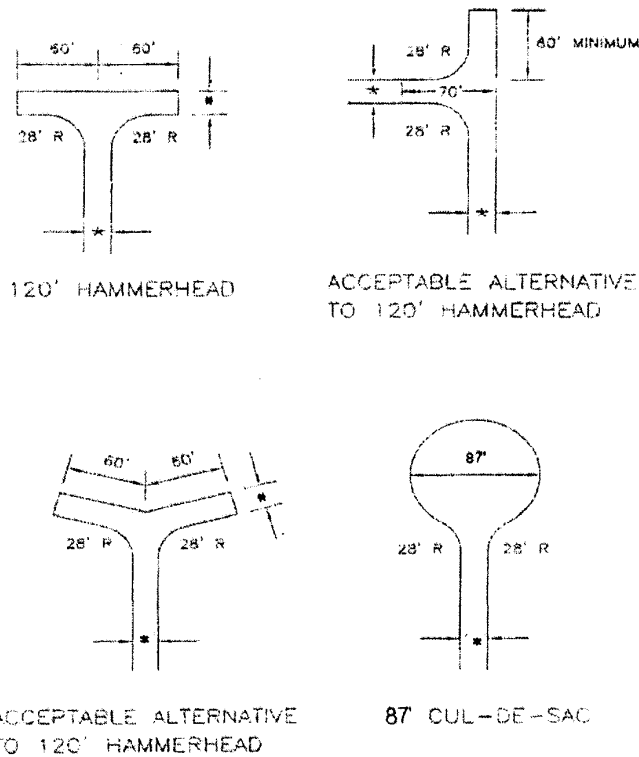
In commercial and industrial subdivisions, the maximum driveway width may be up to fifty feet when approved by the AGB. The minimum distance between driveways shall be twenty-five feet.

In any allowable location, no driveway width shall be less than twelve feet wide.

Only one driveway shall be provided to any single residential lot unless otherwise approved by the AGB or designee. Additionally, in cases where a lot fronts on a collector or arterial road currently carrying or projected to carry more than five hundred vehicles trips per day or where site distances warrant, the AGB may require shared access drives among lots. The AGB may permit more than one driveway for commercial lots.

In cases where an access driveway is in excess of one hundred feet in length (by variance), it shall have a minimum unobstructed width of twenty feet, and shall have an approved turn-around at its terminus. (See Figure 16.4.C.3 for acceptable design standards for turn-arounds.)

**Figure 16.4.C.3. Access Driveway Acceptable Turnarounds**



**\* Width as Required by Table 23-406.B.1**

\* = Twenty (20) feet minimum unless otherwise required.

- D. Multi-Use Trails, General: When applicable, subdivisions shall be reviewed for consistency with the Bike/Ped Plan to provide multi-use trail routes for safe, convenient, non-motorized transportation routes throughout the planning area.



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1. It is recommended that all new subdivisions provide a twenty-foot-wide multi-use trail easement across the property if the Bike/Ped Plan indicates that a proposed multi-use trail route crosses the subdivision property.
  2. If the Bike/Ped Plan indicates that a proposed trail route crosses the subdivision property, and a segment of the corridor has already been provided on adjacent property, then the subdivision shall provide a twenty-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.
  3. When parkland dedication is required and the Bike/Ped Plan indicates that a proposed trail route crosses the subdivision property, dedication of linear park land including a trail easement may be considered as all or a portion of the required parkland dedication. (See Section 16.10.030 of these Regulations)

(Ord. No. O17-01, § 16.4.6, 3-7-2017)

### **16.04.070 Storm drainage facilities.**

- A. General: Facilities and design for storm water drainage shall be provided in accordance with standards set by DEQ. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the subdivider shall provide an on-site area for retention or detention with controlled outlet capacity, if needed. The final DEQ approved storm water management plan for all subdivisions shall be provided with the final plat and recorded as part of the final DEQ documents when the final plat is recorded.
- B. Drainage Discharge: Discharge of storm drainage is subject to the following:
  1. Storm drain systems shall not discharge into sanitary sewer facilities.
  2. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.
  3. Storm water detention or retention ponds may be located within public parkland at the discretion of the AGB. Such areas shall not count toward the parkland dedication requirement unless they are approved by the park board and the AGB, designed to serve as an amenity to the park, and fit into the planned uses and improvements to the park. (See Section 16.10.040 of these regulations.)
- C. Easements: Easements may be required between lots and along public rights-of-way to manage storm drainage in subdivisions.
- D. Location of Facilities: If any onsite retention or detention facility is used it shall be included as part of the lots, public right-of-way, or parkland. No separate parcels shall be created exclusively for such facilities.
- E. System Maintenance: If any onsite retention or detention facilities are utilized, unless otherwise provided, a special maintenance district or rural special improvement district shall be created prior to filing the final subdivision plat in order to provide funds for the maintenance of such facilities.
- F. Future Improvements: If any onsite retention or detention facility is used, a waiver of right to protest the creation of a future storm drain system special improvement district shall be executed by the subdivider and recorded and filed with the final plat.

(Ord. No. O17-01, § 16.4.7, 3-7-2017)

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#### **16.04.080 Sanitary sewer and water systems.**

- A. If any boundary of the subdivision is within five hundred feet of a public sanitary sewer or water system, the subdivider must connect to the public sewer or water and install sanitary sewer and/or water system facilities in accordance with the requirements of the sewer or water district involved and the standards of DEQ.

The governing body, upon determination from the DEQ, may grant a waiver of the requirement to connect to a public system if the subdivider demonstrates that connection to the public system is physically or economically impractical or if the district or utility refuses to provide service. For purposes of this section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

In cases where a waiver is granted and also if the boundary of the subdivision is more than five hundred feet from sanitary sewer services, the subdivider will sign a waiver of right to protest future sanitary sewer infrastructure improvements and assessments.

- B. Where individual septic systems or water wells are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Subdivisions/Onsite Subsurface Wastewater Treatment) and obtain approval from DEQ, if less than twenty acres in size, or by the Yellowstone County Environmental Health Department if over twenty acres in size.

(Ord. No. O17-01, § 16.4.8, 3-7-2017)

#### **16.04.090 Utilities.**

- A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.
1. Easements across lots or centered on common rear or common side lot lines shall be provided for public utilities and shall be at least sixteen feet wide; easements located along perimeter lot lines shall be at least eight feet in width. The width of an easement may vary depending upon the utility company serving the subdivision.
  2. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject to applicable laws and rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.
- B. Where a subdivision is proposed partially or wholly within Laurel's airport influence area, a perpetual air rights easement shall be executed and submitted with the plat.

(Ord. No. O17-01, § , 3-7-2017)

#### **16.04.100 Watercourse and irrigation easements (MCA § 76-3-504(1)(j)(k)(l)).**

- A. Easements for Irrigation Facilities Within the Subdivision: Easements are required to be shown by metes and bounds on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and below-ground pipelines that traverse the property to be subdivided and for the future use of the subdivision lot owners or homeowners' association.
- B. *Easements Through the Subdivision for the Benefit of Downstream Water* users: Easements are required to be shown by metes and bounds on the face of the preliminary and final plats for all drainage ways, irrigation

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canals/ditches and their laterals, and below-ground pipelines on the property being subdivided that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that is consistent with historic and legal rights. In addition, an easement document shall be recorded with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and
3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

C. Additional Provisions:

1. The realignment or relocation of active irrigation ditches or pipelines is discouraged when said facilities are located outside of public right-of-way. If an irrigation facility is proposed to be realigned or relocated, the developer shall obtain written permission of the appropriate irrigation district and/or water user and the subdivider's professional engineer shall certify prior to final plat approval that the water entering and exiting the realigned or relocated irrigation facility is the same quality and quantity that entered or exited the facility prior to realignment or relocation.
2. New storm water generated from a subdivision shall not be discharged into an irrigation facility unless the subdivider receives written approval from the appropriate agricultural water user facility prior to final plat approval.

D. Irrigation Drainage:

1. Easements are required to be shown by metes and bounds on the face of the preliminary and final plats for all drainage ways.
2. Irrigation drainage ditch must have easement and written permission to cross property owned by others.

E. Additional Provisions: Additional provisions regarding irrigation drainage are as shown in Section 16.04.100(C) above.

(Ord. No. O17-01, § 16.4.10, 3-7-2017)

### **16.04.110 Disposition of water rights (MCA §76-3-504(j)(i)).**

If a subdivision will create lots averaging less than five acres in size, the subdivider shall submit evidence with the final plat indicating that either A. and B., below, or C., below, has been provided:

- A. **Reservation and Transfer of Water Rights:** The subdivider shall reserve all or a portion of the water rights on the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water. Any remaining surface water rights from the land shall be reserved and severed; and
- B. **Establish Landowner's Water Use Agreement:** If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision

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lots, the subdivider shall establish a landowner's water use agreement administered through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

- C. All Rights Reserved and Severed: All surface water rights shall be reserved and severed from the land proposed for subdivision.

(Ord. No. O17-01, § 16.4.11, 3-7-2017)

### **16.04.120 Fire protection requirements.**

To ensure a reasonable level of fire protection and life-safety for the public and firefighters, an approved water supply capable of the required water flow for fire protection shall be provided, in accordance with this section and the applicable fire code, to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

- A. Definitions:

"Approved:" Acceptable to the Laurel Volunteer Fire Department.

"Dry hydrant system:" A permanent piping system with an underground static water supply which provides year-round, frost-free access to a water source other than a pressurized municipal water source.

"Exposure:" Any structure more than two hundred square feet in size.

"Residential dwellings:" Residential occupancies where the occupants are primarily permanent in nature and where buildings do not contain more than two dwelling units, or child care facilities that provide accommodations for five or fewer persons of any age for less than twenty-four hours. This shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than sixteen occupants, excluding staff.

- B. Minor Subdivisions: For all minor subdivisions creating three to five lots, the subdivider shall provide a minimum of one of the following mechanisms for fire suppression:

1. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and National Fire Protection Association (NFPA) 1142.
2. An approved, single, minimum ten thousand-gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half road mile from the furthest structure in the subdivision. If an approved existing underground water storage tank is located within one-half road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this section.
3. Any other method reviewed and approved by the Laurel Fire Department having jurisdiction and the AGB.

- C. Major, Commercial, and Subsequent Minor Subdivisions. The subdivider shall provide a minimum of one of the following mechanisms for fire suppression:

1. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.
2. An approved, single, minimum thirty thousand-gallon underground water storage with approved dry hydrant type fittings located not more than one-half road mile from the furthest structure in the subdivision. If an approved existing underground water storage tank is located within one-

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half road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this section.

3. Any other method reviewed and approved by the Fire Department and the AGB.
- D. Dry Hydrant Specifications: If the dry hydrant option for fire suppression is utilized, the hydrant shall be constructed to the following standards:
1. All dry hydrant systems shall be designed and constructed to provide a minimum flow of one thousand gallons per minute (gpm) of draft.
  2. Dry hydrants shall have a minimum clearance of twenty feet on each side and be located a minimum of one hundred feet from any structure. Approved pullouts or other design features shall be constructed to ensure that highway or road traffic shall not be impaired during use of the dry hydrant.
  3. Dry hydrants shall be located to be accessible under all weather conditions.
  4. The water container shall be a clean fiberglass or concrete tank, approved by the fire department.

To ensure safety of design, functionality, installation, maintenance, and proper appropriation of financial resources, the Laurel Fire Department shall approve all aspects of tank location, construction design, type of materials, pipe, and system fittings.

- E. Water supply maintenance: The subdivider shall establish a rural special improvement district (RSID) prior to final plat approval that ensures the continual operation and maintenance of the water supply system.

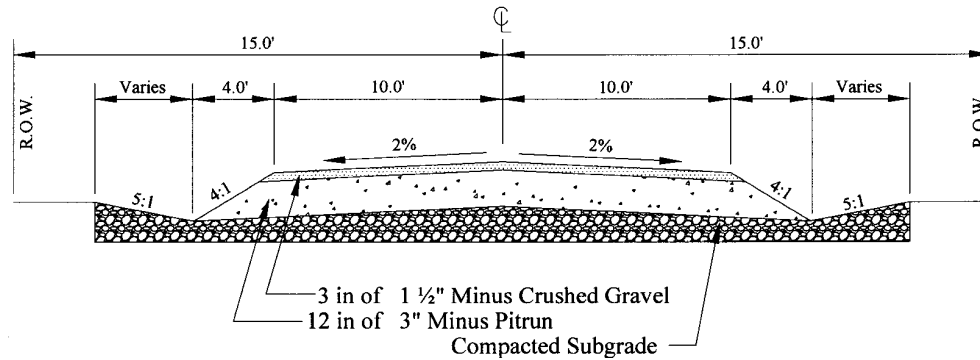
All underground water supply tanks shall be available for use by any fire department responding to any fire within the jurisdiction where the fire is occurring.

- F. Emergency Secondary Access Roads: In the event that an emergency secondary access road is approved as a means of providing a second access to a subdivision, as required by Section 16.04.060 of these regulations, it shall be built to the following standards:
1. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than twenty feet and shall be constructed to adequately support a forty-ton vehicle with a surface so as to provide all weather driving capabilities. The road shall be constructed to county standards (see Figure 16.4.F.1). Where requested by the fire department, gates or other approved barricades shall be required at either end of the road to restrict through-traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read "EMERGENCY ACCESS ONLY" using black letters not less than two inches wide and six inches high on a white retro reflective background.
  2. Prior to construction, a cross-sectional design of the road including location, section, surfacing, and drainage, and design of gates or barriers shall be submitted to and approved by the Laurel Fire Department and an engineer licensed in the State of Montana. The storm drain design shall accommodate runoff during a ten-year storm event to ensure that there is no blockage of the roadway in the event of an emergency. The drainage shall not encroach into the travel way.
  3. Emergency access roads will be assigned a name by the Laurel Fire Department. In order to ensure the roads are entered into and reflected on the county GIS mapping system, the road shall be shown on the plat along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

4. One set of final plans showing corrections/revisions after review and approval shall be submitted to the fire department, and one set of final plans shall be provided to county GIS to ensure that the emergency access road and road name are entered into the GIS mapping system.

**Figure 16.4.F.1**

**EMERGENCY SECONDARY ACCESS ROAD SECTION**



(Ord. No. O17-01, § 16.4.12, 3-7-2017)

#### **16.04.130 Noxious weed control.**

In order to comply with the Montana County Weed Control Act, Title 7, Chapter 22, Part 21, Mont. Code Ann., all proposed city and county subdivisions must enter into a weed management plan agreement with the county weed board. Approval of the final plat will be contingent on a weed board-approved weed management and included in the subdivision's SIA.

Subdivision weed management plans require completion of application forms obtained from the Yellowstone County Weed Control Department, a site map that will allow for inspection of the proposed development, and payment of the inspection fee prior to performance of the required inspection.

Mitigation of any identified existing noxious weed species will be required as well as planned re-vegetation of all disturbed areas within the proposed subdivision.

(Ord. No. O17-01, § 16.4.13, 3-7-2017)

#### **16.04.140 Flood hazard evaluation.**

If any portion of a proposed subdivision is within the floodway of a flood of one hundred-year frequency as defined by Title 76, Chapter 5, Mont. Code Ann. and the Federal Emergency Management Agency (FEMA), or deemed subject to flooding by the county, or if any portion of a proposed subdivision is within two thousand horizontal feet and less than twenty vertical feet of a live stream draining an area of twenty-five square miles or more, the flood hazard evaluation criteria found in Appendix O shall be applied, as appropriate.

(Ord. No. O17-01, § 16.4.14, 3-7-2017)

## **Chapter 16.05 GUARANTEE OF PUBLIC IMPROVEMENTS**

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### **16.05.010 Subdivision improvements agreement (SIA).**

Prior to granting approval of the final plat by the AGB the subdivider shall have installed all of the required improvements as stipulated in these regulations, and shall, at the time receiving approval of the final plat, enter into a written SIA which shall be filed concurrently with the clerk and recorder. The SIA is an agreement with the developer and the AGB guaranteeing the construction and installation of all required improvements in conformance with all adopted policies, standards and resolutions. The agreement shall stipulate, among other things, which type of security arrangements and timetable acceptable to the AGB the subdivider elects to use, the subdivider's plans for accomplishing the required improvements, and an agreement that the subdivider shall guarantee all improvements for a period of one year from the date of acceptance by the AGB. (See Appendix K for SIA Template.)

(Ord. No. O17-01, § 16.5.1, 3-7-2017)

### **16.05.020 Security guarantee.**

The subdivider shall provide a monetary security guarantee from the following methods in the amount of one hundred twenty-five percent of the estimated total cost or actual construction contract amount of installing all required improvements including engineering and administration fees, as estimated by a professional engineer and approved by the appropriate public works department.

- A. Irrevocable Letter of Credit. The subdivider shall provide, from a financial institution or other reputable institution subject to the approval of the AGB or designee, an irrevocable letter of credit (See Appendix M for letter of credit template). This letter shall be deposited with the AGB and shall certify the following:
  - 1. That the creditor does guarantee funds of the required amounts, as estimated by the subdivider's professional engineer and approved by the appropriate public works department, for completing all required improvements;
  - 2. That, in the case that the subdivider fails to complete the specified improvements within the required time period, the creditor shall pay to the AGB immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;
  - 3. That the letter of credit may not be withdrawn, or reduced in amount, until released by the AGB or designee; and
  - 4. That the letter of credit shall be renewed from year to year until such time the improvements are completed.
- B. Bond. The subdivider shall provide a surety bond to guarantee the funds to complete improvements, subject to any requirements of the bonding company. The bond shall be payable to the AGB and shall remain in effect until the improvements have been completed and accepted by such governing body. The subdivider shall bear all costs associated with the provision of the guarantee.
- C. Sequential Development. Where a subdivision is to be developed in phases, a phasing plan shall be prepared by the subdivider, and reviewed and approved by the AGB with the preliminary plat. The phasing plan shall be included in the SIA and shall describe which lots are included in each phase, what improvements shall be completed with each phase, and the approximate completion date of each phase. Improvements included in the first phase shall be constructed or guaranteed using one of the acceptable monetary security guarantees prior to final plat approval by the AGB. Lots within subsequent phases shall be restricted from being transferred or developed. A "Restrictions on

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Transfers and Conveyances" contract shall be entered into for subsequent phases by the subdivider and the governing body and shall be filed with the final plat documents with the clerk and recorder (see Appendix N for restrictions of transfers and conveyances template). A release on the restrictions on transfers and conveyances may be filed with the clerk and recorder only after the necessary improvements for each particular phase are constructed, approved, accepted by the AGB, or guaranteed using one of the acceptable monetary security guarantees.

(Ord. No. O17-01, § 16.5.2, 3-7-2017)

#### **16.05.030 Reduction of guarantees.**

The amount of the approved guarantee may be reduced upon installation and acceptance by the AGB of the required improvements. The amount of the reduction shall not exceed the percentage that the accepted improvements made up of all originally required improvements.

(Ord. No. O17-01, § 16.5.3, 3-7-2017)

#### **16.05.040 Release of guarantee.**

Upon completion of required improvements by the subdivider and acceptance of them by the AGB, all in conformance with this chapter, the AGB shall authorize the release of any remaining portion of the improvement guarantee up to 90% of the original amount. The remaining ten percent will be released after any deficiencies are corrected after the one-year warranty inspection.

(Ord. No. O17-01, § 16.5.4, 3-7-2017)

### **Chapter 16.06 DEVELOPMENTS FOR RENT OR LEASE**

#### **16.06.010 General.**

- A. Purpose. A development providing multiple spaces for rent or lease for recreational vehicles (RV's) and mobile or manufactured homes is created when any portion of a parcel is rented or leased for the purposes of situating a temporary or permanent RV, mobile, or manufactured home for residential or commercial structure owned by the renter or lessee. The rented/leased land is owned as one parcel under single ownership, which can include a number of persons owning the property in common. These developments are commonly known as mobile/manufactured home parks and recreation vehicle parks.
- B. Review and Approval Required. Developments created by rent or lease are exempt from surveying and final plat filing requirements but mobile/ manufactured home parks and rv parks must be submitted for review by the planning board and approval by the AGB before portions thereof may be rented or leased (MCA §76-3-208). Approval is based on the criteria found in Chapter 16.03 of these regulations with the addition that the preliminary and final plans for subdivisions for rent or lease shall show the following:
  - 1. A layout of all spaces proposed for rent or lease.
  - 2. Location of common areas and facilities.
  - 3. Parks and/or recreation areas.
  - 4. Landscaping plan if required by these regulations.
  - 5. In lieu of a final plat, subdivider shall submit an unsurveyed final plan drawn to scale.

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- C. Zoning Requirements. Mobile/manufactured home parks and RV parks, within the Laurel zoning jurisdiction must comply with zoning regulations. If a development for rent or lease will require a zone change or a zoning variance, those application are to be submitted, reviewed and approved, conditionally approved or denied prior to submission of an application for development for rent or lease. For purposes of these types of developments, setback requirements shall follow the development requirements outlined in Subsection 16.06.020.A.

(Ord. No. O17-01, § 16.6.1, 3-7-2017)

### **16.06.020 Mobile/Manufactured home and RV park development requirements.**

A. Manufactured Home/RV Spaces.

1. The number of allowed spaces is limited to what is approved on the final plan.
2. Spaces must be arranged to permit the safe and practical placement and removal of manufactured homes.
3. All manufactured homes/RVs must be located a minimum of twenty feet from all perimeter boundary lines.
4. The manufactured home pad must be located at least ten feet from the street that serves it.
5. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.
6. The size of the manufactured home pad must be suitable for the general market to be served and must fit the dimensions of manufactured homes anticipated. At a minimum the pad should measure fourteen feet wide and seventy feet long. All pads shall be constructed of at least six inches of gravel over a stabilized sub-base.
7. The total area occupied by a manufactured home and its roofed accessory buildings and structures may not exceed one-third of the area of a space.
8. All manufactured homes/RV's shall be separated by a minimum of fifteen feet.
9. There shall be a minimum of fifteen feet between all attached structures such as carports, awnings, decks, and stairs and any adjacent manufactured home.
10. There shall be a minimum of six feet between detached structures and any adjacent manufactured home. Detached structures are defined as any structure that is more than six feet away from the manufactured home.
11. A minimum of two off-street parking spaces must be provided on or adjacent to each manufactured home space. The driveway must be located to allow for convenient access to the manufactured home, and be a minimum of ten feet wide.
12. One guest parking space must be provided for each five manufactured home spaces. Group parking may be provided.
13. The density of a recreational vehicle park may not exceed twenty-five recreational vehicle spaces per acre of gross site area.

B. Streets.

1. All streets within a manufactured home or RV park shall be private.

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2. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.
  3. Streets may be designed for no on-street parking, on-street parking on one side only, or on-street parking on both sides. All streets shall be paved to a typical crown section, an invert section, or a straight warp section. All streets shall be bordered on at least one side by either a sidewalk of a minimum width to meet the current Americans with Disabilities Act (ADA) standards or a pedestrian pathway.
  4. The minimum pavement width for streets with no on-street parking shall be twenty feet.
  5. The minimum pavement width for streets with on-street parking on one side shall be twenty-eight feet.
  6. The minimum pavement width for streets with on-street parking along both sides shall be thirty-six feet.
  7. Curvilinear streets shall have no centerline curve with less than a one hundred-foot radius. At intersections, the inside edge of the paved street shall have a minimum of a twenty-foot radius.
  8. All streets shall intersect at an angle of ninety degrees except where the subdivider has obtained a variance from the AGB.
  9. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on subdivision streets.
  10. All traffic-control devices used shall comply with the current edition of the Manual on Uniform Traffic Control Devices.
- C. Fire Protection.
1. All manufactured home/RV parks shall be located within a local fire district or fire service area.
  2. The manufactured home park shall provide an adequate water supply for fire suppression needs, following the requirements as found in Section 16.04.120 of these regulations. The means for fire protection shall be subject to approval by the local fire district and the AGB.
- D. Health Standards/License Requirement. In addition to the criteria of these Regulations, manufactured home and RV parks must also meet the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) under Title 50, Chapter 52, Mont. Code Ann. and the requirements of the Montana Department of Environmental Quality (MDEQ) under Title 50, Chapter 60, Mont. Code Ann. The AGB shall not grant final approval of a manufactured home and/or recreational vehicle park until the subdivider first obtains the applicable licenses and approvals for the facility from MDPHHS and MDEQ.
- E. Additional Provisions.
1. Manufactured home/RV parks shall meet the parkland dedication requirements as outlined in Chapter 16.10 of these regulations.
  2. Parks located adjacent to industrial, commercial, or lower-density residential land uses shall provide screening such as fences or natural growth along the property boundary lines separating the community from such adjacent uses.
  3. Parks shall have a sign near the main entrance showing the park layout.
  4. Centralized mail delivery shall be provided at one or more location within the park. Location and design of such group mail collection site(s) shall be reviewed and approved by the U.S. Postal Service and the appropriate public works department.

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5. It shall be unlawful to operate a manufactured home/RV park without holding a valid, annual license issued by the MDEQ

(Ord. No. O17-01, § 16.6.2, 3-7-2017)

## **Chapter 16.07 CLUSTER DEVELOPMENTS AND PLANNED NEIGHBORHOOD DEVELOPMENTS (MCA §76-3-509)**

### **16.07.010 Purpose.**

The purpose of this chapter is to promote maximum flexibility in the design of new developments and to encourage innovation within a framework of timely, efficient, and flexible design review. Developments that utilize innovative, progressive planning and site design techniques and methods to allow a mixture of land uses, densities, setbacks, and building heights are encouraged. Cluster developments are encouraged where community resources are present and desirable for protection or preservation. Those areas include but are not limited to wildlife habitat, river and stream corridors, wetlands, historical or archeological sites, or prime agricultural lands. Planned neighborhood developments are encouraged where the proposed development is in excess of twenty acres and diversity in land uses is desirable.

(Ord. No. O17-01, § 16.7.1, 3-7-2017)

### **16.07.020 Definitions.**

"Cluster development": A cluster development is a subdivision creating five or more lots clustered in a group that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure via concentrated public services and utilities while allowing other lands to remain undeveloped. A minimum of thirty percent of the area within the subdivision shall be reserved for open space owned by common ownership (MCA §76-3-103(2)).

"Master plan": A master plan is a site plan for a planned neighborhood development that shows lots, blocks, streets, alleys, and areas for various land uses including open space within the development. The master plan shall be part of the subdivision approval and any significant change to such master plan shall be considered an amended subdivision.

"Maximum density calculation": The maximum number of residential dwelling units is calculated by dividing the gross square footage of the cluster development area (including any open space area) by the required lot area in the underlying zoning district. In cases where lots are not zoned, the maximum density shall be calculated by dividing the gross area of the property by the minimum lot area to meet the MDEQ standards.

"Planned neighborhood development": A planned neighborhood development (PND) is a subdivision consisting of a planned mixture of land uses such as residential clusters, industrial parks, shopping centers, and/or office building parks built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (MCA §76-3-103(10)).

(Ord. No. O17-01, § 16.7.2, 3-7-2017)

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### **16.07.030 Cluster development general requirements.**

- A. Cluster development may be applied to any residential subdivision of five or more lots. The subdivision shall generally conform to the growth policy and the underlying zoning district(s) although the lots may be smaller in area than required in the underlying zoning district.
- B. The maximum size of any developed parcel or lot within a cluster development is one hundred seventy-five thousand square feet.
- C. A minimum of thirty percent of the total area within the subdivision shall remain undeveloped in a cluster development. The undeveloped parcel(s) must be protected in perpetuity to prohibit further division of the parcel.
- D. Cluster developments are exempt from the review criteria in Chapter 16.03 of these regulations (MCA §76-3-509(e)(ii)) and from the parkland dedication requirements in so far as the cluster development meets or exceeds parkland dedication requirements.

(Ord. No. O17-01, § 16.7.3, 3-7-2017)

### **16.07.031 Design standards and applications for cluster developments.**

- A. The cluster development subdivision shall follow all applicable review procedures, as outlined in Chapter 16.03 of these regulations.
- B. Site Analysis Map. If an environmental assessment is required as part of the preliminary plat application it should include the following information on a site analysis map:
  - 1. Property boundaries;
  - 2. All streams, rivers, lakes, wetlands and other hydrologic features;
  - 3. Topographic contours with a minimum of five-foot intervals; where lots are proposed on slopes ten percent or less, contours must be shown at two-foot intervals;
  - 4. All proposed open space areas;
  - 5. General vegetation characteristics;
  - 6. General soil types;
  - 7. The planned location of protected open space;
  - 8. Existing roads and structures; and
  - 9. Potential connections with existing open space, parks and trails.
- C. Open Space Management Plan. An open space management plan, as described in Section 16.07.031(G) of this chapter, shall be prepared and submitted with the preliminary plat application. This plan will be reviewed as a supporting document of the preliminary plat. Review and recommendations to the governing body on the proposed open space management plan will be prepared by the planner.
- D. Instrument of Permanent Protection Required. An instrument of permanent protection as detailed in MCA § 76-6-101 et seq., the Open-Space Land and Voluntary Conservation Easement Act, shall be provided for the open space concurrent with the application for final plat approval.
- E. Maximum Density. The maximum number of dwelling units shall be calculated by dividing the gross area of the subject property, including the open space, by the required lot area of the underlying zoning district. In the case where the subject property is not zoned, the maximum density shall be calculated by dividing the

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gross area of the property by the minimum lot area to meet MDEQ standards. Unless prohibited by MDEQ standards, the applicant need not demonstrate the development capability of the land to calculate the maximum dwelling unit density.

- F. Other Requirements. The applicant shall adhere to requirements of the underlying zoning district(s) with the exception of minimum lot area per dwelling unit (see maximum density above). The proposed number of dwelling units shall not exceed the maximum density, but each dwelling unit may be placed on a lot of less than the minimum lot area required by the underlying zoning district(s).
- G. Open Space.
1. At least thirty percent of the gross area of a cluster development shall be reserved as open space.
  2. Resource Protection Areas. The following are considered resource protection areas and are required to be included within the open space when present. These resource areas must be mapped and shown on the preliminary plat.
    - a. The 100-year floodplain.
    - b. Riparian zones of at least seventy-five feet in width along all perennial and intermittent streams.
    - c. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
    - d. Populations of endangered or threatened species, or habitat for such species.
    - e. Archaeological sites, cemeteries and burial grounds, or historic sites listed as such with any state or federal agency.
  3. Other Resource Areas. The following are considered important resource areas and may or may not be included within the open space at the discretion of the subdivider.
    - a. Historic sites or structures not listed as such with state or federal agencies.
    - b. Existing native forests or prairie of at least one-acre contiguous area.
    - c. Other significant natural features and scenic view sheds such as ridgelines, peaks and rock outcrops, particularly those that can be seen from public roads.
    - d. Prime agricultural lands of at least two contiguous acres.
    - e. Existing trails that connect the tract to neighboring areas.
    - f. Areas at the base of any ridgeline or rimrock of at least one contiguous acre.
  4. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space. Such areas shall make up not more than five percent of the required open space area.
  5. At least seventy-five percent of the open space shall be in a contiguous tract of a minimum size of one acre. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
  6. The open space should be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
  7. Uses of open space may include the following:
    - a. Conservation of natural, archeological or historical resources;

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- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - c. Walking, bicycle trails, or other multi-use trails;
  - d. Passive recreation areas, such as open fields;
  - e. Active recreation areas;
  - f. Agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are adhered to;
  - g. Landscaped storm water management facilities approved by the County, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses;
  - h. Easements for drainage, access, and underground utility lines; and
  - i. Other conservation-oriented uses compatible with the purposes of this Section.
8. Prohibited uses of open space:
- a. Golf courses;
  - b. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections;
  - c. Impoundments; or
  - d. Other activities as determined by the subdivider and recorded on the legal instrument providing for permanent protection.
9. Ownership and Management of Open Space. Open space shall be owned by one of the following entities:
- a. The open space may be dedicated to the public as public parkland. Acceptance of the open space shall be at the discretion of the governing body; or
  - b. A homeowners' association representing residents of the subdivision may own the open space. Membership in the association shall be mandatory and automatic for all homeowners within the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members.
  - c. Management Plan. The subdivider shall submit a plan for management of open space and common facilities that:
    - (1) Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
    - (2) Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
    - (3) Provides that any changes to the management plan be approved by the planning department, or in the case of publicly owned open space, approved by the appropriate Governing Body; and
    - (4) Provides for enforcement of the Management Plan.
  - d. Maintenance.

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- (1) Open space dedicated to the public shall be maintained according to the management plan by a park maintenance district (PMD) to be established prior to final plat approval.
  - (2) Open space owned by a homeowners' association shall be maintained according to the management plan by the homeowners' association. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the AGB may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the association, or to the individual property owners that make up the association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

10. Legal Instrument for Permanent Protection of Open Space.

- a. Privately owned open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Section as well as any further restrictions the applicant chooses to place on the use of the open space.
- b. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the county board of assessment shall be directed to reassess the open space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.

(Ord. No. O17-01, § 16.7.3.1, 3-7-2017)

### **16.07.040 Planned neighborhood development general requirements.**

A planned neighborhood development (PND) project is intended to encourage the use of improved techniques for the development and arrangement of a mixture of land uses more than is available under conventional zoning regulations or land restrictions that separate land uses into distinct zones. It is further the intent of PNDs to allow for the integration of housing, business and community facilities, and to allow for the preservation of the natural environment through efficient utilization of open space.

- A. A PND may be applied to any mixed use subdivision of five or more lots. The subdivision shall be generally consistent with the adopted growth policy. The underlying zoning district(s), land use designations, building setbacks, and other limitations shall be used as a general guide. The subdivider is encouraged to design the PND to allow a mixture of land uses, densities, setbacks and building heights.
- B. The maximum size of any proposed lot within a PND is three hundred fifty thousand square feet.
- C. The minimum size for any area designated for common use by the residents or owners within the PND or by the public is one contiguous acre. The area may be designated for active or passive recreation, for conservation purposes, or for any other use in common by the residents and owners of the PND or by the public.
- D. PNDs are exempt from the review criteria in Chapter 16.03 of these regulations and parkland dedication requirements in so far as the PND meets or exceeds parkland dedication requirements of Chapter 16.10
- E. PNDs shall comply with all other requirements of these regulations and shall be considered a special review use for purposes of the city zoning ordinance.

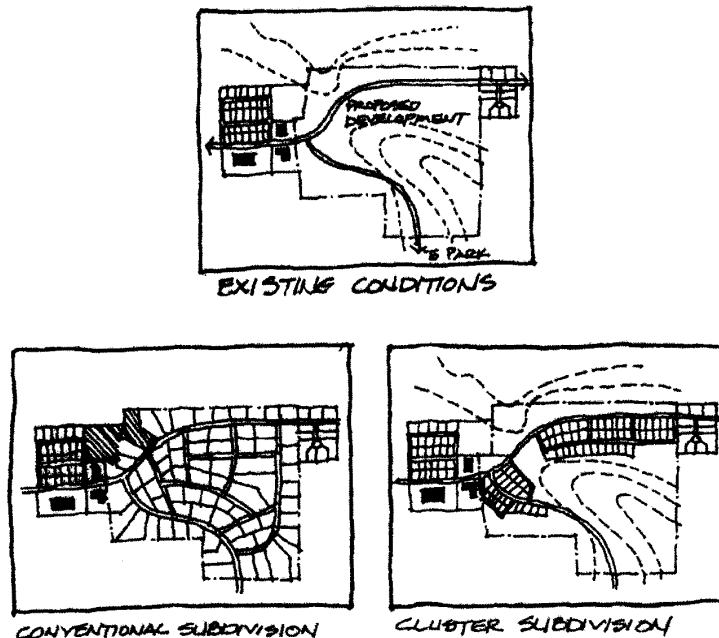
**16.07.050 Design standards and applications for planned neighborhood developments.**

- A. The PND shall follow the applicable review procedures as outlined in Chapter 16.03 of these regulations. If an environmental assessment is required as part of the preliminary plat application, a site analysis map must be prepared and shall follow the same requirements as for cluster developments.
- B. PNDs are allowed in any zoning district as a special review use done concurrently with the preliminary plat application. The PND shall provide opportunities for mixed land uses, including housing types and densities, recreation, and neighborhood services such as schools, community centers, fire or police stations, libraries, and places of employment.
- C. Master Plan: A master plan must be submitted showing the proposed design and land use areas of the development. The master plan should be of sufficient detail to determine build-out population, traffic circulation and control requirements, permitted uses or mix of uses within each area, building envelopes for each developed lot, recreation areas, and open space. If open space is provided it shall conform to the requirements of 16.07.031(G).

The master plan must also show development phasing and construction timing for each phase of the subdivision including any construction or improvements for public parks, trails, community centers, fire and police stations, schools, or other public facilities that will serve the PND. Each development phase must contain mixed uses and housing densities. Common elements such as playgrounds, parks, neighborhood service areas, and community centers must be included for development within each phase of the development.

The PND must be consistent with the growth policy and other plans adopted by Laurel.

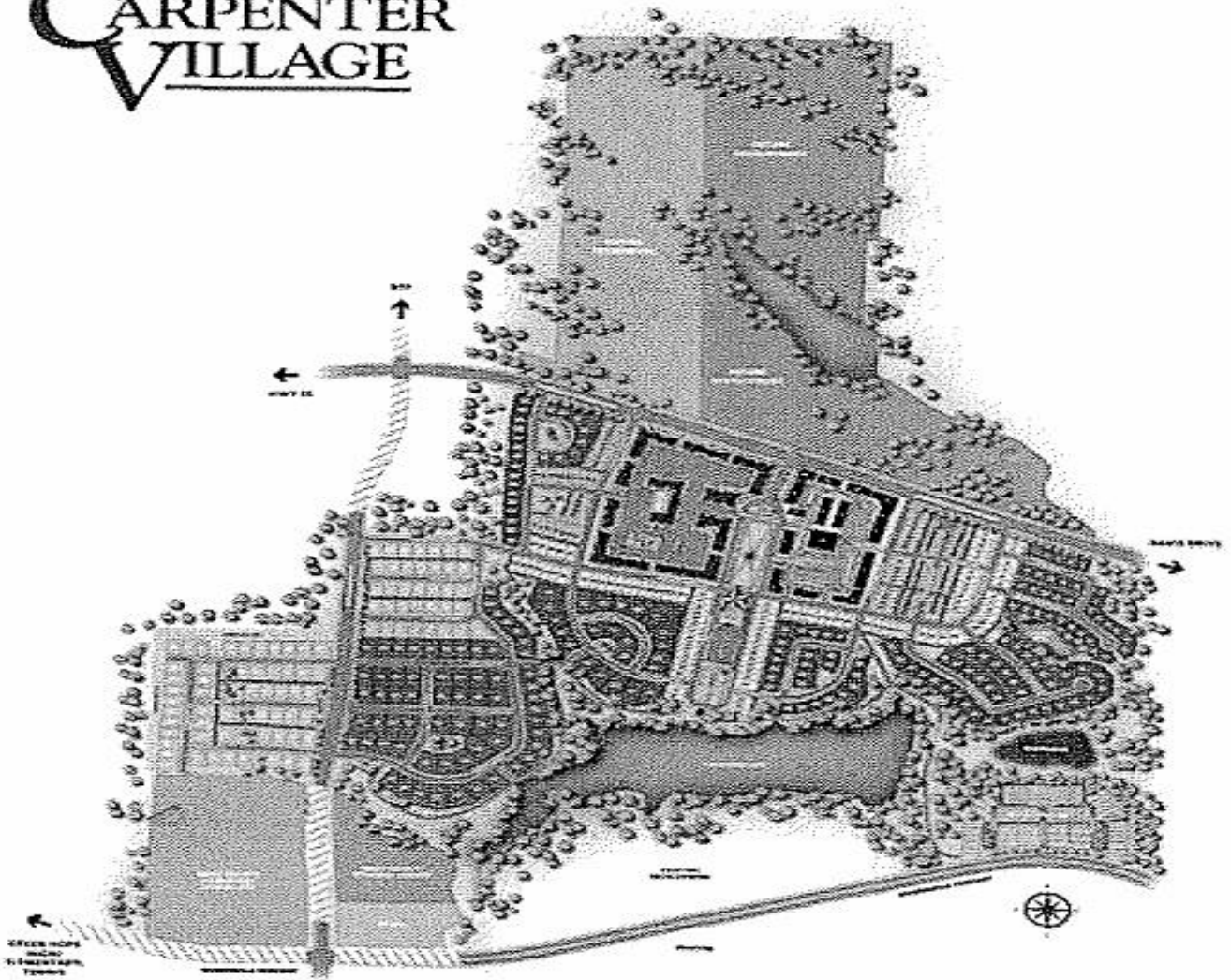
- D. Examples of Cluster Development Designs.



- E. Examples of Planned Neighborhood Developments Designs.



# CARPENTER VILLAGE



(Ord. No. O17-01, § 16.7.5, 3-7-2017)

## Chapter 16.08 CONDOMINIUMS AND TOWN HOMES

### 16.08.010 Condominium development.

- A. Exemptions. All condominium developments are subdivisions subject to the terms of these regulations except those exempted by MCA §76-3-203 as described below.
  - 1. The approval of the original division of land expressly contemplated the construction of the condominiums, and any applicable park dedication requirements in MCA §76-3-621 are complied with;  
or

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2. The condominium proposal is in conformance with applicable local zoning regulations where local zoning regulations are in effect.
- B. Procedures. All condominium developments, which are not exempt from subdivision review are subject to the applicable procedures contained in Chapter 16.03, Subdivision Review Procedures or Chapter 16.06, Subdivisions for Rent or Lease. The applicable subdivision procedure will be based on:
1. Whether a division of land is to be created;
  2. The number of proposed units; and
  3. Whether the land is a first or subsequent minor subdivision.

(Ord. No. O17-01, § 16.8.1, 3-7-2017)

### **16.08.020 Town home development.**

All town home developments are subject to the applicable procedures contained in Chapter 16.03 of these regulations and MCA §76-3-103(2). The applicable subdivision procedure will be based on:

- A. The number of proposed units; and
- B. Whether the land is a first or subsequent minor subdivision.

(Ord. No. O17-01, § 16.8.2, 3-7-2017)

### **16.08.030 Standards.**

- A. Condominium and town home developments shall comply with those standards contained in Chapter 16.04, Development Requirements, and Chapter 16.10, Parks, Trails, and Open Space.
- B. All buildings and structures in a condominium or town home development shall be located at least twenty feet from the property line adjoining a public right-of-way or private access easement, and ten feet from all other perimeter property lines.
- C. Condominium developments shall comply with all applicable provisions of the Unit Ownership Act — Condominiums, Title 70, Chapter 23, Mont. Code Ann., as amended.

(Ord. No. O17-01, § 16.8.3, 3-7-2017)

## **Chapter 16.09 ENVIRONMENTAL ASSESSMENT.**

### **16.09.010 Purpose.**

The environmental assessment is a tool by which to evaluate a proposed subdivision's impact on the natural environment, adjacent properties, local services, and the community as a whole. From this evaluation the most appropriate course of action can be determined to mitigate any negative impacts created by the subdivision. The environmental assessment is required by MCA §76-3-603, unless otherwise exempted.

(Ord. No. O17-01, § 16.9.1, 3-7-2017)

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### **16.09.020 General requirements.**

- A. Major Subdivision. The subdivider shall provide an environmental assessment with the submittal of the preliminary plat containing the following information:
  - 1. A description of the surface and ground water, geology and soils, vegetation, and wildlife within the area of the proposed subdivision, as required by Section 16.09.030, Environmental Description Contents, of these regulations.
  - 2. A community impact report containing an analysis of anticipated impacts of the proposed subdivision on the community and local services as required by Section 16.09.040, Community Impact Report Contents, of these Regulations.
  - 3. A summary of probable impacts of the proposed subdivision based on the criteria described in MCA § 76-3-608 as required by Section 16.09.050, Summary of Probable Impacts, of these regulations.
  - 4. Additional relevant and reasonable information related to the applicable regulatory criteria per MCA § 76-3-501 as may be required by the AGB or designee.
- B. Subsequent Minor Subdivision. When a subsequent subdivision exceeds an aggregate of five lots from original tract of record an environmental assessment must accompany the preliminary plat and shall include only the summary of probable impacts of the proposed subdivision based on the criteria described in MCA § 76-3-608, as required by Section 16.09.050, Summary of Probable Impacts, of these regulations.
- C. Exemptions. The following subdivisions shall not be required to submit an environmental assessment:
  - 1. A first minor subdivision from a tract of record (MCA §76-3-609(3)).
  - 2. A subdivision qualifying for expedited review as described in Section 16.03.110 of these regulations.
  - 3. Other subdivisions that satisfy all of the following criteria (MCA § 76-3-608(7)):
    - a. The proposed subdivision is completely within an area adopted by the Growth Policy pursuant to MCA § 76-1-601, et seq.
    - b. The proposed subdivision is located within zoning pursuant to MCA § 76-2-201 through MCA § 76-2-328.
    - c. The proposed subdivision is located within an area where a long-range public works development program (i.e. Capital Improvements Plan) has been adopted.

(Ord. No. O17-01, § 16.9.2, 3-7-2017)

### **16.09.030 Environmental description contents.**

- A. Surface Water.
  - 1. Locate on a plat overlay or sketch map all surface water and the delineated floodways that may affect or be affected by the proposed subdivision including natural water systems (streams, lakes, rivers, or marshes), artificial water systems (canals, ditches, aqueducts, reservoirs, irrigation or drainage systems), and land subject to flooding (see also Section 16.04.140 and Appendix O, Flood Hazard Evaluation).
  - 2. Describe all surface water that may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year that water is present.

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3. Describe the proximity of proposed construction (such as buildings, sewer systems, roads) to surface water.
  4. Describe any existing or proposed stream bank or shoreline alterations and/or any proposed construction or modification of lakebeds or stream channels. Provide information on the location, extent, type, and purpose of any proposed alteration.
  5. Please indicate which of the following water quality permits have been or will be applied for and describe the reasons why these permits are required.

PERMIT AGENCY

310 Permit Local Conservation District

SPA 124 Permit Department of Fish, Wildlife and Parks

Floodplain Permit County Floodplain Administrator

Section 404 Permit, Section 10 Permit U. S. Army Corps of Engineers

318 Authorization Department of Environmental Quality

Navigable Rivers Land Use License or Easement

Department of Natural Resources and Conservation

B. Ground Water.

1. Using available information, provide the estimated seasonal minimum and maximum depth to the water table, dates on which these depths were determined, and the location and depth of all known aquifers that may be affected by the proposed subdivision.
2. Provide a description of any steps necessary to avoid the degradation of groundwater and groundwater recharge areas.

C. Geology/Soils/Slopes.

1. Using available information locate on a plat or overlay any known geologic hazards affecting the proposed subdivision which could result in property damage or personal injury due to any of the following: rock falls or slides; land, mud or snow slides; high water table, unstable or expansive soil conditions, slopes greater than twenty-five percent.
2. Explain the measures that will be taken to prevent or materially lessen the danger of future property damage or injury due to existing geologic hazards.
3. Provide a statement describing any unusual soil, topographic or geologic conditions on the property, which may limit the capability for construction or excavation using ordinary and reasonable techniques. The statement should address conditions such as shallow bedrock, high water table, unstable or expansive soil conditions, and slope. Describe the location and amount of any cut or fill three or more feet in depth. Where cuts or fills are necessary, describe prevention of erosion and the promotion of re-vegetation, such as replacement of topsoil and grading.
4. Include soil reports obtained from the USDA, Natural Resource and Conservation Service (NRCS) containing the physical properties and engineering indexes for each soil type, the soil limitations for sanitary facilities, building site development, and water features for each soil type. Describe any special design methods planned to overcome the soil limitations.

D. Vegetation.

1. Indicate the distribution of the major vegetation types and identify critical plant communities as identified by the NRCS.

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2. Describe measures to preserve trees and critical plant communities (e.g., design and location of roads, lots and open spaces).

E. Wildlife.

1. Describe species of fish and wildlife that inhabit the area affected by the proposed subdivision.
2. Identify on an exhibit map any known critical or "key" wildlife areas, such as big game winter range, migration routes, waterfowl nesting areas, habitat for rare or endangered species, and wetlands.
3. Submit the impacts of the proposed development on fish and wildlife as identified by the Montana Department of Fish, Wildlife, and Parks (MFWP). Provide a written statement outlining any recommendation of MFWP and any mitigation efforts to mitigate adverse impacts.

(Ord. No. O17-01, § 16.9.3, 3-7-2017)

### **16.09.040 Community impact report contents.**

A. Impact on agriculture and agricultural water user facilities.

1. Describe the number of acres in crop production and whether the property is in whole or in part a viable farm unit, e.g. was the property under production during the last regular season.
2. Describe the uses of land within the vicinity of the proposed subdivision.
3. Describe existing irrigation rights on the property and whether the rights will be transferred, retained by the original owner, or severed.
4. Explain any modification or relocation of ditches or any easements to be provided with the subdivision. The subdivider shall notify the affected ditch company of the subdivision and shall obtain permission to reroute or alter the ditch in any way.

B. Impact on local services and public health and safety.

1. Water Supply.

- a. Describe how water will be provided for domestic use and fire protection.
- b. Indicate the number of gallons per day of water the proposed subdivision will require and whether the water supply is sufficient to meet the needs of the anticipated population of the subdivision. Describe any anticipated effects on existing water systems or wells within the area.
- c. Based on available information, specify whether the proposed water supply satisfies the standards set forth by MDEQ for quality, quantity and construction criteria.
- d. If connection to an existing public, community, or shared water system is proposed, identify and describe the existing system and approximate distance to the connection from the proposed subdivision.
  - (1) Provide written evidence that permission to connect to that system has been obtained.
  - (2) Provide information regarding the capacity of the existing water system and its adequacy for serving the proposed subdivision.
- e. If a new community or shared water system is proposed, identify who will install that system, and how the system will be maintained.
- f. If individual water systems are proposed, describe the adequacy of supply of ground water for individual wells or cisterns and the method used to determine adequacy.

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2. Sewage Disposal.
    - a. Describe the proposed method of sewage disposal.
    - b. Indicate the number of gallons of effluent per day that will be generated by the proposed subdivision at full occupancy, whether the proposed method of sewage disposal is sufficient to meet the anticipated needs of the subdivision, and whether it meets the standards of MDEQ.
    - c. If connection to an existing public sewer system is proposed, provide a description of the system and the approximate distance from proposed subdivision.
      - (1) Provide written evidence from the appropriate sewer jurisdiction granting permission to connect to that system shall be submitted with the preliminary plat.
      - (2) Provide information regarding the installation, maintenance, and phasing of any proposed public sewage disposal system.
    - d. If a new community or shared sewer system is proposed, identify who will install that system, and how the system will be maintained.
    - e. If individual septic systems are proposed, describe the location and specifications of septic systems.
  3. Solid Waste Disposal.
    - a. Provide evidence that there is an existing solid waste collection and disposal system available that can accommodate the anticipated additional volume.
    - b. If no existing collection and disposal system is available, describe the proposed method of solid waste collection and disposal.
    - c. Describe how the proposed system satisfies the standards set forth by MDEQ.
  4. Storm water.
    - a. Provide calculations indicating how much storm water run-off will be generated as a result of the proposed development.
    - b. Provide a description of the proposed storm water collection and drainage systems that satisfy the standards set forth by Section 16.04.070.
  5. Roads.
    - a. Describe any proposed access roads or substantial improvements to existing public or private access roads.
    - b. If connections to any existing roads are proposed, identify all access permits that are necessary from the city, county or state.
    - c. Discuss whether any of the individual lots or tracts have access directly to arterial roads.
    - d. Explain any proposed closure or modification of existing roads.
    - e. Describe provisions considered for dust control on roads.
    - f. Explain how road maintenance will be provided to meet MDEQ guidelines for prevention of water pollution and erosion.
    - g. Indicate who will pay the cost of installing and maintaining the roads.
    - h. Discuss how much daily traffic will be generated on existing local and neighborhood roads and main arterials when the subdivision is fully developed.

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- i. Indicate the capacity of existing and proposed roads and if they are capable of safely handling the increased traffic resulting from the proposed subdivision. Describe any additional maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
  - j. Indicate ownership of any private access to the subdivision, including private driveway easements.
6. Utilities.
- a. Indicate which utility companies are proposed to serve the subdivision.
  - b. State the method of furnishing electric, natural gas or telephone service, where provided, the extent to which these utilities will be placed underground, and the estimated completion of each utility installation.
  - c. Indicate if there are any existing utility lines on the property such as transmission lines, pipelines, etc. and if so, describe the impacts they may have on the proposed subdivision.
7. Emergency Services.
- a. Describe the emergency services available to the subdivision including fire protection, police protection, ambulance, and medical services.
  - b. Provide an estimate of the number of responses generated by the subdivision, and the method of determining those numbers.
  - c. Describe roads to the subdivision and provide information on compaction standards and widths that satisfy the requirements set forth for emergency vehicle access.
  - d. In the event that the proposed subdivision is located within the Wildland Urban Interface (WUI), the subdivider shall submit a plan to mitigate fire hazard in accordance with the fire department having jurisdiction.
  - e. Describe any health or safety hazards on or near the subdivision, such as mining activity, high-pressure gas lines, dilapidated structures or high voltage power lines. These conditions should be accurately described and their origin and location identified and any proposed mitigation.
8. Schools.
- a. Describe the available educational facilities that would service this subdivision.
  - b. Provide an estimate of the number of school children that will be generated from the proposed subdivision and provide the basis for the estimate.
  - c. Provide information regarding whether increased enrollment can be accommodated by the present personnel, facilities and the existing school bus system. This should include any recommendations of the administrator(s) and plans to mitigate adverse impacts of the proposed development on the provision of educational services.
9. Parks and Recreation Facilities.
- a. Describe any park and recreation facilities to be provided within the proposed subdivision and other recreational facilities that may serve the subdivision.
  - b. State how the required parkland dedication is being satisfied.
- C. Land Use.
- 1. Indicate compliance with zoning encompassing all or part of the proposed subdivision. If the proposed subdivision is located near the jurisdictional area of an incorporated city or town, state whether annexation is proposed.

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2. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands.
  3. Describe the effect of the subdivision on adjacent land uses.
  4. Describe any on-site or off-site land uses creating a nuisance, such as unpleasant odors, unusual noises, dust or smoke.
- D. Historical Features. Provide a letter from the State Historic Preservation Office (SHPO) indicating whether any historic features such as paleontological, archeological or cultural sites, structures, or objects are present on the subject property. If such features are present, provide a written statement outlining any recommendations of SHPO and any plans for inventory, study and/or preservation and mitigation for any adverse impacts.
- E. Visual Impact.
1. Describe any efforts to visually blend development activities with natural surroundings.
  2. If the subdivision is located near the Yellowstone River or the Rimrocks, describe any potential impacts to these natural amenities. Discuss any mitigation efforts to preserve the views.
  3. Provide information regarding revegetation after construction and any proposed landscaping to be provided along streetscapes.

(Ord. No. O17-01, § 16.9.4, 3-7-2017)

#### **16.09.050 Summary of probable impacts.**

- A. Describe the effects the proposed subdivision has on the following:
1. Agriculture;
  2. Agricultural water user facilities;
  3. Local services;
  4. The natural environment;
  5. Wildlife and wildlife habitat; and
  6. Public health and safety.

(Ord. No. O17-01, § 16.9.5, 3-7-2017)

### **Chapter 16.10 DEDICATION OF PARKS, TRAILS, AND OPEN SPACE**

#### **16.10.010 Park land dedication requirements (MCA §76-3-621).**

- A. Except as provided in Sections 16.10.070 and 16.10.080 herein, a subdivider shall dedicate to the city a cash or land donation equal to:
1. Eleven percent of the area of the net land proposed to be subdivided into parcels of one-half acre or smaller;
  2. Seven and one-half percent of the area of the net land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre;

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3. Five percent of the area of the net land proposed to be subdivided into parcels larger than one acre and not larger than three acres; and
  4. Two and one-half percent of the area of the net land proposed to be subdivided into parcels larger than three acres and not larger than five acres.
- B. Park dedication requirements for subdivisions that provide for multi-family and condominium developments, and that provide permanent, multiple spaces for recreational camping vehicles or manufactured homes are as follows:
1. Eleven percent of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;
  2. Seven and one-half percent of the area of the net land proposed to be developed at a density of between one dwelling unit per half acre and one dwelling unit per one acre;
  3. Five percent of the area of the net land proposed to be developed at a density of between one dwelling unit per one acre and one dwelling unit per three acres; and
  4. Two and one-half percent of the area of the net land proposed to be developed at a density of between one dwelling unit per three acres and one dwelling unit per five acres.
- C. The governing body, in consultation with the subdivider and the planning board, may determine suitable locations for parks and playgrounds and, provided that consideration is given to the preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. The combination could include some land dedication to meet the requirement with the cash-in-lieu balance going toward park improvements on the land dedicated. In determining whether land or cash is suitable, proximity to existing parks, including schools and other public or private recreational facilities shall be considered.
- D. A park maintenance district shall be formed or expanded with any new parkland dedication.
- E. The governing body, in consultation with the subdivider, the planning board, provided that consideration is given to the preference of the subdivider, may determine suitable locations for parks and playgrounds. In general parkland should not consist of wet lands, steep slopes, stormwater retention ponds. It should be noted stormwater ponds may be located in parkland, but it cannot contribute to the over all aggregate acreage requirement.

(Ord. No. O17-01, § 16.10.1, 3-7-2017)

**16.10.020 School land dedication in lieu of park land dedication (MCA §76-3-621(8)).**

Subject to the approval of the governing body and acceptance by the Laurel School Board of Trustees, a subdivider may dedicate land as required by herein to the school district.

(Ord. No. O17-01, § 16.10.2, 3-7-2017)

**16.10.030 Linear park land dedication for trail corridors.**

To be consistent with Laurel's Bike/Ped Plan Heritage Trail Plan, City and County Growth Management Plan, and the Yellowstone River Greenway Master Plan linear parks for trails may be counted toward the required parkland dedication.

(Ord. No. O17-01, § 16.10.3, 3-7-2017)

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#### **16.10.040 Storm water detention/retention ponds in parks.**

Storm water detention or retention ponds may be located within public park land, but such areas shall not count toward the park land dedication requirement unless they are designed and constructed to serve as an amenity to the park and fit into the planned uses and improvements to the park. An example of a storm water detention area that is an amenity to a park could be several ponds with water features connecting them designed to have a trail around them with picnic shelters.

(Ord. No. O17-01, § 16.10.4, 3-7-2017)

#### **16.10.050 Determining cash contribution for park land.**

Upon submittal of a final plat application, the subdivider shall provide one of the following to verify the fair market value of the land being subdivided that supports the cash contribution for park land the subdivider is providing:

- A. A comparative market analysis performed by a licensed realtor that meets the following criteria:
  - 1. It provides the per acre sale price of at least three comparable parcels of land;
  - 2. The comparable sales must have occurred within one year of the date of the subdivision final plat application submittal; and
  - 3. The comparable sales must be within two miles of the subdivision.
- B. A raw land appraisal by a licensed appraiser.
- C. The sale price of the property being subdivided if it was purchased within one year of the date of the subdivision final plat application submittal.

(Ord. No. O17-01, § 16.10.5, 3-7-2017)

#### **16.10.060 Use of dedicated money or land for parks (MCA §76-3-621(5)).**

The appropriate governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision and community as follows:

- A. The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks, or recreational areas, or use the money for the purchase of public open space or conservation easements only if:
  - 1. The park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision within the city;
  - 2. the council has formally adopted a park plan that establishes the needs and procedures for use of the money; or
  - 3. Complies with the adopted comprehensive parks plan for the city.
- B. The governing body may not use more than twenty-five percent of the dedicated money for park maintenance.

(Ord. No. O17-01, § 16.10.060, 3-7-2017)

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### **16.10.070 When park land dedication may not be required (MCA §76-3-621(3)).**

The following subdivisions may not require parkland dedication:

- A. Land proposed for subdivision into parcels larger than five acres;
- B. Subdivision for parcels that are all nonresidential;
- C. A subdivision in which parcels are not created, except when that subdivision provides permanent multiple spaces for recreational camping vehicles or mobile homes; or
- D. A first minor subdivision from a tract of record as described in MCA § 76-3-609(2).

(Ord. No. O17-01, § 16.10.7, 3-7-2017)

### **16.10.080 Waiving park land dedication requirement (MCA §76-3-621(6)).**

The governing body shall waive the park dedication requirement if:

- A. The subdivision provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under these regulations.
- B. The subdivision provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and the area of the land proposed to be subdivided, by virtue of providing long-term protection is reduced by an amount equal to or exceeding the area of the dedication required under Section 16.10.010 of these regulations.
- C. The area of the land proposed to be subdivided, by virtue of a combination of the provisions of Sections 16.10.080(A) and (B) is reduced by an amount equal to or exceeding the area of the dedication required under Section 16.10.010
- D. The subdivider dedicates land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and the area of the land equals or exceeds the area of the dedication required under Section 16.10.010.

(Ord. No. O17-01, § 16.10.8, 3-7-2017)

## **Chapter 16.11 ADMINISTRATIVE PROVISIONS.**

### **16.11.010 Variances.**

The AGB may grant reasonable variances from only the design and improvement standards of these regulations when strict compliance would result in undue hardship and the result would not negatively affect public health and safety. The granting of a variance shall not have the effect of nullifying the intent and purpose of these regulations. The AGB may not approve a variance that would permit structures within the one hundred-year floodplain, as defined in MCA § 76-5-101.

The planning board shall conduct a public hearing on any variance requested for all subdivisions prior to taking action on the preliminary plat application.

- A. Requesting a Variance. The subdivider shall include with the submission of the preliminary plat a written statement describing the facts of hardship upon which the request for the variance is based.

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Each requested variance shall be deemed a separate application, for which a fee shall be required, to be processed concurrently with the preliminary plat. Information addressing each of the following findings shall accompany the application to be approved by the AGB. The latter shall not approve variances unless the subdivider has demonstrated that the request satisfies the following findings:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
  2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced;
  3. The variance will not result in an increase in taxpayer burden;
  4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or growth policy; and
  5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.
- B. In granting variances, the AGB may require conditions of approval that will, in their judgment, secure the objectives of these regulations.
- C. When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.
- D. An application for a variance is not necessary where planned neighborhood developments are proposed, as modifications to the standards and requirements of these Regulations may be approved by the AGB.

(Ord. No. O17-01, § 16.11.1, 3-7-2017)

#### **16.11.020 Amendments to subdivision regulations.**

- A. These regulations may be amended by both governing bodies by their own motion or upon recommendation of the planning board.
- B. Prior to amending these regulations the governing bodies shall conduct a public hearing and public notice shall be given of the intent to amend these regulations and of the public hearing by publication of the time and place of the hearing in a newspaper of general circulation in the city not less than fifteen days prior to the date of the hearing.

(Ord. No. O17-01, § 16.11.2, 3-7-2017)

#### **16.11.030 Corrections or vacations of recorded final plats and supporting documents.**

- A. Corrections to recorded final plats shall be processed as exempt plats pursuant to the requirements set forth in Appendix B, provided that there is evidence of at least one of the following:
1. There is a discrepancy in the map;
  2. Material evidence is provided that does not appear on any map filed by the Yellowstone County Clerk and Recorder;
  3. There is evidence that suggests alternate locations of lines or points; or

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4. The recorded plat does not positively show the location, size of lots or blocks, or the location or width of any street or alley.
- B. Corrections to a recorded subdivision improvements agreement (SIA) or other supporting document of the final plat to which the AGB is party, may be submitted provided that they do not significantly alter the original approval. Requests to alter a recorded SIA or supporting document shall follow these procedures:
1. A written request to amend the recorded document shall be submitted to the planning department.
  2. The request will be circulated for review by the agencies affected by the proposed amendment. The planning department will, in consultation with the affected agencies, submit a recommendation to the AGB.
  3. A public hearing may be required based on the information received by the reviewing agencies. Notice of the public hearing shall be given in accordance with these regulations.
  4. The AGB may approve the request if it does not significantly alter the original approval and does not conflict with the review criteria set forth in these regulations.
- C. Any plat prepared and recorded in accordance with these regulations may be vacated, either in whole or in part.
1. If the vacation affects five or fewer lots it shall be processed as an exempt plat pursuant to the requirements set forth in Appendix B.
  2. If the vacation affects six or more lots it shall be reviewed as an amended plat pursuant to Section 16.11.040 of these regulations.
  3. If the vacation includes public rights-of-way, the applicant must first obtain approval for the right-of-way vacation from the governing body in accordance with the applicable procedures. Title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions, as determined by the AGB or designee.
  4. When any utility lines or any other public or private facility are located in a vacated street or alley, at the time of the reversion of the title to the vacated street or alley, the owner of the public or private utility facility shall be granted an easement over the vacated land to continue the operation and maintenance of the public or private utility facility.

(Ord. No. O17-01, § 16.11.3, 3-7-2017)

#### **16.11.040 Corrections or adjustments to plats, conditions and supporting documents after preliminary plat approval.**

- A. Minor adjustments may be approved by the planner, in consultation with the appropriate agencies, prior to the filing of the final plat. Minor adjustments are those changes, which, in the opinion of the planner, do not affect the basic character of lots or blocks, do not affect the open space requirement, and do not affect the original street design. Minor adjustments shall not change existing conditions of approval or require additional conditions. Minor adjustments may require that a new plat be drawn; however they do not require that the plat be resubmitted for preliminary plat review.
- B. Major adjustments are those, which, in the opinion of the planner, substantially alter the basic design, or alter open space requirements of the subdivision. Changes to conditions of approval placed on the preliminary plat shall be considered major adjustments unless otherwise determined using the criteria in Section 16.11.040(C), below. Any changes, which constitute a major adjustment, shall require that a new plat be drawn and the plat be re-submitted for preliminary plat review.

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- C. Requested Amendments to Conditions. Upon written request of the subdivider, the AGB may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible or illegal. Requests to amend a condition of approval shall follow these procedures:
1. The request to amend the condition shall be submitted in writing to the planning department.
  2. The request will be circulated for review by the agencies affected by the proposed amendment. The planning department will, in consultation with the affected agencies, submit a recommendation to the AGB.
  3. A public hearing may be required based on the information received by the reviewing agencies. Notice of the public hearing shall be given in accordance with these regulations.
  4. The AGB may approve the request if it can be found that the original condition is unnecessary, impossible or illegal and does not conflict with the review criteria set forth in these regulations.
- D. Once the preliminary plat is approved, unless inaccurate or incomplete information has been found or a change to a condition has been requested, the AGB may not impose any additional conditions as a prerequisite to final plat approval, providing that approval is obtained within the original or extended approval period as provided in these regulations.

(Ord. No. O17-01, § 16.11.4, 3-7-2017)

#### **16.11.050 Appeals.**

- A. A person who has filed with the AGB an application for a subdivision under these regulations may bring an action in district court to sue the AGB to recover actual damages caused by a final action, decision, or order of the AGB or these Regulations that is arbitrary or capricious.
- B. A party who is aggrieved by a decision of the AGB to approve, conditionally approve, or disapprove a proposed preliminary plat or final subdivision plat may, within thirty days after the decision, appeal to the district court. The petition must specify the grounds upon which the appeal is made.
- C. The following parties may appeal under the provisions of Section 16.11.050(B):
1. The subdivider;
  2. A landowner with a property boundary contiguous to the proposed subdivision or a landowner with property within the city/county where the subdivision is proposed if that landowner can show a likelihood of material injury to the landowner's property or its value; or
  3. The Yellowstone County Board of County Commissioners.
- D. For the purposes of this section, "aggrieved" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

(Ord. No. O17-01, § 16.11.5, 3-7-2017)

#### **16.11.060 Schedule of fees.**

The required fee shall accompany the preliminary plat, final plat, exempt surveys, and any proposed variances. A schedule of fees for plats shall be established by the city council by resolution.

(Ord. No. O17-01, § 16.11.6, 3-7-2017)

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**16.11.070 Penalty for violation.**

A. Except as provided in MCA § 76-3-303, every final subdivision plat shall be filed with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. If illegal transfers are completed, an attorney for the city shall commence action to enjoin further sales or transfers and compel compliance with the provisions of the Montana Subdivision and Platting Act (MCA §76-3-101 et seq.) and these regulations. The cost of such action shall be imposed against the person transferring the property.

Each sale, lease or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these Regulations shall be deemed a separate and distinct offense.

B. Any person who violates any of the provisions of the Montana Subdivision and Platting Act (MCA § 76-3-101 et seq.) or these regulations is guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in jail for not more than three months or by both fine and imprisonment.

(Ord. No. O17-01, § 16.11.6, 3-7-2017)

**APPENDIX A**

**Jurisdictional Area Map**





Title 16 - SUBDIVISIONS  
APPENDIX B

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1. Any person seeking exemption from MSPA shall submit to the Planner (1) a certificate of survey, exempt amended plat, or where a survey is not required an instrument of conveyance, and (2) evidence of, and a notarized statement affirming, entitlement to the claimed exemption signed by the landowner.
2. When a certificate of survey, exempt amended plat, or instrument of conveyance is submitted to the Planner, the latter shall examine the proposed land division to determine whether it complies with the requirements of this Appendix, the MSPA, and the Montana Sanitation in Subdivisions Act (MCA §76-4-101, et seq.).
3. If the Planner finds that the proposed use of the exemption complies with the statutes and these criteria, the Planner shall recommend to the Clerk and Recorder the document be filed. If the Planner finds that the proposed use of the exemption is not in compliance, the Planner shall return the materials to the landowner with an explanation as to why the recordation was declined.
4. Any person whose proposed use of an exemption has been denied by the designated agents may appeal the agents' decision to the AGB.
5. Exempt divisions of land that would result in a pattern of development equivalent to a subdivision shall be presumed to be adopted for purposes of evading the Act. A "pattern of development" occurs whenever three or more parcels of less than 160 acres each with common covenants or facilities pertaining to each parcel have been divided from the original tract.
6. If the use of an exemption is determined to be an evasion of MSPA, the landowner may submit a subdivision application for the proposed land division.

**B. Exemption as a Gift or Sale to a Member of the Immediate Family (MCA §76-3-207(1)(b)).**

1. Statement of Intent: The intention of this exemption is to allow a landowner to convey one parcel to each member of the immediate family without local subdivision review. A single parcel may be conveyed to each member of the immediate family under this exemption in each county where the landowner owns property.
2. "Immediate family" is defined as the spouse, children by blood or adoption, or parents of the grantor (MCA §76-3-103(7)).
3. Any certificate of survey filed that would use this exemption to create a parcel for conveyance to a family member must clearly identify the name of the grantee, the grantee's relationship to the landowner, and the parcel to be conveyed under this exemption, and be accompanied by, or contain, the landowner's written certification of compliance. The certificate of survey or other instrument must also cite the exemption claimed and include language similar to that provided in Section H of this Appendix. Also, the certificate of survey or instrument of conveyance shall be accompanied by a deed or other conveying document.
4. One conveyance of a parcel to each member of the landowner's immediate family is eligible for exemption from subdivision review. However, the use of the exemption may not result in more than one remaining parcel of less than 160 acres.
5. Any proposed use of the family conveyance exemption to divide a tract that was previously created through use of an exemption shall be presumed to be an evasion of the Act if it creates a pattern of development consistent with an overall plan with characteristics such as common roads, utility easements, restrictive covenants, open space, or common marketing. This presumption will not be rebutted by previous ownership of the tracts, and pertains to remaining tracts of less than 160 acres as well as to those tracts that were previously created through the use of one or more of the exemptions.

6. The use of the family conveyance exemption to divide tracts that were created as part of an overall development plan with characteristics such as common roads, utility easements, restrictive covenants, open space or a common marketing or promotional plan shall be presumed that the use of the exemption is an evasion the Act.

**C. Exemption to Provide Security for a Construction Mortgage, Lien, or Trust Indenture (MCA §76-3-201(1)(b)).**

1. Statement of Intent: Under policies of many lending institutions and federal home loan guaranty programs, a landowner who is buying a tract with financing or through a contract for deed is required to hold title to the specific site on which the residence will be built. The intended purpose of this exemption is to allow a landowner who is buying a tract using financing or a contract for deed to segregate a smaller parcel from the tract for security for financing construction of a home on the property.
2. When claiming this exemption, the landowner shall submit the following documents to the City-County Planning Department:
  - a. A signed statement from both the landowner and the lending institution that the creation of the exempted parcel is necessary for the owner to secure construction financing through a construction mortgage, lien or trust indenture on the exempted parcel.
  - b. Any certificate of survey that uses this exemption must bear the acknowledged certificate of the property owner stating that the division of land in question is exempted from review as a subdivision, cite the exemption claimed, and include the language provided in Section H of this Chapter.
3. The use of this exemption is presumed to have been adopted for the purpose of evading MSPA if:
  - a. It will create a site for more than one dwelling unit;
  - b. The loan is for someone other than the owner of record or the recorded contract purchaser of the parcel to be divided.
  - c. It will create a pattern of development, which is equivalent to a subdivision with characteristics such as common roads, sewer, water, utility easements, restrictive covenants, open space or a common marketing or promotional plan.

**D. Exemption for Agricultural Purposes (MCA §76-3-207(1)(c)).**

1. Statement of Intent: The intention of this exemption is to allow a landowner to create a parcel without local review where the parcel will be used only for production of livestock or agricultural crops and where no residential, commercial, or industrial buildings will be built.
2. "Agricultural Purpose," for purposes of these evasion criteria, means the use of land for raising crops or livestock, or for the preservation of open space, and specifically excludes residential structures and facilities for commercially processing agricultural products. Agricultural lands are exempt from review by the Montana Department of Environmental Quality (MDEQ), provided the applicable exemption is properly invoked by the property owner.
3. The following conditions must be met or the use of the exemption will be presumed to have been adopted for the purposes of evading MSPA:
  - a. The parties to the transaction by gift, sale, or agreement, must enter into a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes or open space. The

covenant must be signed by the property owner, the buyer or lessee and the governing body. An example of a covenant is provided in Section H of this Chapter.

- b. The landowner must demonstrate that the planned use of the exempted parcel is for agricultural purposes and that no residential, commercial or industrial buildings will be built (e.g., a statement signed by the buyer).
- c. Any change in use of the land for anything other than agricultural purposes subjects the parcel to full review as a subdivision.
- d. Residential, commercial and industrial structures, including facilities for commercial processing of agricultural products are excluded uses on parcels created under this exemption unless the covenant is revoked and the land division is reviewed under Title 76, Chapter 3, Mont. Code Ann.
- e. A certificate of survey that uses this exemption must bear the acknowledged certificate of the property owner stating that the division of land in question is exempted from review as a subdivision, cite the exemption claimed, and include language similar to that provided in Section H of this Appendix.

**E. Relocation of Common Boundary (MCA §76-3-207(1)(a)(d) and (e)).**

1. Statement of Intent: The intended purpose of this exemption is to allow a change in the location of a boundary line between two parcels and to allow a one-time transfer of a tract to effect that change in location without subdivision review.
2. If the relocation of a common boundary would result in the permanent creation of an additional parcel of land, the division of land must be reviewed as a subdivision. If a temporary tract is created, language shall be added to indicate that the temporary tract is merged forever with the adjacent tract.
3. Within a platted subdivision, a division of lots that redesigns or rearranges six or more lots must be reviewed and approved by the AGB and an amended plat and must be filed with the County Clerk and Recorder in accordance with Section 16.12.020 of these Regulations.
4. Certificates of survey or amended plats claiming this exemption must be clearly distinguished between the existing boundary location and the new boundary. This shall be accomplished by representing the existing boundary with a dashed line and the new boundary with a solid line. The appropriate certification must be included on the certificate of survey as provided in Section H of this Appendix.

**F. Remainder Parcels.**

Statement of Intent: Any part of an original tract of record, less than 160 acres that is left following the segregation of other parcels from the tract for the purpose of transfer shall be reviewed as part of the subdivision.

**G. Certification.**

1. **Exemption Certificates.** The following represents examples of certificates to be used on certificates of surveys for the following types of exemptions: relocation of common boundaries, land gift or sale to family member, agricultural exemption, and security for constructions.

**CERTIFICATE OF EXEMPTION**

**(FAMILY GIFT OR SALE)**

I (We) certify that the purpose of this survey is to create Tract # \_\_\_\_ for transfer of ownership as a family gift or sale and that no prior family sale has been conveyed to (name), our (my) (relationship) \_\_\_\_\_ and that this exemption complies with all conditions imposed on its use. Therefore this survey is exempt from review as a subdivision pursuant to Section MCA §76-3-207(1)(b).

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DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

*(Signature)*

Property Owner(s)

**CERTIFICATE OF EXEMPTION  
(RELOCATION OF COMMON BOUNDARY)**

I (We) certify that the purpose of this survey is to relocate common boundaries between adjoining properties existing outside of a platted subdivision. Therefore this survey is exempt from review as subdivision pursuant to Section MCA §76-3-207(1)(a)(d) or (e).

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

*(Signature)*

Property Owner(s)

**CERTIFICATE OF EXEMPTION  
(FOR AGRICULTURAL PURPOSES)**

I (We) certify that the purpose of this survey is to create Tract # \_\_\_\_\_, as shown on this certificate of survey, for gift or sale, which is to be used for agricultural purposes only, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section MCA § 76-3-207(1)(c). I also hereby enter a covenant, to run with the land, that Tract \_\_\_\_\_ as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or sewer facilities shall be utilized on Tract \_\_\_\_\_. This covenant is revocable only by the mutual consent of the governing body and the property owner.

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

*(Signature)*

Property Owner(s)

**CERTIFICATE OF EXEMPTION  
(SECURITY FOR CONSTRUCTION)**

I certify that the purpose of this survey is to create a parcel of land to provide security for construction or loan purposes and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section MCA §76-3-201(1)(b) and from review by the Montana Department of Environmental Quality (16.16.605(1)(b)).

DATED THIS \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

*(Signature)*

Property Owner(s)

(Ord. 07-01 (part), 2007)

**APPENDIX C**

**Pre-Application Meeting Form\***

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APPENDIX C

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Application Date:

Name of Owner: \_\_\_\_\_ Phone:

Address:

Name of subdivision (if known):

Surveyor/Engineer: Phone:

Address:

**Parcel Description**

Legal Description:

General Location:

Parcel Size:

Number of Lots:

Existing Zoning:

Proposed Zoning:

Existing and Proposed Use:

\* This application shall be accompanied by 6 conceptual drawings at least one (1) week in advance of the pre-application meeting.

**City of Laurel      Received stamp:**

**PO Box 10      (City)**

**Laurel, Mt. 59044**

**406-628-4796**

(Ord. 07-01 (part), 2007)

## APPENDIX D

### Preliminary Plat Requirements

The following information is required for all preliminary plat submittals:

**Submittal Copies:**

\_\_\_ 24"x36" plat and supplements (number of copies specified by staff)

\_\_\_ 11"x17" plat and supplements (number of copies specified by staff)

  1   Electronic copy of plat (in AutoCad® or ArcInfo® format) and supplements (a high quality scanned copy in .jpg or .pdf may suffice if other formats are unavailable)

  1   Electronic copy of plat (in .jpg or .pdf format)

**Plat Contents:**

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1. Subdivision name that does not duplicate an existing subdivision name
2. Legal description including quarter section, Township and Range
3. Owner, subdivider (if different from owner), engineer and surveyor
4. Date plat was prepared
5. North arrow and scale bar
6. Vicinity map of sufficient detail to locate the subdivision
7. Names and addresses of adjoining property owners
8. Names of adjoining subdivisions and certificates of survey
9. Location of all existing physical features on land adjacent to and within subdivision, including but not limited to:
  - Structures
  - Utilities
  - Irrigation facilities
  - Rock outcrops
  - Areas of 25% slope or greater
10. Locations and dimensions of:
  - Proposed streets and street names that do not duplicate existing street names
  - Sidewalks and/or pathways, trails
  - Alleys, internal private streets, driveways
  - Easements
  - Parkland
  - Street centerline curve radii
11. Proposed layout of:
  - Water distribution system
  - Sanitary sewer system
  - Storm drainage facilities
  - Location of nearest available utilities
12. Lot lines, lot numbers, lot areas and block numbers
13. Site data including:
  - Number of lots
  - Maximum lot area
  - Minimum lot area
  - Area of parkland
  - Linear feet of streets

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- Net and gross acreage of land to be subdivided
  - Existing and proposed zoning
  - Existing and proposed land use
14. Tentative finished grades of each street indicated by spot elevations
  15. Location of streams, lakes, wetlands, floodplain boundaries, and land subject to flooding
  16. In case of a subsequent subdivision, the subdivision superimposed on a copy of the existing plat
  17. All plats shall be neatly drawn in a professional manner
  18. All plats to be filed as an Addition to the City shall be noted in title
  19. Contour lines of not more than five foot intervals; where lots are proposed on slopes 10% or less, contours must be shown at two-foot intervals
  20. Approximate location of all sections lines and corners pertinent to the proposed subdivision.
- (Ord. 07-01 (part), 2007)

**APPENDIX E**

**Preliminary Plat Application**

**Subdivision Name:**

**Date of Preapplication Meeting:**

**Type:** Major \_\_\_\_\_ First Minor \_\_\_\_\_ Subsequent Minor \_\_\_\_\_

**Tax Code:**

**Location:**

**Legal Description:**

**¼ Section:** \_\_\_\_\_, **Township:** \_\_\_\_\_, **Range:** \_\_\_\_\_

**General Location:**

**Subdivider Information:**

Name (Include a list of officers if corporation):

Address:

Telephone: \_\_\_\_\_ E-mail:

**Owner Information:**

Name:

Address:

Telephone: \_\_\_\_\_ Email:

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**Plat Data:**

Gross Area:

Net Area:

Number of Lots:

Maximum Lot Size:

Minimum Lot Size:

Linear Feet of Streets:

Existing Zoning:

Surrounding Zoning:

North:

South:

East:

West:

Existing Land Use:

Proposed Land Use:

**Parkland Requirement:**

Land: \_\_\_\_\_ Acres: \_\_\_\_\_

Cash: \_\_\_\_\_ Cash: \$ \_\_\_\_\_

**Variances Requested (list and attach Variance Request):**

- 1.
- 2.
- 3.

**Service Providers for Proposed Subdivision**

Gas:

Electric:

Telephone:

School (Elementary, Middle, High):

Irrigation District:

Cable Television:

**List of Materials Submitted with Application**

- 1.
- 2.
- 3.



- 4.
- 5.
- 6.

**Agent Information**

Name:

Address:

Telephone:

I declare that I am the owner of record of the above-described property, and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, is true and correct.

**Owner of Record Date**

**Owner Under Contract Date**

The submission of a preliminary plat application constitutes a grant of permission by the subdivider to enter the subject property.

(Ord. 07-01 (part), 2007)

## APPENDIX F

### Required Supporting Documents for Major Preliminary Plat Applications

1. Names and addresses of immediately adjoining property owners typed or neatly printed on address labels.
2. Draft Subdivision Improvements Agreement (Appendix L).
3. Environmental Assessment or Summary of Probable Impacts, when applicable (Article 23-900).
4. Traffic Accessibility Study (TAS) when applicable, containing the following information:
  - a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
  - b. Trip distribution;
  - c. Traffic assignment;
  - d. Capacity analysis;
  - e. Evaluation; and
  - f. Recommended access plan, including access points, modifications, and any mitigation techniques.
  - g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
  - h. Traffic graphics, which show:
    - AM peak hour site traffic;

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- PM peak hour site traffic;
  - AM peak hour total traffic;
  - PM peak hour total traffic;
  - Total daily traffic (with site generated traffic shown separately).
- i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
- All major drive accesses that intersect collector or arterial streets or roads; and
  - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site, or as required by the Director of Public Service during the pre-application review.
- j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
- k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
- l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
5. Preliminary water and sanitation information, including:
- a. A site plan or exhibit that shows:
- The location, within 100 feet outside of the exterior property line of subdivision and on the proposed lots, of:
    - Floodplains
    - Surface water features
    - Springs
    - Irrigation ditches
    - Existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems;
    - For parcels less than 20 acres, mixing zones identified, and
    - The representative drain field site used for the soil profile description, and
  - The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities.
- b. A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the Montana Department of Environmental Quality (MDEQ).
- c. A drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by MDEQ pursuant to MCA §76-4-104.
- d. Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:
- A soil profile description from a representative drain field site identified on the vicinity map, as provided above, that complies with standards published by the MDEQ,

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- Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer, and
  - In cases in which the soil profile or other information indicates that groundwater is within 7 feet of the natural ground surface, evidence that the groundwater will not exceed the minimum vertical separation distance.
  - e. For new water supply systems, unless cisterns are proposed, evidence of adequate water availability;
    - Obtained from well logs or testing of onsite or nearby wells;
    - Obtained from information contained in published hydro-geological reports; or
    - As otherwise specified by rules adopted by the MDEQ pursuant to MCA §76-4-104.
  - f. A preliminary analysis of potential impacts to the groundwater quality from new wastewater treatment systems, using as guidance rules adopted by the Board of Environmental Review pursuant to MCA §75-5-301 and MCA §75-5-303 related to standard mixing zones for groundwater, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection, the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, Chapter 4, Mont. Code Ann.
  - g. A subdivider whose land division is excluded from review under MCA §76-4-125(2) is not required to submit the water and sanitation information listed above.
  - 6. Geotechnical Report that includes:
    - a. A summary of hazards present and recommended actions.
    - b. A description of proposed construction.
    - c. A description of the investigation methods, including field investigations, laboratory analysis and report preparation.
    - d. A description of the site conditions, including soil, bedrock, groundwater and other physical features present that may limit development.
    - e. Analysis of engineering properties and recommendations in relation to foundations; over-excavation and engineered fill; bearing capacity; lateral loads on basement walls; soil friction factor; earthwork; site grading and runoff control; foundation and retaining wall drainages; slabs on grade; reinforcing, utilities testing and concrete considerations; and ventilation and radon.
    - f. Summary of engineering limitations.
    - g. The report shall be accompanied by figures and tables sufficient to convey the results of each test hole and an overall site plan showing the location of each test hole. The spacing of test holes will be dependent of the horizontal and vertical variation of the subsurface material. In all cases, the spacing should result in a representation of all soils present on the subdivision.
  - 7. Draft protective and restrictive covenants, if any.
  - 8. Draft Articles of Incorporation when Homeowner's Association is proposed.
  - 9. When a tract of land is to be subdivided in separate filings, a Master Plan of the entire area to be developed.
- (Ord. 07-01 (part), 2007)

## APPENDIX G

### Required Supporting Documents for First Minor Preliminary Plat Applications

1. Draft Subdivision Improvements Agreement.
2. Traffic Accessibility Study (TAS) when applicable, containing the following information:
  - a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
  - b. Trip distribution;
  - c. Traffic assignment;
  - d. Capacity analysis;
  - e. Evaluation; and
  - f. Recommended access plan, including access points, modifications and any mitigation techniques.
  - g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
  - h. Traffic graphics, which show:
    - AM peak hour site traffic;
    - PM peak hour site traffic;
    - AM peak hour total traffic;
    - PM peak hour total traffic;
    - Total daily traffic (with site generated traffic shown separately).
  - i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
    - All major drive accesses that intersect collector or arterial streets or roads; and
    - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site, or as required by the Director of Public Service during the pre-application review.
  - j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
  - k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
  - l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.
3. Preliminary water and sanitation information, including:
  - a. A site plan or exhibit that shows:
    - The location, within 100 feet outside of the exterior property line of subdivision and on the proposed lots, of:
      - Floodplains
      - Surface water features

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- Springs
  - Irrigation ditches
  - Existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems;
  - For parcels less than 20 acres, mixing zones identified, and
  - The representative drain field site used for the soil profile description, and
    - The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities.
  - b. A description of the proposed subdivision's water supply systems, stormwater systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the Montana Department of Environmental Quality (MDEQ).
  - c. A drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by MDEQ pursuant to MCA §76-4-104.
  - d. Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:
    - A soil profile description from a representative drain field site identified on the vicinity map, as provided above, that complies with standards published by the MDEQ,
    - Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer, and
    - In cases in which the soil profile or other information indicates that groundwater is within 7 feet of the natural ground surface, evidence that the groundwater will not exceed the minimum vertical separation distance.
  - e. For new water supply systems, unless cisterns are proposed, evidence of adequate water availability;
    - Obtained from well logs or testing of onsite or nearby wells;
    - Obtained from information contained in published hydro-geological reports; or
    - As otherwise specified by rules adopted by the MDEQ pursuant to MCA §76-4-104.
  - f. A preliminary analysis of potential impacts to the groundwater quality from new wastewater treatment systems, using as guidance rules adopted by the Board of Environmental Review pursuant to MCA §75-5-301 and MCA §75-5-303 related to standard mixing zones for groundwater, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection, the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, Chapter 4, Mont. Code. Ann.
  - g. A subdivider whose land division is excluded from review under MCA §76-4-125(2) is not required to submit the water and sanitation information listed above.
4. Geotechnical Report that includes:
- a. A summary of hazards present and recommended actions.
  - b. A description of proposed construction.

- c. A description of the investigation methods, including field investigations, laboratory analysis and report preparation.
  - d. A description of the site conditions, including soil, bedrock, groundwater and other physical features present that may limit development.
  - e. Analysis of engineering properties and recommendations in relation to foundations; over-excavation and engineered fill; bearing capacity; lateral loads on basement walls; soil friction factor; earthwork; site grading and runoff control; foundation and retaining wall drainages; slabs on grade; reinforcing, utilities testing and concrete considerations; and ventilation and radon.
  - f. Summary of engineering limitations.
  - g. The report shall be accompanied by figures and tables sufficient to convey the results of each test hole and an overall site plan showing the location of each test hole. The spacing of test holes will be dependent of the horizontal and vertical variation of the subsurface material. In all cases, the spacing should result in a representation of all soils present on the subdivision.
- 5. Draft protective and restrictive covenants, if any.
  - 6. Draft Articles of Incorporation when Homeowner's Association is proposed.
  - 7. When a tract of land is to be subdivided in separate filings, a Master Plan of the entire area to be developed.
- (Ord. 07-01 (part), 2007)

## APPENDIX H

### Expedited Final Plat Application

**1. Name of subdivision**

**2. Tax ID #**

**3. Location**

- a. Legal Description: 1/4 Section, Township, and Range:
- b. General location:

**4. Name, Address & Telephone Number of Subdivider**

- a. Name:
- b. Address:
- c. Telephone:

**5. Name, Address & Telephone Number of Owner**

- a. Name:
- b. Address:
- c. Telephone:

6. **Plat Data: Gross Area:** \_\_\_\_\_ **Net Area:** \_\_\_\_\_

**No. of Lots:**

7. **List of materials submitted with final application**

**Required:**

- a. Final Plat
- b. Subdivision Improvements Agreement and Waiver
- c. Title Report
- d. Red lined check print

**Other:**

8. **Deed restrictions or covenants? Yes** \_\_\_\_\_ **No** \_\_\_\_\_; if yes, please attach copies.

9. **Name, address & telephone of professional consultant(s)**

**Surveyor/engineer:**

**Address:**

**Attorney:**

**Address:**

**Other:**

**Address:**

I declare that I am the owner of record and that all the statements and information contained in all exhibits transmitted herewith are true and correct. I hereby apply for approval of the final plat of:

**Owner/Owners:**

(Signature of Owner/Owners)

**Owners under Contract:**

(Signature of Owners under contract)

(Ord. 07-01 (part), 2007)

## APPENDIX I

### Final Plat Application

**1. Name of Subdivision**

**2. Tax ID #**

**3. Location**

- a. Legal Description: 1/4 Section, Township, and Range:
- b. General location:

**4. Name, Address & Telephone Number of Subdivider**

Name:

- b. Address:
- c. Telephone:

**5. Name, Address & Telephone Number of Owner**

- a. Name:
- b. Address:
- c. Telephone:

**6. Plat Data**

- a. Gross area:
- b. Net area:
- c. Number of lots:

**7. Park Requirement**

- a. Land:
- b. Cash: \$

**8. Date preliminary plat approved:**



**9. List of materials submitted with final application**

**Required:**

- a. Final Plat
- b. Subdivision Improvements Agreement
- c. Conditions of Approval
- d. Title Report
- e. Red lined check print

**Other:**

10. Deed restrictions or covenants? Yes \_\_\_\_\_ No \_\_\_\_\_; if yes, please attach copies.

11. Name, address & telephone of professional consultant(s)

**Surveyor/engineer:**

**Address:**

**Attorney:**

**Address:**

**Other:**

**Address:**

I declare that I am the owner of record and that all the statements and information contained in all exhibits transmitted herewith are true and correct. I hereby apply for approval of the final plat of:

**Owner/Owners:**

(Signature of Owner/Owners)

**Owners under Contract:**

(Signature of Owners under contract)

(Ord. 07-01 (part), 2007)

## APPENDIX J

### Final Plat Requirements

1. A final subdivision plat may not be approved by the governing body or filed by the County Clerk and Recorder unless it complies with the following requirements:
  - a. Final subdivision plats must be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches overall to include a 1 ½-inch margin on the binding side.
  - b. Two signed copies on three mil. or heavier matte stable-base polyester film or equivalent must be submitted.
  - c. If more than one sheet must be used to adequately depict the land subdivided, each sheet must show the number of that sheet and the total number of sheets included. All certifications must be placed or referred to on one sheet.
  - d. A survey that modifies a filed subdivision plat must be entitled "amended plat of (lot, block and name of subdivision being amended)," and unless it is exempt from subdivision review by MCA §76-3-201 or MCA §76-3-207(1)(d) or (e), may not be filed with the County Clerk and Recorder unless it meets the filing requirements for final subdivision plats specified in these requirements.
2. A final plat submitted for approval must show or contain, on its face the following information. The surveyor may, at his or her discretion, provide additional information regarding the survey.
  - a. A title or title block indicating the quarter section, section, township, range, principal meridian, county and, if applicable city or town, in which the subdivision is located. The title of the plat must contain the words "plat" and either "subdivision" or "addition".
  - b. The name of the person(s) who commissioned the survey and the name(s) of the owner of the land to be subdivided if other than the person(s) commissioning the survey, the names of any adjoining platted subdivisions, and the numbers of any adjoining certificates of survey previously filed.
  - c. Vicinity sketch of sufficient area to identify the location of the subdivision.
  - d. A north arrow.
  - e. A scale bar. The scale must be sufficient to legibly represent the required information and data on the plat.
  - f. The location of, and other information relating to all monuments found, set, reset, replaced or removed as required by ARM 8.94.3001(1)(c).

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APPENDIX J

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- i. If additional monuments are to be set after the plat is filed, the location of these monuments must be shown by a distinct symbol, and the plat must bear a certification by the surveyor as to the reason the monuments have not been set and the date by which they will be set.
- ii. All monuments found during a retracement that influenced the position of any corner or boundary indicated on the plat must be clearly shown as required by ARM 8.94.3001(1)(c).
- g. The location of any section corners or corners of divisions of sections pertinent to the survey.
- h. Witness and reference monuments and basis of bearings. For purposes of these the term "basis of bearings" means the surveyor's statement as to the origin of the bearings shown on the plat. The basis of bearings may refer to a particular line between monumented points in a previously filed survey document. If the plat shows true bearings, the basis of bearings must describe the method by which these true bearings were determined.
- i. The bearings, distances and curve data of all boundary lines. If the subdivision is bounded by an irregular shoreline or body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given.
- i. The courses along a meander line are shown solely to provide a basis for calculating the acreage of a parcel with one or more riparian boundaries as the parcel existed at the time of survey.
- ii. For purposes of these regulations a line that indicates a fixed boundary of a parcel is not a "meander" or "meander line" and may not be designated as one.
- j. Data on all curves sufficient to enable the re-establishment of the curves on the ground. For circular curves these data must at least include radius and arc length. For non-tangent curves, which must be so labeled, the plat must include the bearings of radial lines or chord length and bearing.
- k. Lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically.
- l. All lots and blocks in the subdivision, designated by number, the dimensions of each lot and block, the area of each lot, and the total acreage of all lots. (Excepted parcels must be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the bearings and lengths of these excepted boundaries must be shown.)
- m. All streets, alleys, avenues, roads and highways; their widths (if ascertainable) from public records, bearings and area; the width and purpose of all road rights-of-way and all other easements that will be created by the filing of the plat; and the names of all streets, roads and highways.
- n. The location, dimensions and areas of all parks, common areas and other grounds dedicated for public use.
- o. The total acreage of the subdivision.
- p. A narrative legal description of the subdivision as follows:
  - (i) If the parcel being subdivided is either an aliquot part of a U.S. government section or a U.S. government lot, the information required by this subsection is the aliquot or government lot description of the parcel.
  - (ii) If the plat depicts the division of a parcel or lot that is shown on a filed certificate of survey or subdivision plat, the information required by this subsection is the number or name of the certificate of survey or plat and the number of the parcel or lot affected by the survey.
  - (iii) If the parcel surveyed does not fall within (2)(p)(i) or (ii), above, the information required by this subsection is the metes-and-bounds description of the perimeter boundary of the subdivision.

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(iv) If the plat establishes the boundaries of a subdivision containing one or more interior parcels, the information required by this subsection is the legal description of the perimeter boundary of the subdivision.

q. **Certificate of Surveyor.** The dated signature and the seal of the surveyor responsible for the survey and a memorandum of any oaths administered under MCA §76-3-405. The affixing of this seal constitutes a certification by the surveyor that the final plat has been prepared in conformance with the Montana Subdivision and Platting Act (MCA §76-3-101 through MCA §76-3-625) and the regulations adopted under that Act.

r. **Certificate of Dedication.** The dated, signed and acknowledged consent to the subdivision of the owner of the land being subdivided. For purposes of this rule when the parcel of land proposed for subdivision is being conveyed under a contract-for-deed, the terms "owner" and "owner of the land" refers to the seller under the contract-for-deed.

s. **If applicable, Consent to Platting.**

t. **Certificate of Approval.** Certification by the governing body that the final subdivision plat is approved.

u. **Notice of Approval.** Statement that the final plat is approved by the Yellowstone County Board of Planning.

v. **Certificate of City Engineer's Office.** If applicable, Certification by the City Engineer that municipal water, sewage disposal and solid waste disposal will be provided. (City only)

w. **Errors and Omissions Review.** Certification of the reviewing surveyor that the survey has been examined and approved.

x. **Certificate of City Attorney.** Certification that the plat has been reviewed and accepted by the City Attorney.

y. **Certificate of County Treasurer.** Certification of county treasurer showing current tax payment.

z. If applicable, the owner's certificate of dedication of streets, parks, playground easements or other public improvements.

aa. Space for the clerk and recorder's filing information.

\*\* See Appendix B for templates of all Certifications.

3. Supporting documentation shall consist of the following:

a. Final plat application completed and signed;

b. All documentation necessary to guarantee the complete installation of all required improvements including the Subdivision Improvements Agreement and any documents related to financial security for improvements;

c. An original Title Report or Subdivision Guarantee prepared within the recent 6 months;

d. Evidence that the Montana Department of Environmental Quality or Yellowstone County Public Health Department has approved the sewage disposal system and/or the water system. This applies to individual and public water supply and sewage disposal systems. When applicable and pursuant to Section 23-504, evidence signed by the City shall be submitted;

e. Copies of protective and restrictive covenants, if any;

f. Applicable final plat fee.

(Ord. 07-01 (part), 2007)

## APPENDIX K

### Subdivision Improvements Agreement

***(Name of Subdivision)***

- I. Variances (page #):
- II. Conditions that Run with the Land:
- III. Transportation:
  - A. Streets
  - B. Sidewalks
  - C. Street Lighting
  - D. Traffic Control Devices
  - E. Access
  - F. Heritage Trail Plan
  - G. Public Transit
- IV. Emergency Services:
- V. Storm Drainage:
- VI. Utilities:
  - A. Water
  - B. Sanitary Sewer
  - C. Power, Telephone, Gas, and Cable Television
- VII. Parks/Open Space:
- VIII. Irrigation:
- IX. Soils/Geotechnical Study:
- X. Phasing of Improvements:
- XI. Financial Guarantees:
- XII. Legal Provisions:

**This agreement** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_, by and between *(Subdivider)*, whose address for the purpose of this agreement is \_\_\_\_\_, hereinafter referred to as "Subdivider," and the **CITY OF LAUREL or COUNTY OF YELLOWSTONE**, Montana, hereinafter referred to as "City/County."

**WITNESSETH:**

***(for minor subdivisions insert the following)***

**WHEREAS**, the plat of *(Subdivision Name)*, located in the Yellowstone County, Montana, was submitted to the Laurel City-County Planning Board; and

***(for major subdivisions, exclude above and insert the following)***WHEREAS, at a regular meeting conducted on \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_, the City-County Planning Board recommended conditional approval of a preliminary plat of *(Subdivision Name)*; and

***(Insert the following for both major and minor subdivisions)***

WHEREAS, at a regular meeting conducted on \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_, the City Council/County Commissioners conditionally approved a preliminary plat of *(Subdivision Name)*; and

WHEREAS, a Subdivision Improvements Agreement is required by the City/County prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to *(Subdivision Name)* upon the filing of the final plat thereof in the Office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Laurel Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Laurel, Yellowstone County, and the laws and administrative rules of the State of Montana.

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

**I. VARIANCES**

**A.** Subdivider has requested, and the City/County hereby grants, the following variances from the strict interpretation of these Subdivision Regulations:

1. Variance #1
2. Variance #2

**II. CONDITIONS THAT RUN WITH THE LAND***(Insert any applicable conditions in the provided A, B, C format. The following are typical conditions that run with the land, which may or may not be applicable to this subdivision):*

**A.** Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

**B.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

**C.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

**D.** No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

**E.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

F. Lot owners should be aware that portion(s) of this property lie within the floodplain/floodway, as depicted on the Flood Insurance Rate Maps (FIRM) for this area. Please be advised that special development restrictions may apply within these specified areas.

**b;III. TRANSPORTATION**

**A. Streets**

*(This section should include, but not be limited to the following):*

- Rights-of-way widths
- Pavement widths and surface types
- Curb and gutter design
- Other required street improvements

**B. Sidewalks**

*(This section should include, but not be limited to the following):*

- Types of required sidewalk
- Location of required sidewalks
- Widths and surface
- Other required sidewalk improvements

**C. Street Lighting***(Describe)*

- Location and types of lighting to be installed, if required

**D. Traffic Control Devices** *(Describe)*

- Location and type of proposed stop signs and/or signals
- Other required traffic control devices

**E. Access***(Describe)*

- Location and widths of proposed accesses
- Restrictions on access
- Other required access improvements

**F. Bike or Pedestrian Trail Plans***(Include)*

- Statement of whether subdivision is within Plan
- Location and type of proposed trail or trail connection
- Ownership arrangement of trail corridor-easement or dedication
- Other required trail improvement

**G. Public Transit***(Describe)*

- Location and type of improvements required to ensure public transit service

**IV. EMERGENCY SERVICE**

*(This section should include, but not be limited to the following):*

- Location and specifications for emergency access road including width, base and surface material, blockade, and required signage
- Urban Wildland Interface Code requirements (required for highly wooded areas)

#### **V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the *Storm water Management Manual*, and a storm water management plan shall be submitted to and approved by the MDEQ.

*(This section should include, but not be limited to the following):*

- Description and location of existing and proposed detention facilities
- Any improvements to the existing system
- Other required improvements

#### **VI. UTILITIES**

The SIA does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater hookup fees in effect shall be submitted with the applications.

Fees shall be paid for the lots in each phase as applied for in the extension application and as per the first paragraph above. The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made. The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Laurel Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

##### **A. Water**

*(This section should describe any water facilities unique to the subdivision).*

##### **B. Sanitary Sewer**

*(This section should describe any sanitary sewer facilities unique to the subdivision).*

##### **C. Power, Telephone, Gas, and Cable Television**

*(This section should include, but not be limited to the following):*

- Services to be provided within the public right-of-way, existing or to be installed
- Width and location of required utility easements

#### **VII. PARKS/OPEN SPACE**

*(This section should include, but not be limited to the following):*

- The parkland requirement for this subdivision (dedication or cash-in-lieu)
- Required park improvements to the park and timing of construction
- Required formation of a Park Maintenance District



*For minor plats, where no parkland dedication is required, please insert the following statement: There is no parkland requirement for proposed (Subdivision Name), as this is a minor subdivision [MCA §76-3-617(3)(a)].*

#### **VIII. IRRIGATION**

*(This section should include, but not be limited to the following):*

- Irrigation District affected by the proposed development
- Required mitigation efforts to protect the ditches during construction
- Location and width of existing and proposed onsite easements for ditches

#### **IX. SOILS/GEOTECHNICAL STUDY**

*(This section should include, but not be limited to the following):*

- Results of geotechnical study
- Construction restrictions due to the results of the study
- Required mitigation efforts

#### **X. PHASING OF IMPROVEMENTS**(include if applicable)

*Description of each Phase including:*

- A. Required improvements**
- B. Timing of improvements**
- C. Reference to release of lots (documentation)**
- D. Restrictions on lot sales (documentation)**
- E. Financial guarantees for improvements**

#### **XI. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the Public Works and Public Utilities Department.

#### **XII. LEGAL PROVISIONS**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the AGB.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

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E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

"SUBDIVIDER" (*Name of Subdivider*)

By:

Its:

STATE OF MONTANA

)

: ss

County of Yellowstone

)

On this day of, 200\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the subdivider who executed the foregoing instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public in and for the State of Montana

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

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

This agreement is hereby approved and accepted by the City/County, this \_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

"CITY"

CITY OF LAUREL, MONTANA

By: \_\_\_\_\_

Mayor

Attest: \_\_\_\_\_

City Clerk

**WAIVER OF RIGHT TO PROTEST**

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Laurel or Yellowstone County may require.

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This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

*Subdivision Description/Name*

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Subdivider/Owner

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA

)

: ss

County of Yellowstone

)

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be *Subdivider/Owner Name*, the person who executed the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

\_\_\_\_\_

Notary Public in and for the State of Montana

Printed name: \_\_\_\_\_

Residing in Billings, Montana

My commission expires: ;daterrule;

(Ord. 07-01 (part), 2007)

## APPENDIX L

### Escrow Agreement Template

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ by and between \_\_\_\_\_ ("Purchaser"), whose address for purposes of this Agreement is \_\_\_\_\_, AMERICAN TITLE & ESCROW, a Montana corporation ("American Title"), of 1216 16th Street West, Alpine Village No. 21, Billings, Montana 59102, the CITY OF LAUREL, MONTANA ("City"), c/o Public Works Director, 115 West First Street, Laurel, Montana 59044, and \_\_\_\_\_ ("Seller"), whose address for the purposes of this Agreement is \_\_\_\_\_.

1. Seller has agreed to sell and convey unto Purchaser all of its right, title and interest in and to certain real property in \_\_\_\_\_ Subdivision, which real property is more particularly described as follows (the "Purchaser's Lot"):

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Lot \_\_\_\_\_, Block \_\_\_\_\_, of \_\_\_\_\_ Subdivision, in the City of Laurel/Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. \_\_\_\_\_.

2. In connection with the development of the Subdivision, certain public improvements (the "Improvements") must be made within or adjacent to the Subdivision in accordance with that certain Subdivision Improvements Agreement between Seller and the City dated the \_\_\_ day of \_\_\_\_\_, 200 \_\_\_, and recorded the \_\_\_ day of \_\_\_\_\_, 200 \_\_\_, under Document No. \_\_\_\_\_, records of Yellowstone County, Montana (the "SIA"); and

3. Pursuant to Article \_\_\_\_\_ of the SIA, Seller has agreed that an amount equal to the total estimated cost per square foot of the Improvements multiplied by the total square footage of Purchaser's Lot ("Estimated Costs"), as described in the SIA, with respect to any lot in the Subdivision will be deposited into a separate interest bearing account for the benefit of Purchaser to be held in escrow with American Title; and

4. American Title has agreed to act as escrow agent for the purposes of receiving the above-referenced funds and disbursing the same for payment of future SID assessments upon formation of one or more such districts, or for the payment of one or more private contract costs of constructing the Improvements contemplated by the SIA in the event an SID is not formed, which funds will be obtained, held and disbursed by American Title in accordance with the terms of this agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties do hereby agree as follows:

1. Escrowed Funds. Purchaser shall deposit the Estimated Costs in the amount of \_\_\_\_\_ (spell out) \_\_\_\_\_ Dollars (\$\_\_\_\_\_) (the "escrowed funds") into escrow with American Title in an interest bearing account under Purchaser's Federal Identification Number # \_\_\_\_\_, for the benefit of Purchaser and the City (the "Escrow Account") at the closing of the sale of the Purchaser's Lot, by Seller to Purchaser. The escrowed funds amount is based upon Estimated Costs of \$\_\_\_\_\_ per square foot on the \_\_\_\_\_ square feet of land contained within the Purchaser's Lot. The escrowed funds deposited into the Escrow Account will be held and disbursed by American Title in accordance with the provisions of paragraphs 4, 5 and 6 below.

2. Seller's Obligation Terminated. From and after the date of this Agreement, Seller shall have no further obligation or liability for the Estimated Costs, or the construction and/or payments for the Improvements, or any future SID assessments, relating to the Purchaser's Lot.

3. Purpose of Escrow Arrangement. American Title agrees that it shall receive and hold the escrowed funds in the Escrow Account, for the benefit of Purchaser and the City/County, and shall make disbursements or payments to the AGB and/or Purchaser pursuant to the provisions of paragraphs 4, 5 and 6 below.

4. Payments from Escrow. Upon receipt of a written authorization from Purchaser and the City/County for payments in connection with actual SID assessments or private contracts for construction of the Improvements, American Title shall disburse the escrowed funds as follows:

(a) If one or more special improvement districts are created the escrowed funds shall be paid by American Title to the City for application to the actual assessments for the Improvements against the Purchaser's Lot.

(b) In the event one or more special improvement districts for the Improvements is not or cannot be created, then the amounts held on deposit in the Escrow Account shall be applied toward payment under one or more private contracts for construction of the Improvements attributable to the Purchaser's Lot in accordance with the SIA.

5. Interest on the Escrowed Funds. Interest accrued on the escrowed funds shall be paid to Purchaser in annual disbursements on the first day of December of each year, until such time as final disbursement is made pursuant to paragraph 6 below.

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6. Additional Assessments: Return of Excess. If the actual amount of the special improvement district assessments for the Improvements is greater than the escrowed funds held in the Escrow Account with respect to the Purchaser's Lot; then the City shall levy said difference against the Purchaser's Lot. If the Improvements are constructed by one or more private contracts and the actual amount of the private contracts for the Improvements attributable to the Purchaser's Lot is greater than the escrowed funds held in the Escrow Account with respect to the Purchaser's Lot, then the Purchaser shall be responsible for said difference. If the actual amount of the special improvement district assessments or the private contracts for the Improvements is less than the escrowed funds held in the Escrow Account, then American Title shall return such excess to Purchaser after payment of the full amount of the actual SID assessments or the private contracts, and Purchaser shall be entitled to retain such excess.

7. Escrow Fees. Purchaser and Seller shall share equally the costs associated with initial set-up fees of the Escrow Account, and thereafter Purchaser shall be solely responsible for all other fees, costs, taxes and expenses related to the escrowed funds and the Escrow Account and the performance of duties under this Agreement by American Title. American Title shall have a lien upon all moneys, papers and properties held by it in connection herewith for any fees, costs, or expenses, due American Title hereunder.

8. Scope of Agreement. This Agreement governs only the deposit of the escrowed funds relating to the Purchaser's Lot by Purchaser into escrow with American Title, the disbursement of those funds for payment of actual SID assessments or private contracts, if any, related to the Improvements, to or for the benefit of Purchaser's Lot, and the annual disbursement of interest accrued on the escrowed funds to Purchaser. Other than the matters specifically addressed herein, this Agreement shall not supersede or modify the terms and covenants of the SIA, nor shall any party other than those executing this Agreement be entitled to claim the benefits of this Agreement. No payment made under this Agreement with respect to a private contract for all or any portion of the Improvements shall be evidence of the performance of said private contract, either wholly or in part, and no payment or disbursement by American Title shall be construed to be an acceptance by either Purchaser or the City of defective work or improper materials pursuant to such private contract.

9. Rights and Duties of American Title. It is expressly understood between the parties hereto that American Title is to be considered as a depository and agent to collect, hold and disburse the escrowed funds only, and shall not be responsible or liable in any manner whatsoever for the sufficiency or correctness as to form, manner of execution, or validity of any instructions or authorizations for payment relating to said escrowed funds, nor as to the identity, authority or rights of any person executing such written authorization. American Title assumes no responsibility, nor is it to be held liable, as to the condition of title to the Purchaser's Lot involved herein, nor as to any assessments, liens or encumbrances against the Purchaser's Lot, except with respect to liens or encumbrances arising from the negligence or willful misconduct of American Title with reference to its obligations and duties under this Agreement.

10. Disputes. In the event of any disagreement between the parties hereto or any parties interested herein, resulting in adverse claims and conflicting demands being made in connection with the escrowed funds and the Escrow Account, and disbursements therefrom, American Title shall be entitled at its option to refuse to comply with said conflicting demands so long as such disagreement shall continue. In so refusing, American Title may also refuse to deliver any moneys, papers or property involved in or affected by this escrow, and shall not be or become liable to the parties to this escrow for its failure and/or refusal to comply with the conflicting or adverse demands of the parties hereto. Further, American Title shall be entitled to continue to so refrain to act until (a) the parties hereto have reached an agreement settling their differences and shall have notified American Title in writing of such agreement, or (b) the rights of the parties have been duly adjudicated by a court of competent jurisdiction, except that nothing herein shall be construed to require American Title to institute any litigation to determine the rights of the parties hereto. In the event of any disagreement between the parties hereto, or if conflicting demands or claims are made upon American Title by the parties hereto or interested herein or by any other party, American Title shall have the right to employ legal counsel to advise it and/or represent it in any suit

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or action brought affecting this escrow or the funds held in connection herewith. Purchaser and the City shall be jointly and severally liable to American Title for any and all attorney's fees, costs, and disbursements incurred by American Title in connection herewith, and upon demand shall forthwith pay the same to American Title. The liability of Purchaser and the City for reimbursement for the amount of such attorney's fees, costs and disbursements paid to American Title shall be governed by the provisions of paragraph 12 below.

11. Default: Remedies. The failure of any party to perform its obligations under the terms of this Agreement shall constitute a default hereunder. In the event of any such default, and the failure of the defaulting party to cure the same within ten (10) days after written notice thereof by the non-defaulting party or parties, then such non-defaulting parties may:

- (a) Commence a suit or suits in equity or at law, including without limitation an action for the specific performance of any covenant or agreement contained herein; or
- (b) Commence a suit or suits for damages arising from the failure to perform any covenant or agreement contained herein; or
- (c) Pursue enforcement of any other appropriate legal or equitable remedies.

12. Attorney Fees and Costs. In the event it becomes necessary for any party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement, to give any notice required herein with respect to any default, or to reimburse American Title for any attorney's fees, costs or disbursements it may incur pursuant to paragraph 10 above, then the prevailing party or parties shall be entitled to payment or reimbursement for reasonable attorney's fees, costs and expenses, from the party or parties who do not prevail.

13. Notices. Any notice required under this Agreement shall be served on all other parties either personally or by certified mail, return receipt requested, addressed to the party to be served at the following address:

Purchaser: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

American Title: 1216 16th Street West

Alpine Village No. 21

Billings, Montana 59102

ATTN: \_\_\_\_\_

City: c/o Public Works Office

115 North First Street

Laurel, Montana 59044

ATTN: Public Works Director

Seller: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A party wishing to change its designated address shall do so by notice in writing to the other party. Notice served by mail shall be deemed complete when deposited in the United States mail, postage prepaid. Rejection or other

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refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice.

14. Amendments: Waiver. No amendments or modifications to this Agreement, or of any provisions contained herein, shall be binding or enforceable unless the same shall be in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement. Any waiver or failure to enforce the terms of this Agreement by any of the parties hereto shall not constitute a waiver by said parties of the right to enforce or compel performance with respect to any continuing or subsequent default hereunder.

15. Headings. The headings used herein are for convenience only, and shall not be construed as part of this Agreement or as a limitation on the scope of the particular paragraphs to which they refer.

16. Binding Effect. The covenants, agreements and all statements in this Agreement shall inure to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed this Escrow Agreement as of the day and year first above written.

"Purchaser"

By: \_\_\_\_\_

Its: \_\_\_\_\_

Federal Tax Identification No. \_\_\_\_\_

"American Title"

AMERICAN TITLE INSURANCE COMPANY

By: \_\_\_\_\_

Its: \_\_\_\_\_

"City"

CITY OF LAUREL, MONTANA

By: \_\_\_\_\_

Its: \_\_\_\_\_

"Seller"

By: \_\_\_\_\_

Its: \_\_\_\_\_

Federal Tax Identification No. \_\_\_\_\_

(Ord. 07-01 (part), 2007)

## APPENDIX M

### Irrevocable Standby Letter of Credit

(Must be on Lender's Letterhead)

DATE

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BENEFICIARY: City of Laurel Public Works, POB 10, Laurel, MT 59044

APPLICANT: Subdivider's name and address

LETTER OF CREDIT NO. \_\_\_\_\_; EXPIRATION DATE: \_\_\_\_\_

AT: OUR COUNTERS PRESENTLY LOCATED AT (Lender's address here)

AMOUNT: US\$ \_\_\_\_\_; NOT EXCEEDING: -US\$ (spell out)

We hereby issue our Irrevocable Standby Letter of Credit available by your draft(s) drawn at sight on us and accompanied by the following documents:

1. Beneficiary's signed statement certifying that \_\_\_\_\_ (subdivider's name) \_\_\_\_\_ has failed to pay for required improvements concerning subdividing \_\_\_\_\_ Subdivision in the City of Laurel, Yellowstone County.
2. Copy of mandatory improvements.
3. The original Letter of Credit

This Letter of Credit shall be deemed extended without amendment for one year from the expiration date, unless thirty days prior to any expiration date we shall notify you by Registered Mail that we elect not to consider this Letter of Credit renewed for any such period. In any communication with us regarding this Letter of Credit, please make specific reference to our Letter of Credit No. at the top of this letter. Drafts drawn under this Credit must bear the clause: "Drawn under \_\_\_\_\_ Bank Irrevocable Standby Letter of Credit No. \_\_\_\_\_ dated \_\_\_\_\_." The amount of each drawing must be endorsed on the reverse of this credit by the negotiating bank. To the extent applicable hereto, this Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 Revision, International Chamber of Commerce Publication, No. 500. We hereby engage with you that draft(s) drawn and/or documents presented and negotiated under and in compliance with the terms of this Irrevocable Standby Letter of Credit will be duly honored upon presentation to us.

\_\_\_\_\_ BANK

By: \_\_\_\_\_

(Ord. 07-01 (part), 2007)

## APPENDIX N

### Restrictions on Transfers and Conveyances Template

\_\_\_\_\_ SUBDIVISION THIS DECLARATION is made this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_, by (insert owner's name) hereinafter referred to as "Declarant,"

#### WITNESSETH

WHEREAS, the Declarant is the owner of all of the lots in ;namerrule; Subdivision, situated in Section \_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, PMM., City of Laurel, Yellowstone County, Montana, hereinafter referred to as the "Subdivision"; and

WHEREAS, in connection with the filing of the plat for the Subdivision, the Declarant executed that certain Subdivision Improvements Agreement dated the \_\_\_\_\_ day of ;note, 200\_\_\_\_ to the City of Laurel, which Agreement contains restrictions against the sale, conveyance or transfer of certain lots in the Subdivision until such time as a private contract has been executed providing for the installation and construction of required public improvements; and



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WHEREAS, in order to more fully evidence the restriction against sale, conveyance, or transfer and to give third parties notice of such restrictions, the Declarant desires to execute and record this Declaration of Restrictions.

NOW, THEREFORE, in consideration of these premises, the Declarant, for itself and its successors and assigns, does hereby declab0;

1. Except as hereinafter provided, the Declarant does hereby agree and declare that the following described lots shall not be sold, transferred, or conveyed to any third party unless and until a release has been executed and recorded in accordance with the provisions hereinafter appearing:

*Phase II:*

Lots \_\_\_\_\_ through \_\_\_\_\_, inclusive, Block \_\_\_\_\_; \_\_\_\_\_ Subdivision in the City of Laurel, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (#\_lots total).

*Phase III:* Lots \_\_\_\_\_ through \_\_\_\_\_, inclusive, Block \_\_\_\_\_; and Lots \_\_\_\_\_, through \_\_\_\_\_, inclusive, Block \_\_\_\_\_, \_\_\_\_\_ Subdivision in the City of Laurel, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana (# lots total).

2. It is the express purpose and intent of this Declaration to restrict or preclude sale, transfer, or conveyance of the above-described lots until such time as a private contract has been executed and necessary funding guarantees provided, as the case may be, providing for the construction and installation of those public improvements required under the above-described Subdivision Improvements Agreement which by reference thereto is hereby incorporated herein as though fully set forth at this point. It is anticipated, however, that the Declarant will develop \_\_\_\_\_ Subdivision, in distinct phases, upon providing for the installation and construction of the public improvement necessary to serve the particular phase. In that regard a release of some but not all of the above described lots may be executed and recorded from time to time, in accordance with the provisions hereinafter appearing, and upon the recording of said release, the covenants and restrictions contained herein with respect to the lots described in said release shall be deemed canceled and terminated, and of no further force and effect.

3. Upon compliance with the requirements for a private contract specified above, a release for the lot or lots affected thereby shall be executed and recorded by the City of Laurel, pursuant to the provisions contained in the said Subdivision Improvements Agreement. The execution and recording of said release shall be deemed conclusive evidence to all third parties purchasing or acquiring any lot described therein that the restriction against sale, conveyance, or transfer of said lot has been removed.

4. UNTIL SUCH RELEASE IS EXECUTED AND RECORDED, THIS DECLARATION SHALL SERVE AS NOTICE TO ALL THIRD PARTIES PURCHASING OR ACQUIRING ANY OF THE ABOVE-DESCRIBED LOTS OF THE EXPRESS RESTRICTIONS AGAINST ANY SUCH SALE, CONVEYANCE OR TRANSFER, AND OF THE TERMS AND CONDITIONS OF THE SAID SUBDIVISION IMPROVEMENTS AGREEMENT, AND SHALL FURTHER SERVE AS NOTICE THAT THE CITY OF LAUREL MAY ENFORCE ANY AND ALL LEGAL RIGHTS AND REMEDIES SPECIFIED IN THE SUBDIVISION IMPROVEMENTS AGREEMENT SHOULD THE TERMS OF THIS DECLARATION BE VIOLATED.

5. The terms, conditions, and restrictions contained in this Declaration shall not preclude or restrict the ability of the Declarant to (a) sell, convey, and transfer all of the above-described lots, all of the lots in one phase, or those lots remaining subject to the terms of this Declaration, as one unit or group, to a third party, parties or entities; provided, however, that such sale shall be subject to this Declaration and the lots shall continue to be subject to the restrictions herein provided against the sale, transfer and conveyance until a release has been executed and recorded; or (b) enter into sale and purchase agreements for individual lots; provided, however, that the deeds or other conveyance documents shall not be delivered to the prospective buyer nor shall the closing under any such sale and purchase agreements occur until such time as a release covering the affected lot has been executed and recorded.

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6. The terms and conditions of this Declaration shall run with the land and shall be binding upon and shall inure to the benefit of the Declarant, the City of Laurel, and their successors and assigns.

IN WITNESS WHEREOF, the Declarant has executed this Declaration the day and year first above written.

(Name of Declarant)

\_\_\_\_\_  
STATE OF MONTANA  
)

: ss.

County of YELLOWSTONE  
)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person who signed the foregoing instrument and who acknowledged to me that he executed the same.

\_\_\_\_\_ Notary Public in and for the State of Montana

Printed name: \_\_\_\_\_

Residing at Billings, Montana

My commission expires: \_\_\_\_\_

(Ord. 07-01 (part), 2007)

## APPENDIX O

### Flood Hazard Evaluation

**A. Definitions (MCA §76-5-103). Whenever the following words and phrases are used in this Appendix, they shall be given the meaning attributed to them by this section.**

1. Channel: The geographical area within either the natural or artificial banks of a watercourse or drainway.
2. Flood: The water of any watercourse or drainway that is above the bank or outside the channel and banks of the watercourse or drainway.
3. Flood of 100-year Frequency (aka Base Flood): A flood having a one percent (1%) chance of being equaled or exceed in any given year. A 100-year flood is the same as a base flood.
4. Floodplain: The area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheetflood areas that receive less than one foot of water per occurrence and are considered "Zone B" by the federal emergency management agency.
5. Floodway: The channel of a stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one half foot.
6. Watercourse: Any depression two feet or more below the surrounding land serving to give direction to a current of water at least nine months of the year and having a bed and well-defined banks.

**B. General.**

1. Flood Hazard Areas (See MCA §76-3-504): Land subject to being flooded by a flood of 100-year frequency as defined in this Appendix by the Federal Emergency Management Agency (FEMA), or land deemed to be subject to flooding by the City or County, may not be subdivided for building or residential purposes, or other uses that may increase or aggravate flood hazards to the public health, safety or welfare, or that may be prohibited by state or local floodplain or floodway regulations. Land deemed to be subject to flooding by the City or County may include (but is not limited to) land subject to shallow flooding, groundwater rise, historically flooded lands and lands located within 2,000 horizontal feet of the channel bank of the watercourse.

2. Where the 100-year floodway has been delineated by a FEMA Flood Insurance Rate Map (FIRM), a FEMA Floodway Map or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a "No-Build Zone."

3. Where the subdivision is within a flood hazard area that has been identified by the City or County, a Flood Study shall be completed as outlined in Part B and Part C of this Appendix, and the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway (see Figure 1) shall be labeled as a "No-Build Zone."

**C. Flood Study Requirements.**

1. A Flood Study shall be required for a subdivision if:

a. Any portion of a proposed subdivision is within 2,000 horizontal feet and less than 20 vertical feet from the channel bank of a watercourse draining an area of 25 square miles or more, and no official floodplain or floodway delineation (study) of the watercourse has been made; or

b. The subdivision is within a flood hazard area that has been identified by the City or County.

2. The Flood Study shall be performed by a registered Professional Engineer experienced in this field of work. Upon the request of the City or County, the study shall be submitted to the Yellowstone County Floodplain Administrator and/or the Floodplain Management Section, Water Resources Division, Montana Department of Natural Resources and Conservation (DNRC) for review and comment. A copy of the Flood Study and written comment from County Floodplain Administrator and/or the DNRC shall be provided to the Planning Department.

**D. Flood Study Contents. The Flood Study shall include the following:**

1. Certification: Certification by a registered professional engineer, including license number, seal or stamp, signature and date.

2. Written Report: A narrative report containing a description of the study area, data collection, the type of modeling method used for both the hydrology and hydraulics, discussion of the parameters used, modeling results and conclusions.

3. Site Plan: An overall scaled site plan of the subdivision with location of lot lines and an identified scale for vertical and horizontal distance showing the following:

a. Vicinity Map

b. Watercourse

c. 100-year floodplain and floodway boundaries

d. Contours shown at intervals between one (1) foot and four (4) feet depending on the site, or at the discretion of the Floodplain Administrator.

e. Cross-sections

- f. Bridges or other constrictions in the floodplain
  - g. USGS gauging stations (if any)
  - h. Location and elevation of a temporary benchmark(s) established within the subdivision and referenced to mean sea level with appropriate elevation adjustment.
4. Cross-sectional information:
- a. Cross-section elevations and stations should be determined at points representing significant breaks in ground slope and at changes in the hydraulic characteristics of the floodplain (i.e., points where ground cover, soil, or rock conditions change). Elevations shall be reported in NAVD 88 or NGVD 29 datum.
  - b. The number of cross-sections needed, and the distance between cross-sections will vary depending on the site, the slope of the watercourse, the slope of the channel, and the hydraulic characteristics of the reach. A minimum of four cross sections are required over the entire reach with at least two cross-sections at the property where the elevations are desired. Additional cross-sections shall be taken above, below and at bridges, control structures, or natural constrictions in topography.
  - c. Each cross-section shall cross the entire floodplain. The cross-section alignment should be perpendicular to the general flow of the watercourse (approximately perpendicular to contour lines). Elevation stations should be recorded at the channel bank and within the channel to determine the channel bottom shape. Cross sections shall be reasonably spaced to accurately define the study area.
  - d. A profile sheet scaled the same as a FEMA Flood Insurance Study showing the observed water surface profile, base flood elevation, location of cross sections, subdivision boundaries, watercourse profile, and thalweg (lowest point of the channel bottom along the reach of the watercourse).
5. Bridges/Culverts/Pipes: Provide descriptions and sketches of all bridges, culverts and pipes within the reach, showing unobstructed waterway openings and elevations.
6. Water Surface: Base Flood elevation of the water surface is to be determined and shown on each valley cross section.
7. Supporting Documentation: Provide engineering reports of calculations and assumptions, historical references, research of published hydrology or calculations showing how hydrology was derived, and other documentation of research information.
8. Electronic Data: Provide maps and any other information provided for a Flood Study that may be utilized by FEMA that meets their specific guidelines for digital and electronic data. Please refer to FEMA's Flood Hazard Mapping Program at [www.fema.gov/fhm/](http://www.fema.gov/fhm/) for specific guidelines and specifications for data collection.

**Figure 1. 100-Year Floodplain Cross-Section Diagram\***

\* Please contact the Yellowstone County floodplain administrator at (406) 628-4796 for further information.  
(Ord. 07-01 (part), 2007)

## APPENDIX P

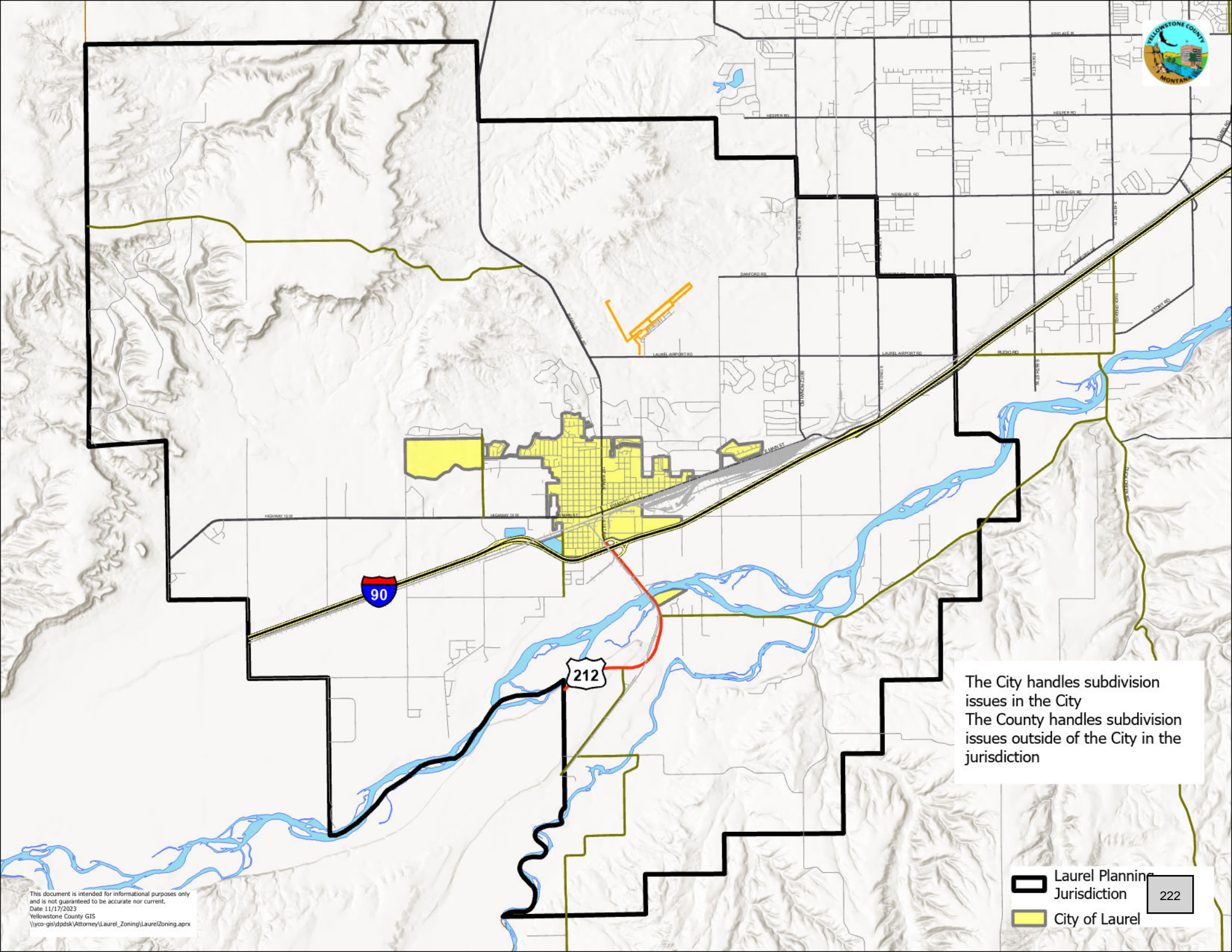
### Fee Schedule\*

\* Please see the City of Laurel's Official Schedule of Fees and Charges available in the Clerk's office and/or the Public Works Department.



(Ord. 07-01 (part), 2007)

Title 16 - SUBDIVISIONS  
APPENDIX P

---



The City handles subdivision issues in the City  
 The County handles subdivision issues outside of the City in the jurisdiction

-  Laurel Planning Jurisdiction
-  City of Laurel

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.  
 Date 11/17/2023  
 Yellowstone County GIS  
 \\yco-gs\jdpdk\Attorney\Laurel\_Zoning\LaurelZoning.aprx

**File Attachments for Item:**

City of Laurel Zoning Ordinances

## PUBLIC HEARING NOTICE

The Laurel-Yellowstone City-County Planning Board and Laurel's Zoning Commission will conduct three (3) public hearings on December 20<sup>th</sup>, 2023.

### Public Hearing for Laurel-Yellowstone City-County Growth Management Plan 2023 Update

### Public Hearing for City of Laurel Zoning Ordinances

### Public Hearing for the Yellowstone County Subdivision Regulations for the Laurel Planning Jurisdiction outside the City of Laurel city limits

The hearings are scheduled for 6 P.M., in the Laurel City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, December 20, 2023.

Public comment is encouraged and can be provided in person at the public hearing on December 20<sup>th</sup>, 2023. Public comments can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. Emails or letters of comments should be received by 4pm MST on December 20<sup>th</sup>, 2023. Copies of the documentation and regulations are available for review upon request at the Planning Department office. Questions regarding these public hearings may be directed to the Planning Director at 406-628-4796 ext. 5305, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).





ENGINEERING, REIMAGINED

# CITY OF LAUREL

## ZONING ORDINANCE

Laurel City Code Title 17

*Passed by the Laurel City Council with Ordinance XXX*

*Regulations effective XXXX*

*October 2023*

---

## ACKNOWLEDGEMENTS

### Mayor and City Council:

Dave Waggoner, Mayor

Heidi Sparks, Ward 1, President

Emelie Eaton, Ward 1

Richard Herr, Ward 2

Michelle Mize, Ward 2

Irv Wilke, Ward 3, Vice President

Casey Wheeler, Ward 3

Jodi Mackay, Ward 4

Richard Klose, Ward 4

### Laurel Yellowstone City County Planning Board and Zoning Commission:

Roger Giese

Richard Klose

Richard Heer

Gavin Williams

Ron Benner

Jonathan Klasna

Judy Goldsby (Chair)

Kurt Markegard (Planning Director)

---

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## **CHAPTER 17.04 - TITLE, PURPOSE AND SCOPE**

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## 17.04.010 – Title Cite

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

## 17.04.020 – Purpose of Provisions

- A. The zoning regulations, classifications and districts as herein set forth are in accordance with Sections 76-2-301 to 76-2-328, 76-1-101 to 76-1-606, and 76-2-201 to 76-2-228, MCA, 1979.
- B. They have been made in accordance with the comprehensive planning process, and have been deemed necessary and developed with consideration among other things, to the character of each zoning district and its peculiar suitability for particular uses, to conserve the value of buildings, to stabilize property values, to preserve recreation and agricultural lands from conflict with urban development, to promote the interest of health, safety, and general welfare, to secure safety from fire, and to provide adequate open space for light and air, and to facilitate the economic provision of adequate transportation, water, sewer, schools, parks, and other public requirements.
- C. The Laurel city council further declares the zoning plan is adopted for the following specific purposes
  1. To promote and guide development consistent with the goals and objectives of the comprehensive planning process;
  2. To prevent waste and inefficiency in land use;
  3. To encourage innovations in residential development and renewal so that the needs of the community for housing may be met by greater variety in type and design of dwellings and by conservation of open space; to preserve and enhance housing values and maintain residential neighborhood aesthetics; and
  4. To provide adequate land and space for the development of commercial and industrial uses and to encourage such development in locations calculated to benefit the community at large and in a manner consistent with the goals and objectives of the city's comprehensive planning process.

## 17.04.030 – Scope

- A. This title applies to all lands in the incorporated limits of the city; and any additional territory authorized by either state statutes or the county commissioners.
- B. In their interpretation and application, the provisions of this title may be regarded as the minimum requirements for the protection of the public health, safety, comfort, prosperity and welfare;
- C. This title is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued prior to the effective date of the ordinances codified in this title.



## CHAPTER 17.08 – DEFINITIONS

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## 17.08.010 - Purpose of provisions

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

## 17.08.020 - Rules of construction

All words used in the present tense include the future tense. All words used in the plural number include the singular number, and all words used in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the word "structure." The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended or arranged to be used."

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

## 17.08.030 - Accessory living quarters

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

## 17.08.080 – Alley

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

## 17.08.090 – Apartment

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

## 17.08.100 - Auto wrecking

See "junkyard".

## 17.08.110 – Basement

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

## 17.08.120 – Billboard

See "Sign — Outdoor advertising."

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### 17.08.130 – Block

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

### 17.08.131 - Bed and breakfast inn

"Bed and breakfast inn" means a house or portion thereof that contains short-term guest rooms where lodging with or without meals is provided for compensation. The operator of the inn shall live on the same property upon which the term is located.

### 17.08.132 - Boarding or lodging house

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

### 17.08.140 – Building

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

### 17.08.150 - Building, accessory

"Accessory building" means a subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

### 17.08.160 - Building codes

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

### 17.08.170 - Building inspector

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

### 17.08.180 - Building line

"Building line" means a line established in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by this title.

### 17.08.190 - Building—Principal

"Principal building" means a building in which is conducted the principal use of the lot on which it is situated.

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## 17.08.200 - Business or commerce

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

## 17.08.210 - Camp, public

"Public camp" means any area or tract or land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits.

## 17.08.220 – Carport

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

## 17.08.230 - Child care facilities

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

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

## 17.08.240 – City

"City" means the city of Laurel, Montana.

## 17.08.250 – Clinic

"Clinic" means a building designed and used for the medical, dental, and surgical diagnosis and treatment of patients under the care of doctors and nurses.

## 17.08.260 - Clinic, animal

"Animal clinic" means a building or premises for the medical treatment of pets or customary household animals, including but not limited to cats and dogs, provided no overnight boarding occurs on the premises.

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### **17.08.270 – Club**

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

### **17.08.280 – Cluster**

"Cluster" means a pattern of residential development where dwelling units are grouped, with the remainder of the yard left in landscaped open space.

### **17.08.285 - College or university**

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

### **17.08.290 - Commercial district**

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

### **17.08.291 - Community residential facilities**

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

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

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

"Nursing homes, convalescent homes, orphanages, and charitable institutions" means a home operated similarly to a boarding house but not restricted to any number of guest or guest rooms, and the operator of which is licensed by the state, city, or county to give special care and supervision to his/her patients. In such homes, nursing, dietary, and other personal services are furnished to convalescent, invalids, and aged persons, but within which homes are kept no persons suffering from a contagious or communicable disease, and within which are performed no surgery, maternity, or other primary treatments such as are customarily provided in sanitariums or hospitals, and within which no persons are kept to be served who normally would be admitted to a mental hospital. Adult foster care homes are not included in this definition.

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

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"Youth group home" means a youth care facility licensed by the Montana Department of Family Services in which individual care is provided to seven to twelve children or youth.

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### **17.08.300 – Condominium**

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

### **17.08.310 – Dairy**

"Dairy" means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained.

### **17.08.330 – Density**

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

### **17.08.340 - Drive-in restaurant**

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

### **17.08.350 – Dwelling**

"Dwelling" means a building or portion thereof arranged or designed to provide living facilities for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel or travel trailer. All dwellings except manufactured homes must conform to the Uniform Building Code.

### **17.08.360 - Dwelling, group**

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

### **17.08.370 - Dwelling, multifamily**

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

### **17.08.380 - Dwelling, multifamily high rise**

"Multifamily high rise dwelling" means a building containing over three dwelling units with a height not over six stories or sixty feet.

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### **17.08.390 - Dwelling, single-family**

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

### **17.08.400 - Dwelling, two family**

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

### **17.08.410 - Dwelling unit**

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

### **17.08.420 – Easement**

"Easement" means a grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes.

### **17.08.430 - Elderly housing**

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

### **17.08.440 - Fallout shelters**

"Fallout shelters" means a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.

### **17.08.450 – Family**

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

### **17.08.460 – Fence**

"Fence" means a barrier of posts connected by boards, rails, panels or wire constructed for purposes of enclosing space, for separating parcels of land or for landscaping and including masonry walls, ornamental structures, privacy screens and shrubs.

### **17.08.470 - Filling station**

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

### **17.08.480 - Floodplain or floodway**

"Floodplain" or "floodway" means in all cases of interpretation the regulations of the Montana Water Resources Board as provided in Sections 76-5-103 and 76-5-104, MCA, 1979.



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### **17.08.490 - Floodplain zone**

"Floodplain zone" means a separate and distinct portion of the Laurel Zoning Ordinance governing those lands affected by a one hundred year floodplain classification.

### **17.08.500 - Fraternity, sorority, or student cooperative**

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

### **17.08.510 – Frontage**

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

### **17.08.520 - Garage, private**

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

- A. For any single-family dwelling — three passenger vehicles;
- B. For any two-family dwelling — four passenger vehicles;
- C. For any multifamily dwelling — passenger vehicles equal in number to two hundred fifty percent of the number of dwelling units in the principal building;
- D. For any other use — no limitation.

### **17.08.530 - Garage, public**

"Public garage" means a building or premises which is operated for commercial purposes and used for the storage, care or repair of motor vehicles, but a "public garage" shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

### **17.08.540 - Group dwelling**

See "Dwelling group."

### **17.08.550 - Height of building**

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

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

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### **17.08.560 – Hospital**

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

### **17.08.570 - Hospital, animal**

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

### **17.08.580 - Hospital, mental**

"Mental hospital" means an institution licensed by state agencies under the provisions of law to offer facilities, care and treatment of cases of mental and nervous disorders.

### **17.08.590 – Hotel**

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

### **17.08.600 - Industrial district**

"Industrial district" means any LI or HI district.

### **17.08.610 – Junkyard**

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

### **17.08.620 - Jurisdictional area**

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

### **17.08.630 - Kennel, commercial**

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

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### **17.08.640 - Kennel, noncommercial**

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

### **17.08.670 – Lot**

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

### **17.08.680 - Lot, corner**

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

### **17.08.690 - Lot depth**

"Lot depth" means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

### **17.08.700 - Lot, interior**

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

### **17.08.710 - Lot line, rear**

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

### **17.08.720 - Lot, record**

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

### **17.08.730 - Lot width**

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

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## 17.08.740 - Lot, zoning

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

## 17.08.750 – Marquee

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

## 17.08.760 - Medical marijuana cultivation facility or cultivation facility

"Medical marijuana cultivation facility" or "cultivation facility" shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from any medical marijuana dispensary and that is designated as part of the premises of a medical marijuana dispensary licensed pursuant to Title 5, Chapter 5.70 of the Laurel Municipal Code. The city shall not license a medical marijuana cultivation facility or cultivation facility within one thousand feet of any private or public preschool, elementary, secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.

## 17.08.761 - Medical marijuana dispensary or dispensary

"Medical marijuana dispensary" or "dispensary" shall mean a property or structure used to sell, distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients or primary caregivers pursuant to the authority contained in MCA § 50-46-101 et. seq. and the implementing administrative regulations promulgated thereto. The city shall not license a medical marijuana dispensary facility or dispensary facility within one thousand feet of any private or public preschool, elementary, secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.

## 17.08.762 - Mobile home

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

## 17.08.763 - Manufactured home parks, travel trailer parks and individual manufactured homes

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

- 
1. "Manufactured home" means a dwelling unit that: (a) is not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes; and (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (c) exceeds forty feet in length and eight feet in width.
  2. Manufactured Home, Class A. "Class A manufactured home" means a manufactured home constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:
    - a. The roof is finished with a type of shingle that is commonly used in standard residential construction;
    - b. The standard siding consists of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
    - c. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
    - d. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.
  3. Manufactured Home, Class B. "Class B manufactured home" means a manufactured home constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.
  4. Manufactured Home, Class C. "Class C manufactured home" means any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.
  5. "Manufactured home park" means a residential use in which more than one manufactured home is located on a single lot.
  6. "Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code Standards applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

## 17.08.770 – Motel

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

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### **17.08.780 - Motor vehicle parts salvage yard**

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

### **17.08.790 - Nonconforming use**

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

### **17.08.800 - Off-street parking space**

"Off-street parking space" means an off-street area for parking of one motor vehicle having an all-weather surface, shall have a width of not less than twelve feet when directly connected to a driveway approach; in all other instances the width shall be not less than ten feet; in both instances the length shall be not less than twenty feet. Easy access to a street shall be provided by a driveway having an all-weather surface.

### **17.08.810 - Parking lot**

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

### **17.08.820 - Residential district**

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

### **17.08.830 - Outdoor advertising display**

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

### **17.08.850 - Planning board**

"Planning board" means the Laurel-Yellowstone city-county planning board as authorized under the provisions of 76-1-101 to 76-1-606, MCA 1979.

### **17.08.860 - Planning director**

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

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### **17.08.870 - Planned unit development**

"Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which compromises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

### **17.08.875 - Post-secondary school**

"Post-secondary school" means a community college, a unit of the Montana University System, or a private university or college.

### **17.08.877 – Preschool**

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

### **17.08.880 - Principal use**

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

### **17.08.890 - Public use zone**

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

### **17.08.900 - Public utility**

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

### **17.08.910 - Recreational area, commercial**

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

### **17.08.920 - Recreational area, noncommercial**

"Noncommercial recreational area" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club, homeowner's association or other corporate structure and whose membership is limited to the residents within the area.

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### **17.08.950 - Row housing**

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

### **17.08.960 - Salvage yards**

See "motor vehicle parts salvage yards."

### **17.08.970 – Sanitarium**

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

### **17.08.980 – School**

"School" means a place or institution for the teaching of individuals, the curriculum of which is composed of the work of any combination of kindergarten through grade twelve, a post-secondary school or a preschool.

### **17.08.990 - School, commercial**

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

### **17.08.1010 - Secondhand store**

"Secondhand store" means a retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new. Antique stores are exempted.

### **17.08.1020 - Service station, automobile gasoline and motor fuels**

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

- A. The servicing of motor vehicles and operations incidental thereto but not necessarily limited to the retail sale of petroleum products and automotive accessories, automobile waxing and polishing, tire changing and repairing (excluding recapping), battery service, charging and replacement, excluding repair and rebuilding, radiator cleaning and flushing, excluding steam cleaning and repair, and installation of accessories;
- B. The following operations, if conducted within a building: Lubrication of motor vehicles, brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes, wheel balancing, the testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring, replacing mufflers and shock absorbers.



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## 17.08.1030 – Sign

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

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignias of any government except where displayed in connection with commercial promotion;
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
- F. Real estate "For Sale" signs ten sq. feet or less in size;
- G. Package containers, designed for the purpose of holding letters, parcel post, packages and delivery service orders;
- H. Temporary political campaign signs.

## 17.08.1040 - Stable, private

"Private stable" means a detached accessory building in which animals are kept entirely for the use of the owner or members of the immediate family.

## 17.08.1050 - Stable, nonprofit or commercial

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

## 17.08.1060 – Story

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

## 17.08.1070 - Story, half

"Half story" means a story with at least two opposite exterior sides meeting at a sloping roof not more than two feet above the floor of such story.

## 17.08.1080 – Street

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

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## 17.08.1090 - Structural alteration

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or dimension of the rooms therein.

## 17.08.1100 – Structure

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

## 17.08.1110 - Theater, drive-in

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

## 17.08.1120 - Trailer or mobile home

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

## 17.08.1130 - Travel trailer

"Travel trailer" means a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use. When factory- equipped for the road, it shall have a maximum dimension of eight by thirty-two feet.

## 17.08.1160 – International Building Code

"International building codes" means the currently adopted set of regulations in effect concerning building in the city, as defined in Section 17.08.160 of this chapter, and as utilized in the zoning jurisdiction of the city and in that area around Laurel in which Laurel enforces the building code.

## 17.08.1170 – Use

"Use" means the term referring to:

- A. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; and
- B. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land; or
- C. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

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### **17.08.1180 - Usable open space**

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

### **17.08.1190 - Uses permitted**

"Uses permitted" means any use permitted by the regulations of this title. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

### **17.08.1200 – Variance**

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

### **17.08.1210 - Yard, front**

"Front yard" means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

### **17.08.1220 - Yard, rear**

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

### **17.08.1230 - Yard, side**

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

### **17.08.1240 – Yard**

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

**CHAPTER 17.12 – ZONING DISTRICTS ESTABLISHED**

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## 17.12.010 – Intent

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

## 17.12.020 - Districts designated

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

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

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### **17.12.050 - Residential-7500 District (R-7500)**

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

### **17.12.060 - Residential-6000 District (R-6000)**

The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.

### **17.12.070 - Residential Light Multifamily District (RLMF)**

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

### **17.12.080 - Residential Multifamily District (RMF)**

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

### **17.12.090 - Residential Manufactured Home District (RMH)**

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

### **17.12.100 - Planned Unit Development District (PUD)**

The planned unit development zone is intended to provide a district in which the use of the land is for the development of residential and commercial purposes, as an integrated unit.

### **17.12.110 - Residential Professional District (RP)**

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

### **17.12.120 - Neighborhood Commercial District (NC)**

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

### **17.12.130 - Central Business District (CBD)**

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

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### **17.12.140 - Community Commercial District (CC)**

The community commercial classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area within a one and one-half mile radius, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials.

### **17.12.150 - Highway Commercial District (HC)**

The purpose of the highway commercial district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.

### **17.12.160 - Light industrial District (LI)**

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

### **17.12.170 - Heavy industrial District (HI)**

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

### **17.12.200 - Public District (P)**

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

### **17.12.210 - District boundaries and zoning map**

The location and boundaries of districts established in the city are shown on the official zoning map of the city. This map is entitled "Zoning Map of the City of Laurel, Montana," and is on file in the office of the city clerk-treasurer. This map is hereby made a part of this chapter. This map shall reflect the ordinances adopted prior to this date and all ordinances adopted after this date relating to the boundaries of zoning districts. The city engineer shall show changes upon the official zoning map of the city in accordance with such ordinances as they are from time to time enacted.

#### 17.12.220 - Interpretation of district boundaries

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

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- A. District boundary lines are intended to follow street, alley or lot lines, or lines parallel to or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the zoning map;
  - B. Where district boundaries are indicated as approximately following street or alley lines or proposed street or alley lines, such lines shall be construed to be such boundaries;
  - C. Where district boundaries are so indicated that they approximately follow lot lines and are not more than ten feet distant therefrom, such lot lines shall be such boundaries;
  - D. Where land within the city limits is not subdivided into lots and blocks or where district boundary lines are not approximately street, alley, or lot lines, the district boundary lines on the zoning map shall be determined by the scale shown on such map, and where uncertainty exists, the district boundary line shall be determined by the zoning commission by written decision. If land within the city limits has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the district boundaries were established, or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on the zoning map, the zoning commission, after notice to the property affected thereby and a public hearing, may interpret the zoning map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street and lot layout of the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the zoning map in the office of the city building inspector shall be changed to conform thereto;
  - E. Any street, alley or railroad right-of-way, watercourse, channel or body of water, included in the zoning map shall, unless otherwise indicated, be included in the zoning district of adjoining property on either side thereof. Where such a street, alley, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different zoning districts, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between zones. If a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley;
  - F. All land or territory annexed to the city after the date of adoption of this section shall immediately become classified as an R-7500 residential district and the zoning map shall thereupon be amended to indicate such land or territory in the R-7500 residential district without additional procedure.
  - G. The hearing for annexation and zone change may be held at the same time.



**CHAPTER 17.16 – RESIDENTIAL DISTRICTS**

## 17.12.050 - Residential-7500 District (R-7500)

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

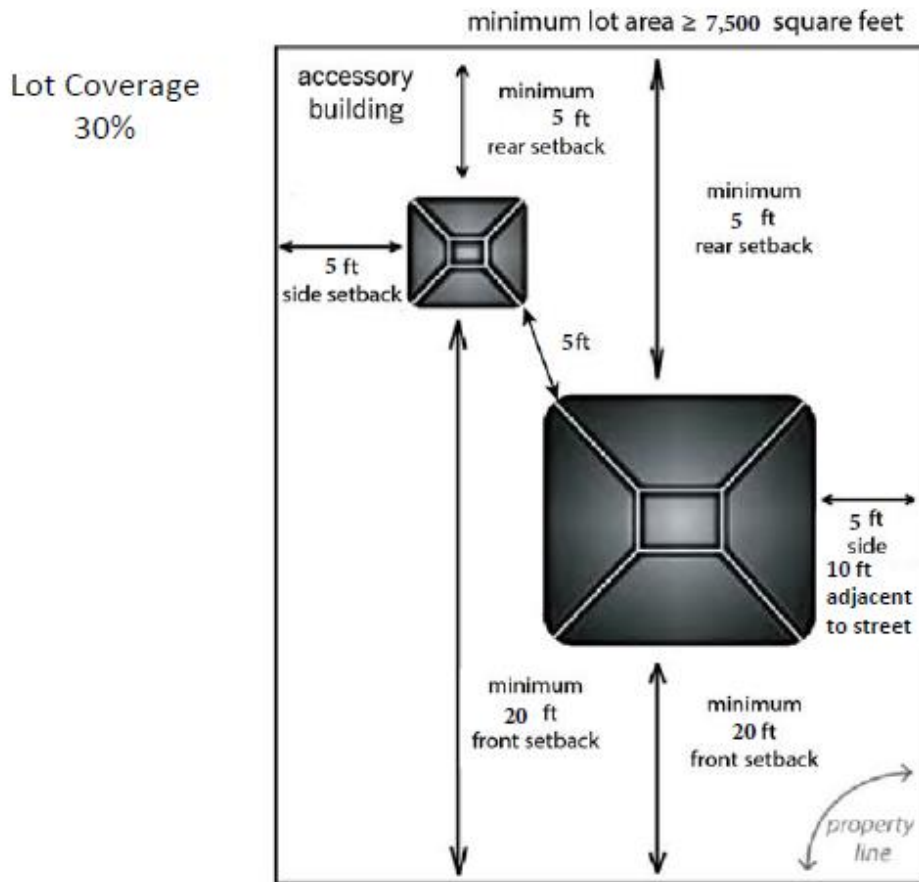
### 17.12.010 - List of uses

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

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

<b>Dimensional Standards R-7500</b>	
<b>Minimum lot area per dwelling unit in square feet</b>	
One unit	7,500
Two unit	7,500
Three unit	N/A
Four unit	N/A
Five unit	N/A
Six units and more	N/A
<b>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</b>	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	30
Maximum lot coverage (percentage)	30
Minimum district size (expressed in acres)	2.07

# Zoning Requirements - R 7,500



## 17.12.060 - Residential-6000 District (R-6000)

The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.

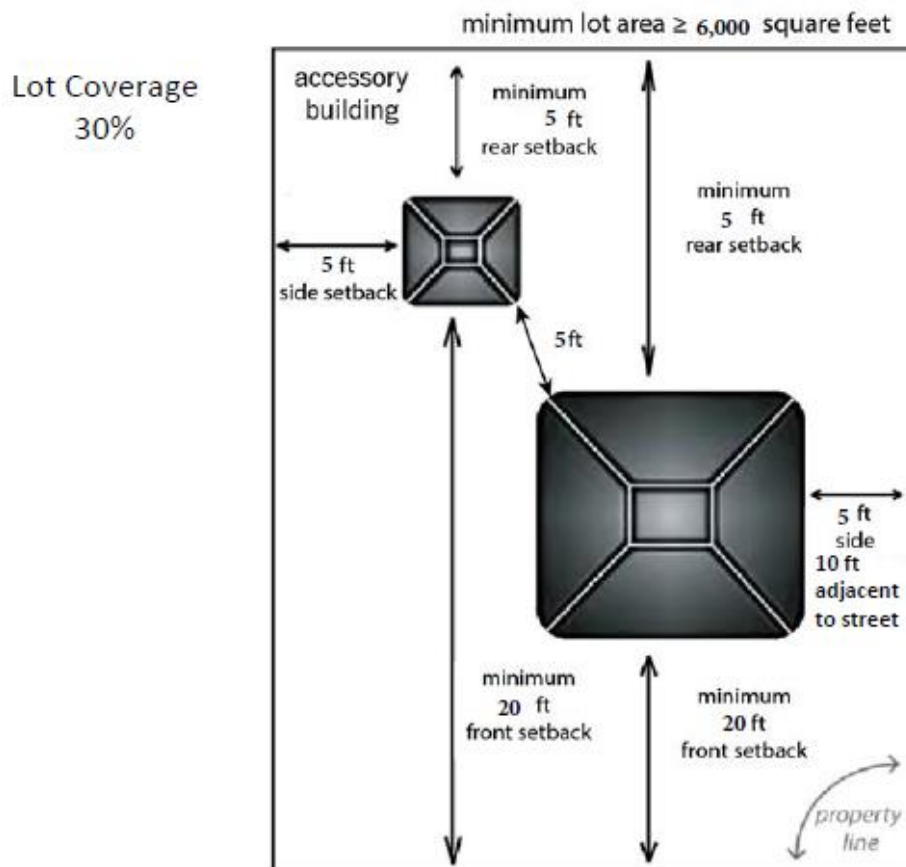
### 17.12.010 - List of uses

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

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

<b>Dimensional Standards R-6000</b>	
<b>Minimum lot area per dwelling unit in square feet</b>	
One unit	6,000 <sup>1</sup>
Two unit	7,500
Three unit	8,500
Four unit	10,000
Five unit	N/A
Six units and more	N/A
<b>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</b>	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	35
Maximum lot coverage (percentage)	30
Minimum district size (expressed in acres)	2.07

## Zoning Requirements - R 6,000



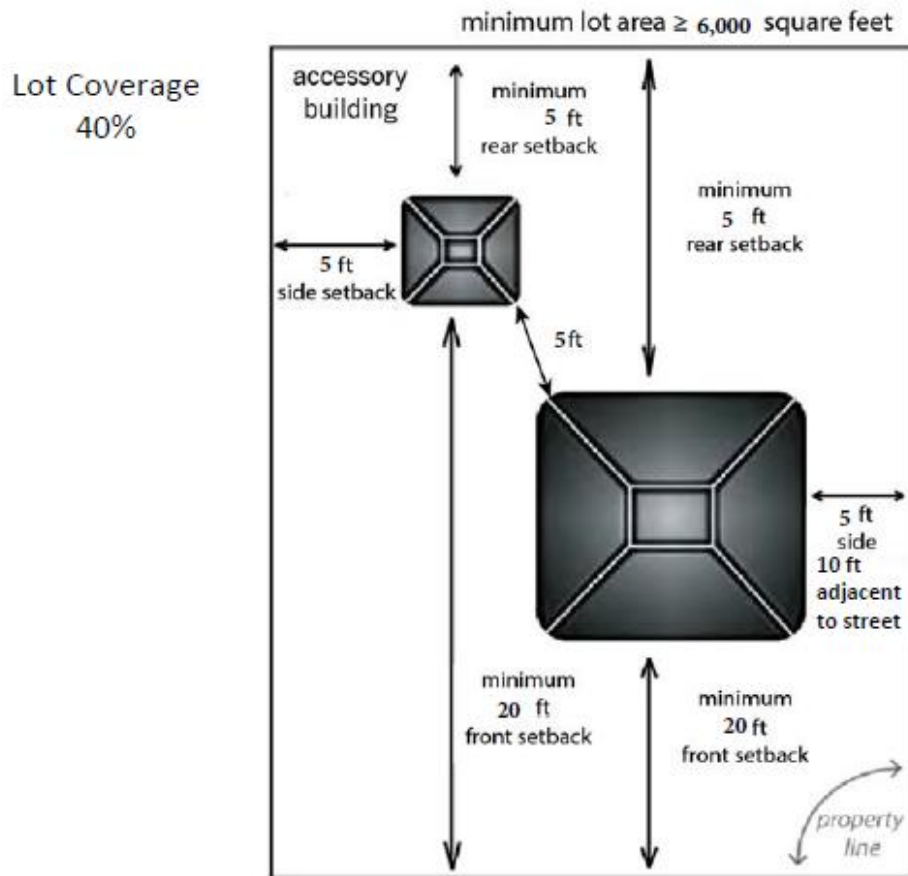
## 17.12.070 - Residential Light Multifamily District (RLMF)

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

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

<i>Dimensional Standards RLMF</i>	
<i>Minimum lot area per dwelling unit in square feet</i>	
One unit	6,000
Two unit	7,500
Three unit	8,500
Four unit	10,000
Five unit	N/A
Six units and more	N/A
<i>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</i>	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	35
Maximum lot coverage (percentage)	40
Minimum district size (expressed in acres)	2.07

# Zoning Requirements - RLMF





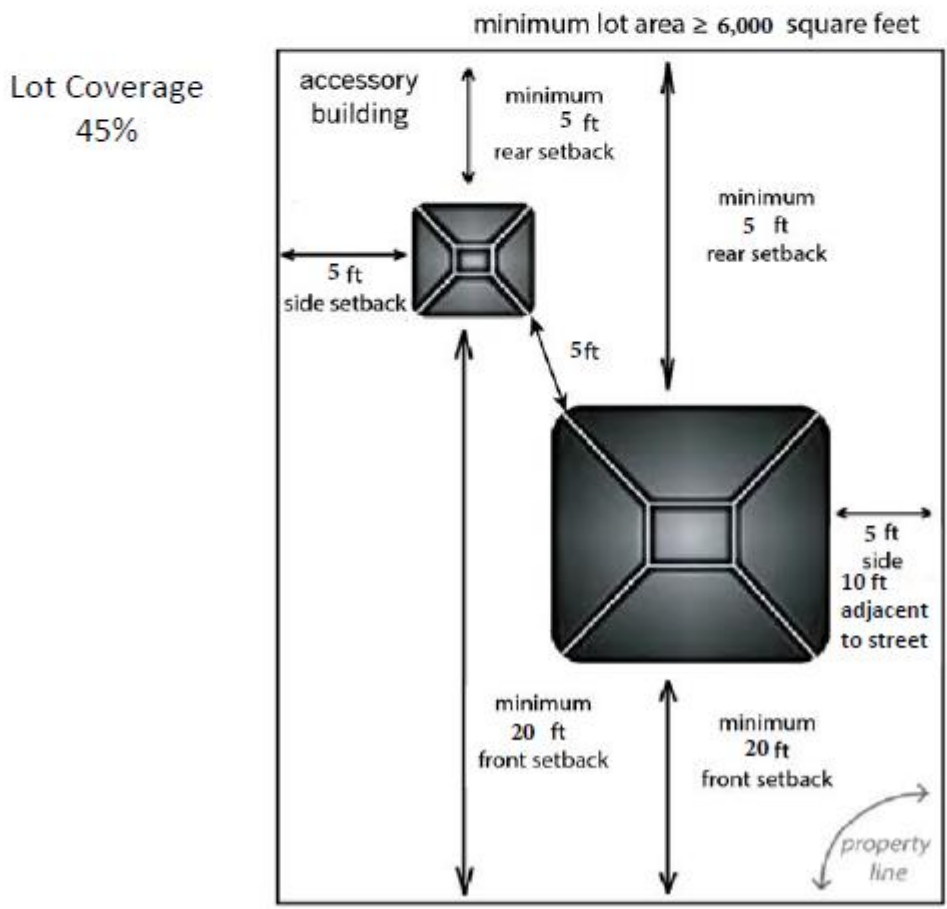
## 17.12.080 - Residential Multifamily District (RMF)

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

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

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

# Zoning Requirements - RMF



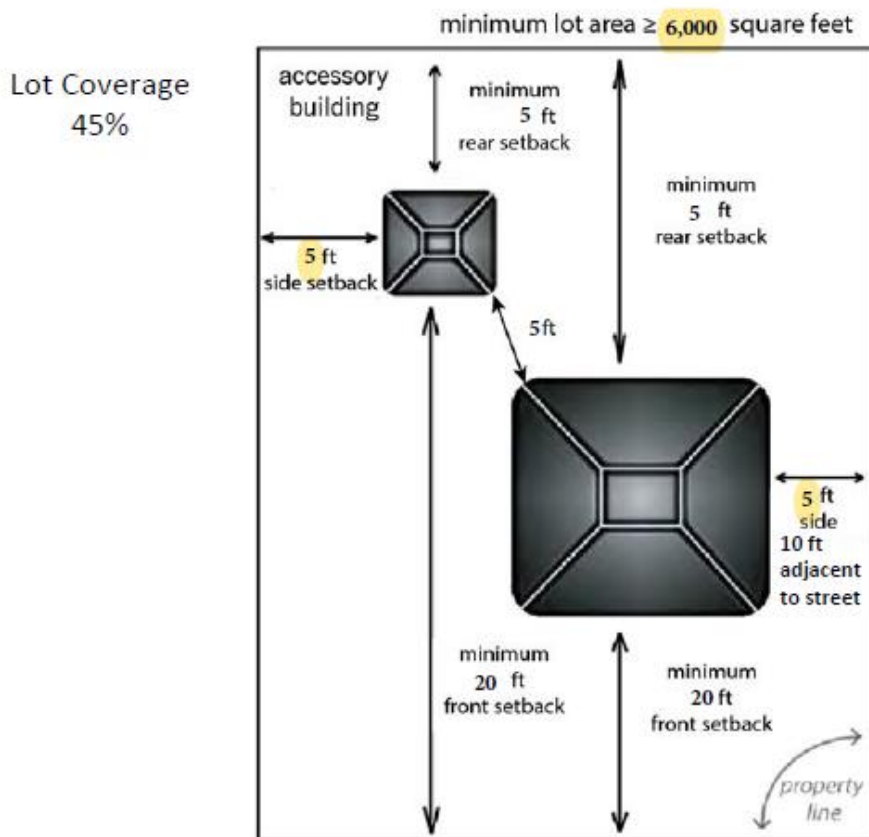
## 17.12.090 - Residential Manufactured Home District (RMH)

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

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

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

# Zoning Requirements - RMH



## CHAPTER 17.20 – COMMERCIAL-INDUSTRIAL USE REGULATIONS

## 17.12.110 - Residential Professional District (RP)

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

### 17.20.010 - List of uses

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

### 17.20.020 - Zoning classified in districts

Allowed Uses Neighborhood Commercial NC		
<i>Permitted</i>		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Communication Towers	Dwelling single and two family
Class A, Class B Mobile Homes	Bed and breakfast inns	Hospital Animal
Home Occupation		Day Care Home
	Boarding and lodging houses	
		Day Care Center
Community residential facilities: Nursing, homes, convalescent homes, orphanages, and charitable institutions		
<i>Conditional</i>		
Class C: Row housing	Preschool	Public utilities service installations
On premise signs.		
Ceramics Shop	Churches and other places of worship including parish houses and Sunday school building	Extractive Industries
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale.	Parking Public.	Photographic studios

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

## 17.12.120 - Neighborhood Commercial District (NC)

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

### 17.20.010 - List of uses

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

### 17.20.020 - Zoning classified in districts

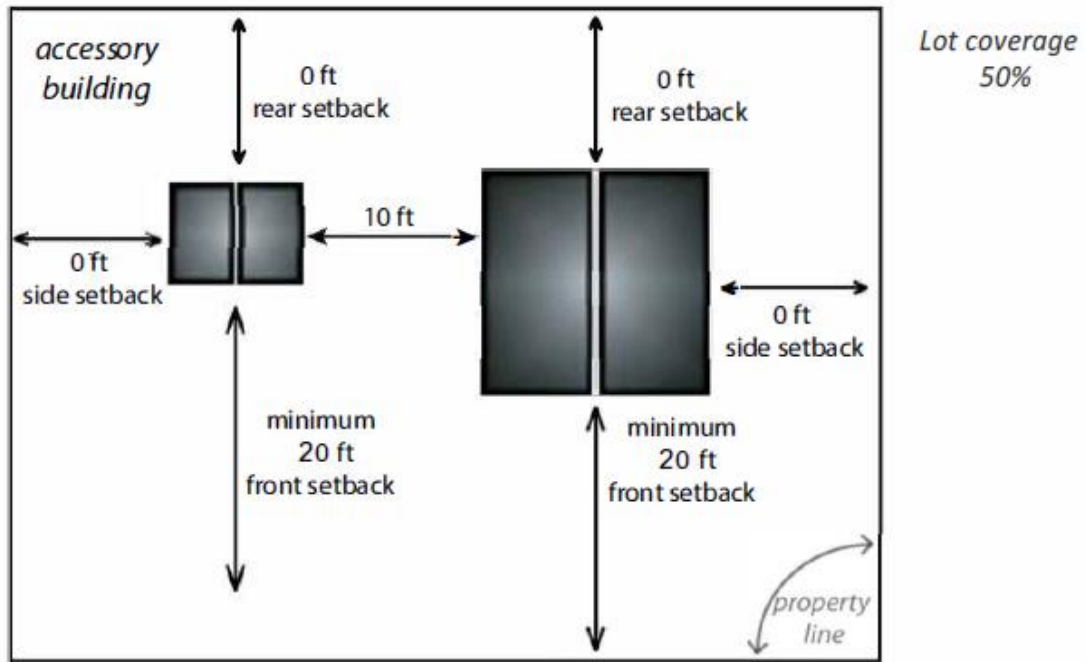
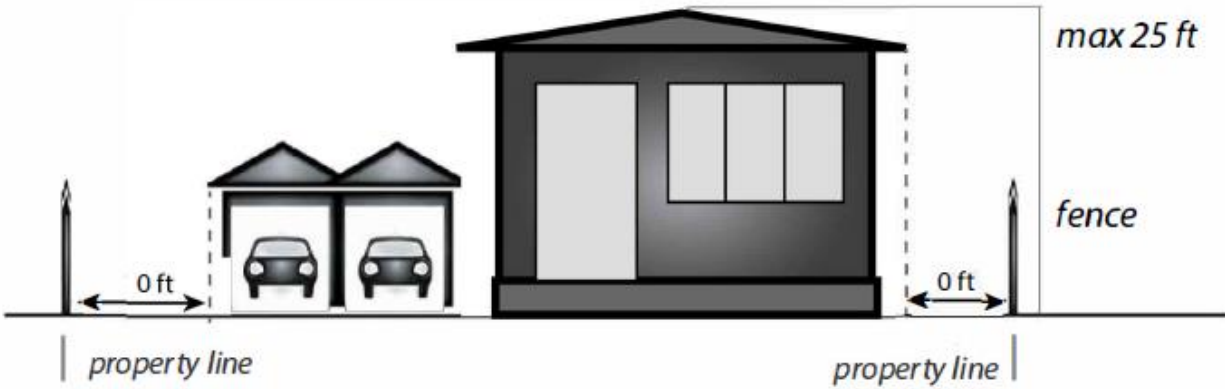
Allowed Uses Neighborhood Commercial NC		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Banks, savings and loan, commercial credit unions	Camera supply stores
Ambulance service	Bed and breakfast inns	Ceramics shop
Appliance - (household) sales and service	Bicycle sales and repair	Day Care Home
Automobile service station	Blueprinting and photostating	Churches and other places of worship including parish houses and Sunday school building
Bakery shops and confectioneries	Boarding and lodging houses	Clinic, animal
Barber and beauty shops	Book and stationery store	Clinics, medical and dental
Clothing and apparel stores	Colleges or universities	Day Care Center
Communication towers (commercial)	Construction contractors: Office	Furniture and home furnishings, retail sales
Community residential facilities: Nursing, homes, convalescent homes, orphanages, and charitable institutions		
Drug stores	Dwellings: single-family Manufactured home	Florist, retail sales
Two family	Multiple family	Food stores (retail only) - 3000 sq. ft.
Hobby and toy stores	Hospitals (for the care of human patients)	Hospital, animal
Jewelry and watch sales	Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size	Laundries, pick up stations
Laundries, self-service coin operated	Libraries, museums, and art galleries	Lock and gunsmiths
Mortuary	Music stores	Office building, professional government and private office buildings in which no activity is



		carried on catering to retail trade and no stock of goods is maintained for sale
Office equipment, supplies and service	Optician and optical supplies and sales	Paint and body shops
Paint and retail sales	Paint and retail sales	Pet shops
Photographic studios	Post-secondary school	Real estate office
School, commercial	Sign: On premises	Home Occupations
<b>Conditional</b>		
Class C: Row hosing	Preschool	Public utilities service installations
Commercial Recreation Area		

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

# C-NC Dimensional Standards Illustration



## 17.12.130 - Central Business District (CBD)

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

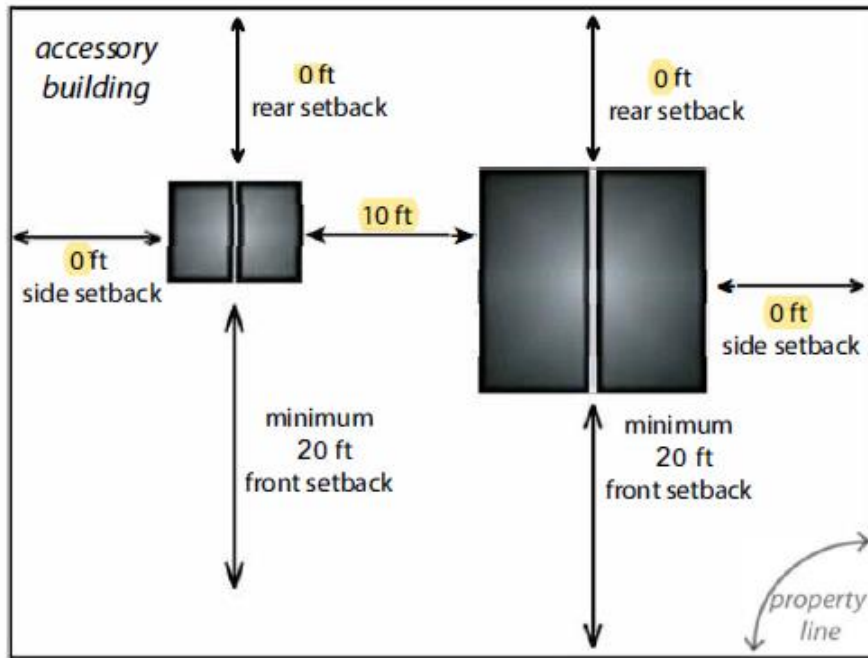
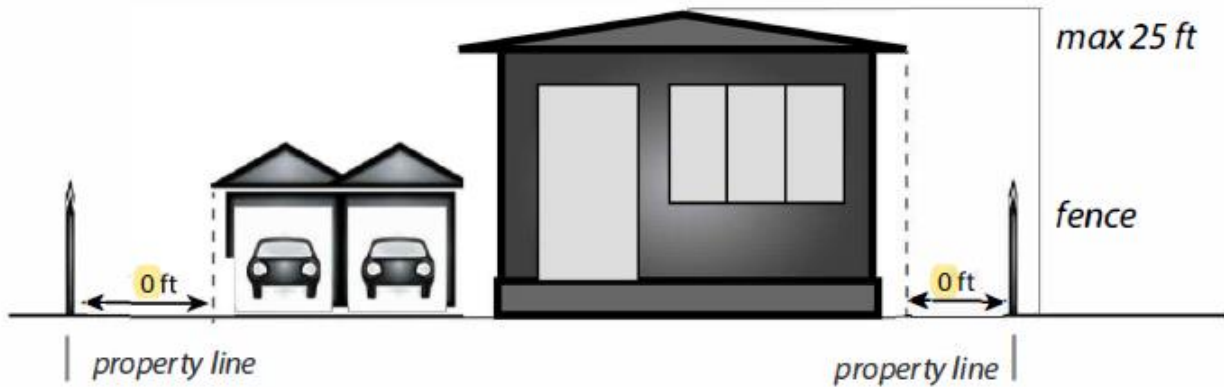
Allowed Uses Central Business District - CBD		
<i>Permitted</i>		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. Less than 1,500 gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Retail Sales and Services	Wholesale Sales and Services
Automobile sales (new and used)	Automobile service station	Bus passenger terminal buildings local and cross country
Automobile - commercial parking enterprise	Automobile and truck repair garage	Gambling establishments
Car wash - coin operated	Churches and other places of worship including parish houses and Sunday school building	Hospitals (for the care of human patients)
Clinic, animal	Commercial recreation areas	Libraries, museums, and art galleries
Colleges or universities	Two family; Multiple family	Motorcycle sales and repair
Construction contractors: Office	Furriers, retail sales and storage	Pet shops
Dwellings: single-family	Laundries, self-service coin operated	Communication towers (commercial)
Manufactured home Class A, Class B,	Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain	Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale
Laundry, Dry Cleaners	Motels and motor courts	Radio and TV broadcasting stations
Laundries, pick up stations	Office equipment, supplies and service	Post-secondary school
Mortuary	Public utilities service installations	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners
School, commercial	Storage associated with Existing Business in CBD.	Real estate office
<i>Conditional</i>		
Manufactured home Class C: Row hosing	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year	Cocktail lounge, restaurants, bars and taverns
Auction house	Restaurants (without the sale of alcoholic beverages)	Heliports
Preschool	Sign: Off premises	

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

No building, structure or premises shall be used for retail alcoholic beverage sales unless:

1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;
2. A distance of six hundred feet between property lines measured in a straight line is maintained from any building that is primarily used as a church or school, or from a public park that contains a children's playground or playfield.
  - a. Properties or establishments which are located in the Central Business District zoning district are exempt from [sub]section 2.
  - b. Properties may be granted a waiver from the six-hundred-foot separation required in subsection 2. if the governing body finds that a physical barrier exists between the proposed use requiring the 600-foot separation. These barriers include, but are not limited to, the following:
    - i. An arterial street with no existing or proposed signalized pedestrian crossing;
    - ii. A building or buildings that entirely obstruct the view between the separated uses; and
    - iii. No direct physical access exists between the separated uses.
3. The applicant must provide the governing body with proof that the proposed property or establishment meets one of the above described physical barriers or that other types of physical barriers exist that warrant the waiving of the six-hundred-foot separation.

# C-CBC Dimensional Standards Illustration



## 17.12.140 - Community Commercial District (CC)

The community commercial classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area within a one and one-half mile radius, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials.

Allowed Uses Community Commercial - CC		
<i>Permitted</i>		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. Less than 1,500 gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Retail Sales and Services	Wholesale Sales and Services
Automobile sales (new and used)	Automobile service station	Bus passenger terminal buildings local and cross country
Automobile - commercial parking enterprise	Automobile and truck repair garage	Gambling establishments
Car wash - coin operated	Churches and other places of worship including parish houses and Sunday school building	Hospitals (for the care of human patients)
Clinic, animal	Commercial recreation areas	Libraries, museums, and art galleries
Colleges or universities	Two family; Multiple family	Motorcycle sales and repair
Construction contractors: Office	Furriers, retail sales and storage	Pet shops
Dwellings: single-family	Laundries, self-service coin operated	Communication towers (commercial)
Manufactured home Class A, Class B,	Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain	Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale
Laundry, Dry Cleaners	Motels and motor courts	Radio and TV broadcasting stations
Laundries, pick up stations	Office equipment, supplies and service	Post-secondary school
Mortuary	Public utilities service installations	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners
School, commercial	Storage associated with Existing Business.	Real estate office
<i>Conditional</i>		
Camps, public	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year	Cocktail lounge, restaurants, bars and taverns
Assembly halls and stadium	Bakery products manufacturing	Drive-in restaurants

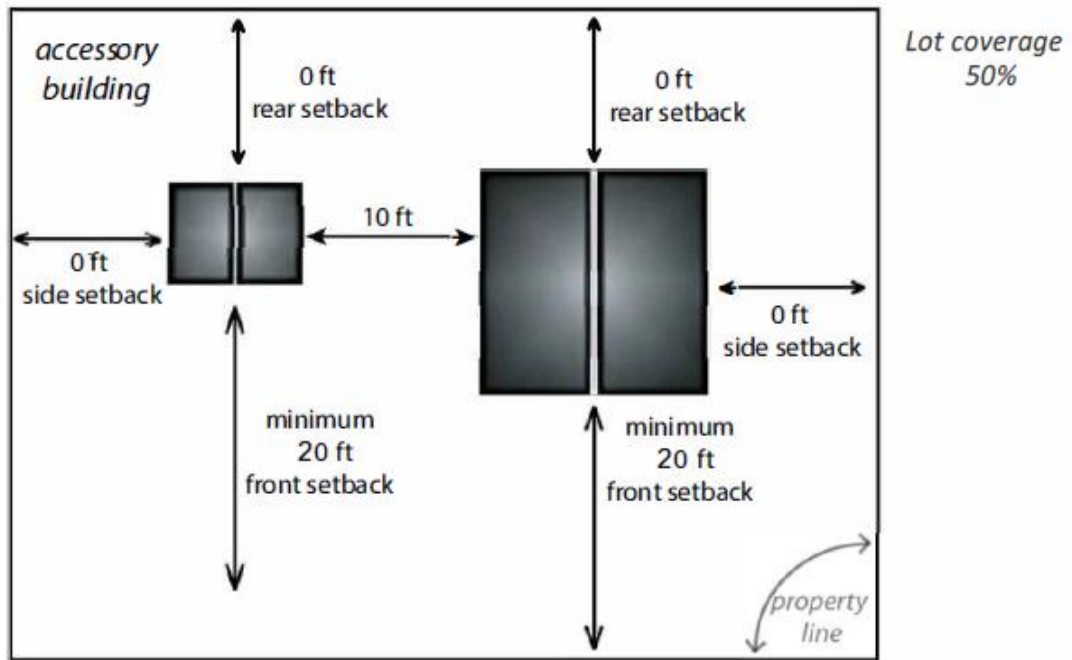
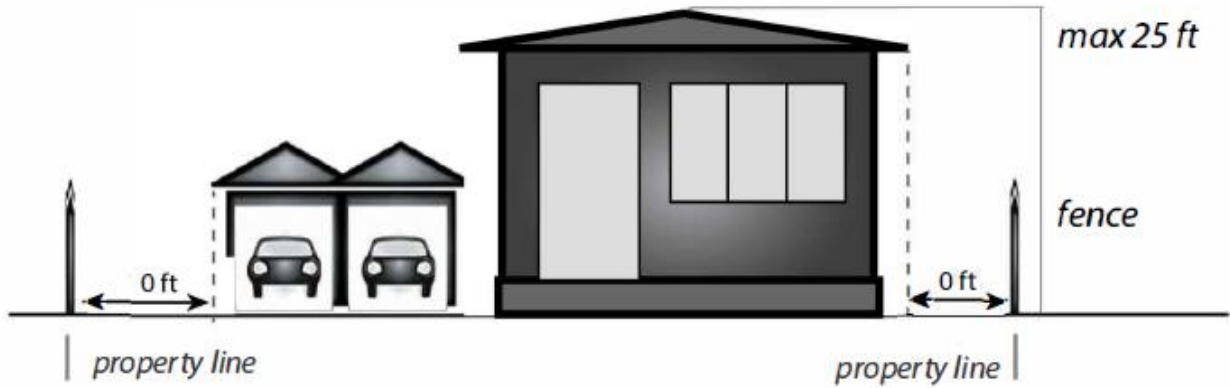
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Auction house, excluding	Class A, Class B, Class C: Row hosing	Kennels - commercial
Hospital, animal	Sign: Off premises	

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



## C-CC Dimensional Standards Illustration



## 17.12.150 - Highway Commercial District (HC)

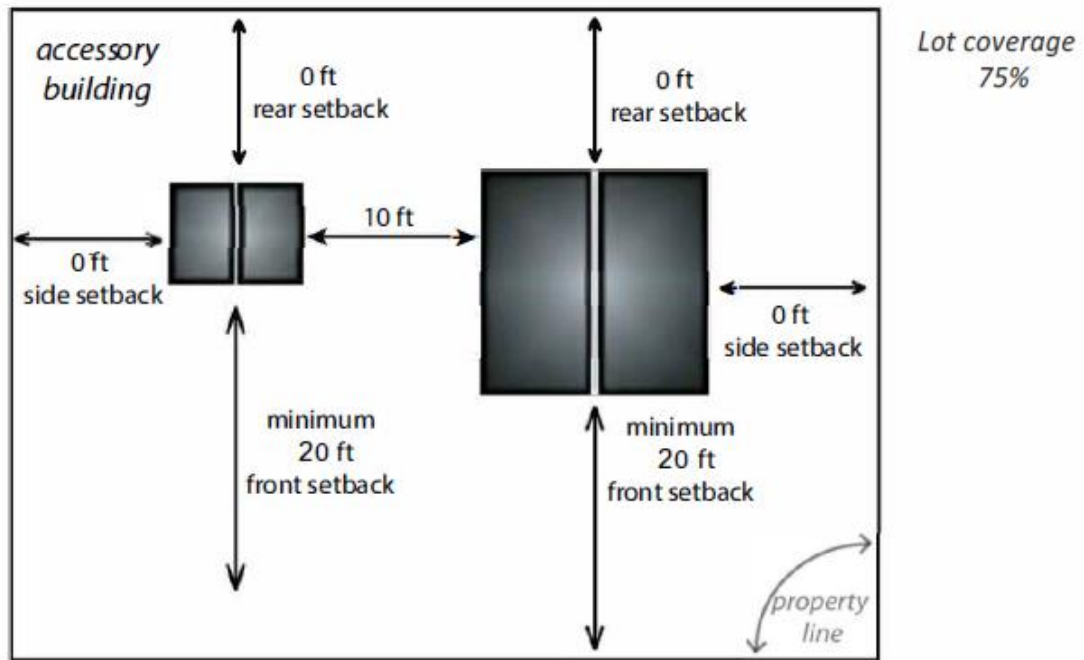
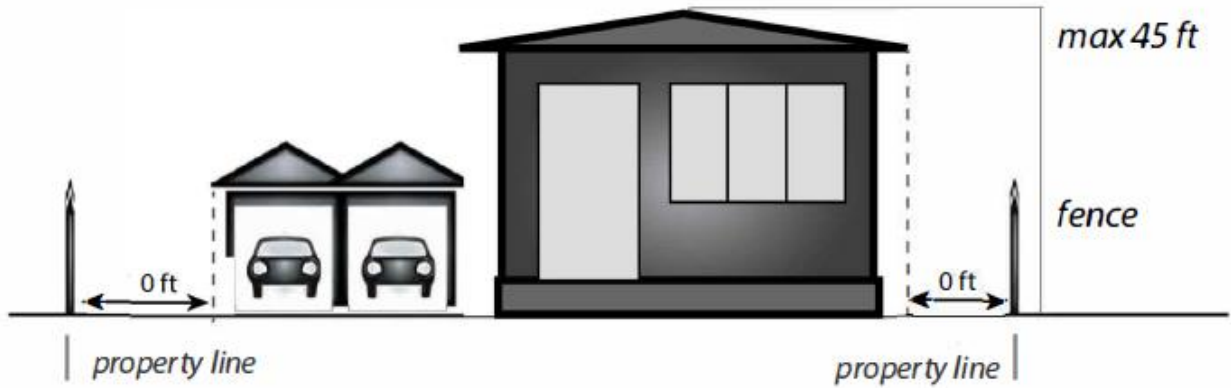
The purpose of the highway commercial district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.

Allowed Uses Highway Commercial - HC		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. Less than 1,500 gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Retail Sales and Services	Wholesale Sales and Services
Automobile sales (new and used)	Automobile service station	Bus passenger terminal buildings local and cross country
Automobile - commercial parking enterprise	Automobile and truck repair garage	Gambling establishments
Car wash - coin operated	Churches and other places of worship including parish houses and Sunday school building	Hospitals (for the care of human patients)
Clinic, animal	Commercial recreation areas	Libraries, museums, and art galleries
Colleges or universities	Two family; Multiple family	Motorcycle sales and repair
Construction contractors: Office	Furriers, retail sales and storage	Pet shops
Dwellings: single-family	Laundries, self-service coin operated	Communication towers (commercial)
Manufactured home Class A, Class B,	Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain	Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale
Laundry, Dry Cleaners	Motels and motor courts	Radio and TV broadcasting stations
Laundries, pick up stations	Office equipment, supplies and service	Post-secondary school
Mortuary	Public utilities service installations	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners
School, commercial	Storage associated with Existing Business.	Real estate office
Fuel oil, gasoline and petroleum products bulk storage or sale	Boat building and repair	Boat sales new and used
Paint and body shops	Truck terminals, repair shops, hauling and storage yards	Gases or liquified petroleum gases in approved portable

		metal containers for storage or sale
Tire recapping and retreading	Trailer and recreational vehicle sales area	
<b>Conditional</b>		
Commercial food products, storage and packaging	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year	Construction contractors: Open storage of construction materials or equipment
Assembly halls and stadium	Crematorium	Drive-in restaurants
Assembly of machines and appliances from previously prepared parts	Cocktail lounge, restaurants, bars and taverns	Fertilizer wholesale sales
Food products manufacturing, storage and processing	Grain elevators	Heliports
Hospital, animal	Laboratories for research and testing	Machine shops
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created	Heavy manufacturing not otherwise mentioned or blending or mixing plants	Meat processing - excluding slaughter plants
Meat processing - excluding slaughter plants	Metal fabrication	Prefabricated building materials assembly and manufactures
Billboards	Sign: Off premises	Drive-in theaters
Travel trailer park (transient)	Wholesale and jobbing establishments	Woodworking shops, millwork

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

# C-HC Dimensional Standards Illustration



## 17.12.160 - Light Industrial District (LI)

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

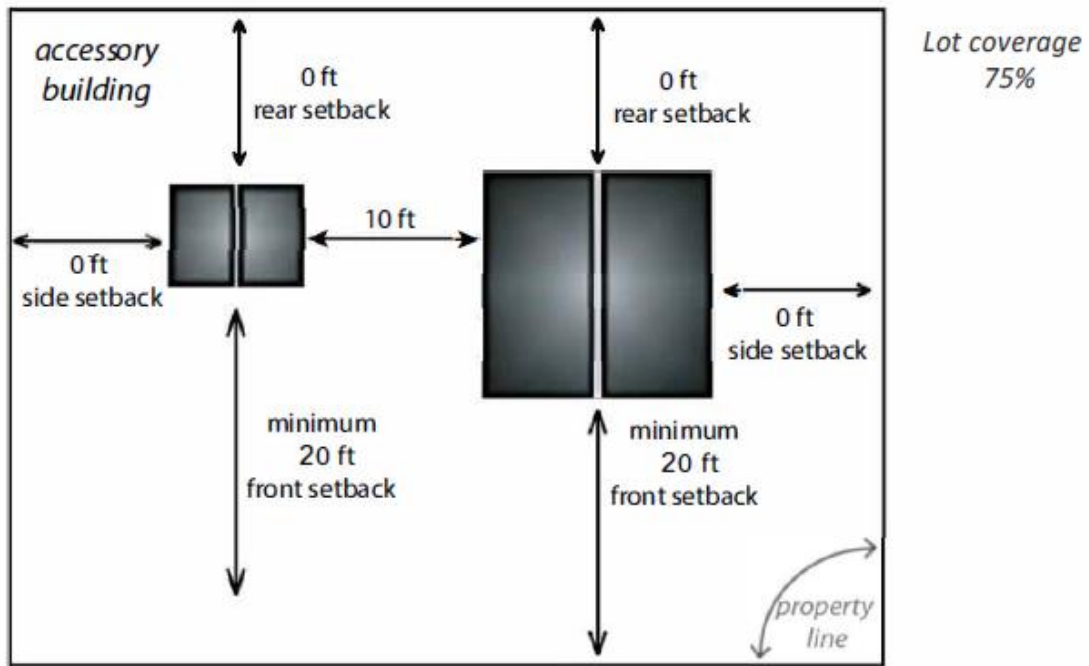
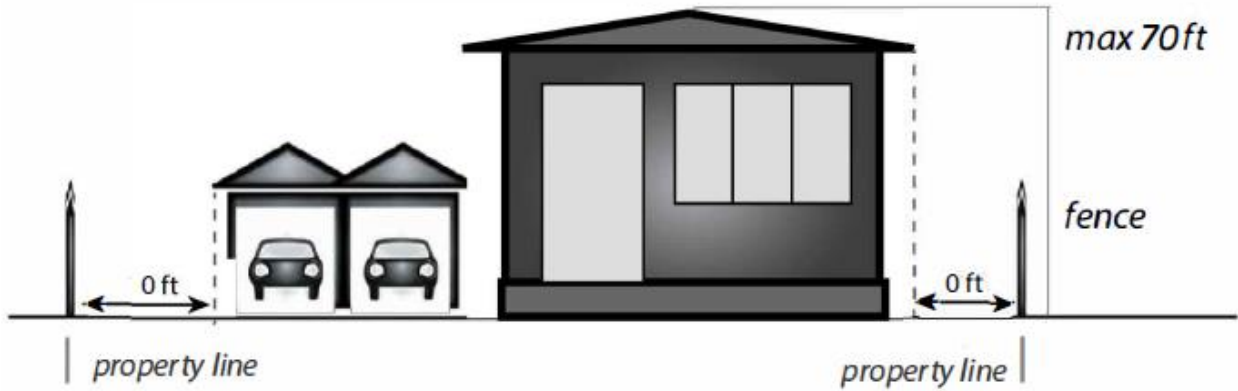
Allowed Uses Light-Industrial - LI		
Permitted		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year. Less than 1,500 gallon barrels per year	Banks, savings and loan, commercial credit unions
Ambulance service	Auction house, excluding	Barber and beauty shops
Antique store	Bakery products manufacturing	Bicycle sales and repair
Appliance - (household) sales and service	Bakery shops and confectioneries	Blueprinting and photostating
Automobile sales (new and used)	Automobile service station	Boat building and repair
Automobile - commercial parking enterprise	Automobile and truck repair garage	Boat sales new and used
Boiler works (repair and servicing)	Book and stationery store	Bottling works
Bowling alleys	Bus passenger terminal buildings local and cross country	Bus repair and storage terminals
Camera supply stores	Car washing and waxing	Car wash - coin operated
Ceramics shop	Churches and other places of worship including parish houses and Sunday school building	Clinic, animal
Clinics, medical and dental	Clothing and apparel stores	Cold storage
Commercial food products, storage and packaging	Communication towers (commercial)	Concrete mixing plants and manufacturing of concrete products
Construction contractors: Office	Construction contractors: Open storage of construction materials or equipment	Crematorium
Creameries, dairy products manufacturing	Department stores	Drug stores
Restaurants (without the sale of alcoholic beverages)	Farm implements, sales and service	Feed and seed - farm and garden retail sales
Fertilizer retail sales	Florist, wholesale sales	Florist, retail sales
Food stores (retail only)	Food stores (retail only) - 3000 sq. ft.	Frozen food lockers
Fuel oil, gasoline and petroleum products bulk storage or sale	Furnace repair and cleaning	Furniture and home furnishings, retail sales
Furriers, retail sales and storage	Gambling establishments	Gases or liquified petroleum gases in approved portable metal containers for storage or sale
Greenhouses	Hardware, appliance and electrical supplies, retail sales	Hobby and toy stores
Hospital, animal	Hotels	Irrigation equipment sales and service
Janitor service	Jewelry and watch sales	Kennels - commercial

Laboratories for research and testing	Laundries, steam and drycleaning plants	Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size
Laundries, pick up stations	Laundries, self-service coin operated	Libraries, museums, and art galleries
Lock and gunsmiths	Machine shops	Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created
Meat processing - excluding slaughter plants	Meat processing - excluding slaughter plants	Medical marijuana cultivation facility or cultivation facility
Medical marijuana dispensary or dispensary	Motorcycle sales and repair	Mortuary
Music stores	Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	Office equipment, supplies and service
Optician and optical supplies and sales	Paint and body shops	Paint and retail sales
Paint and retail sales	Pawn shops	Pet shops
Photographic studios	Prefabricated building materials assembly and manufactures	Printing, publishing, reproduction and lithography
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners	Public utilities service installations	Public utilities storage yard
Radio and TV broadcasting stations	Radio and TV tower	Railroad yard
Real estate office	Rental service store and yard	Repair and servicing of industrial equipment and machinery
Secondhand stores and/or antique store	Sheet metal shops and processing	Shoe repair
Sign manufacturing, painting and maintenance	Sign: On premises	Sporting goods sales
Taxi stands	Theaters, cinema, opera houses	Tire recapping and retreading
Trailer and recreational vehicle sales area	Truck terminals, repair shops, hauling and storage yards	Wholesale and jobbing establishments
Woodworking shops, millwork		
<b>Conditional</b>		
Assembly halls and stadium	Cocktail lounge, restaurants, bars and taverns	Drive-in restaurants
Assembly of machines and appliances from previously prepared parts	Extractive industries - excavations of sand and gravel	Fertilizer wholesale sales
Flour mills	Food products manufacturing, storage and processing	Garbage, offal and animal reduction or processing
Grain elevators	Hatcheries	Heliports
Heavy manufacturing not otherwise mentioned or blending or mixing plants	Lumber yards, building materials, storage and sales	Metal fabrication

Billboards	Sign: Off premises	Storage, compartmentalized storage for commercial rent
Storage and warehouse and yards	Stone cutting, monuments manufacturing and sales	

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

# C-LI Dimensional Standards Illustration





## 17.12.170 - Heavy Industrial District (HI)

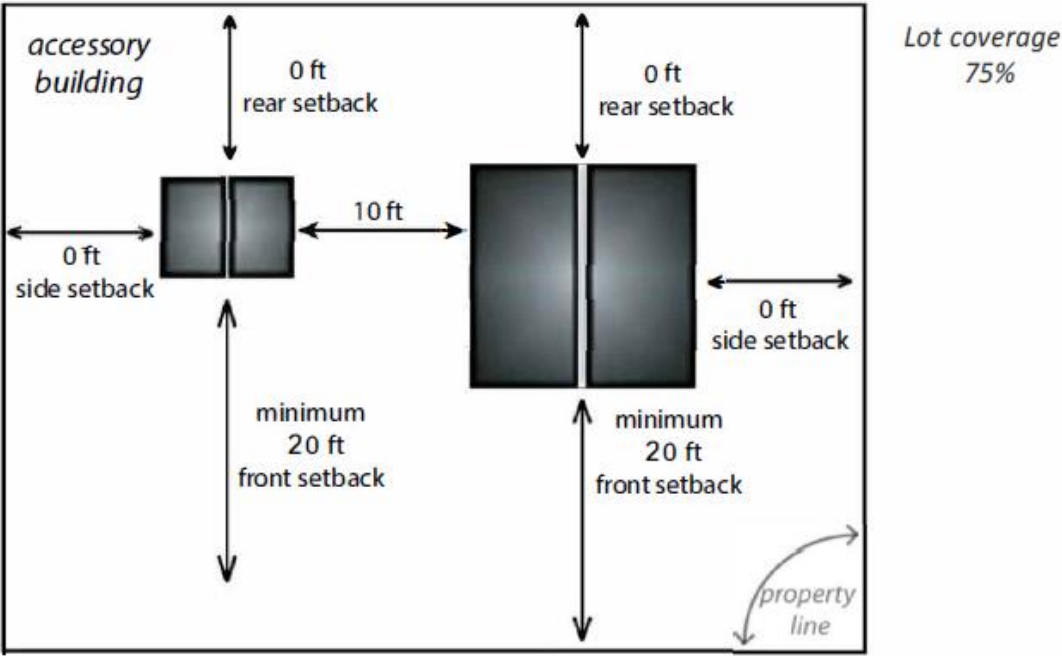
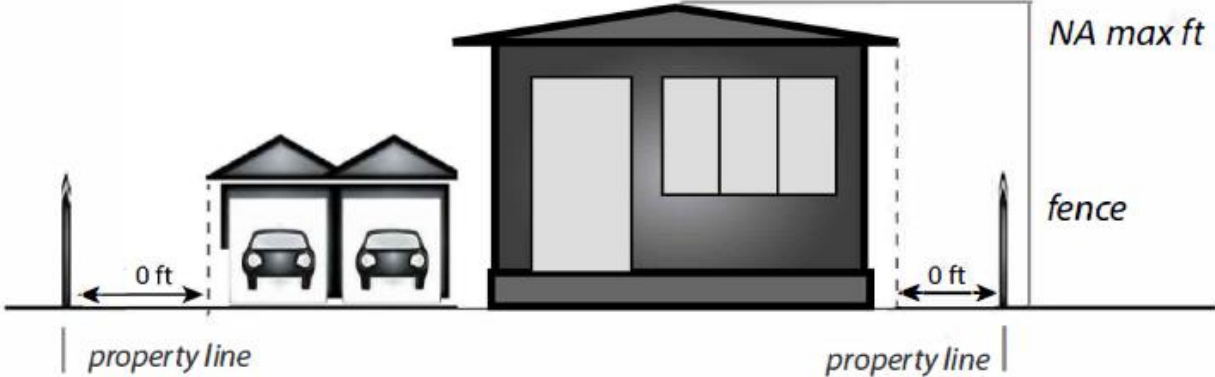
A district intended to accommodate manufacturing, processing, fabrication, and assembly of materials and products. Areas designated as heavy industry should have access to two or more major transportation routes, and such sites should have adjacent space for parking and loading facilities.

Heavy-Industrial Uses Regulations HI		
<i>Permitted</i>		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Alcoholic beverages manufacturing and bottling. 1,500 to 5,000 31-gallon barrels per year. Less than 1,500 gallon barrels per year	Boiler works (repair and servicing)
Ambulance service	Auction house, excluding	Bottling works
Automobile - commercial parking enterprise	Barber and beauty shops	Brick, tile or terra cotta manufacture
Automobile and truck repair garage	Boat building and repair	Bus repair and storage terminals
Automobile service station	Boat sales new and used	Cement, lime and plastic manufacture
Bakery products manufacturing	Boiler works (manufacturing servicing)	Chemical and allied products manufacture
Churches and other places of worship including parish houses and Sunday school building	Coal or coke yard	Commercial food products, storage and packaging
Communication towers (commercial)	Concrete mixing plants and manufacturing of concrete products	Construction contractors: Office
Construction contractors: Open storage of construction materials or equipment	Crematorium	Creameries, dairy products manufacturing
Creosote manufacturing or treatment plants	Dry kiln	Farm implements, sales and service
Fertilizer wholesale sales	Food products manufacturing, storage and processing	Foundry
Fuel oil, gasoline and petroleum products bulk storage or sale	Furnace repair and cleaning	Gases or liquified petroleum gases in approved portable metal containers for storage or sale
Grain elevators	Greenhouses	Hospitals (for the care of human patients)
Hospital, animal	Irrigation equipment sales and service	Laboratories for research and testing
Laundries, steam and drycleaning plants	Lumber yards, building materials, storage and sales	Machine shops
Medical marijuana cultivation facility or cultivation facility	Metal fabrication	Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale

Optician and optical supplies and sales	Oxygen manufacturing and/or storage	Paint and body shops
Paint and retail sales	Planing or saw mills	Prefabricated building materials assembly and manufactures
Printing, publishing, reproduction and lithography	Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners	Public utilities service installations
Public utilities storage yard	Radio and TV broadcasting stations	Radio and TV tower
Railroad yard	Repair and servicing of industrial equipment and machinery	Scrap yards - storage and processing
Sheet metal shops and processing	Shoe repair	Sign manufacturing, painting and maintenance
Sign: On premises	Storage and warehouse and yards	Stone cutting, monuments manufacturing and sales
Tire recapping and retreading	Truck terminals, repair shops, hauling and storage yards	Wholesale and jobbing establishments
Woodworking shops, millwork		
<b>Conditional</b>		
Automobile wrecking yard	Fat rendering or production of fats and oils	Feedlots
Fertilizer manufacturing	Flour mills	Garbage and waste incineration
Gas storage	Hatcheries	Heliports
Industrial chemical manufacture except highly corrosive, flammable or toxic materials	Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created	Meat processing, packing and slaughter
Billboards	Sign: Off premises	Slaughterhouse
Storage, compartmentalized storage for commercial rent	Sugar and sugar beet refining	

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

# C-HI Dimensional Standards Illustration



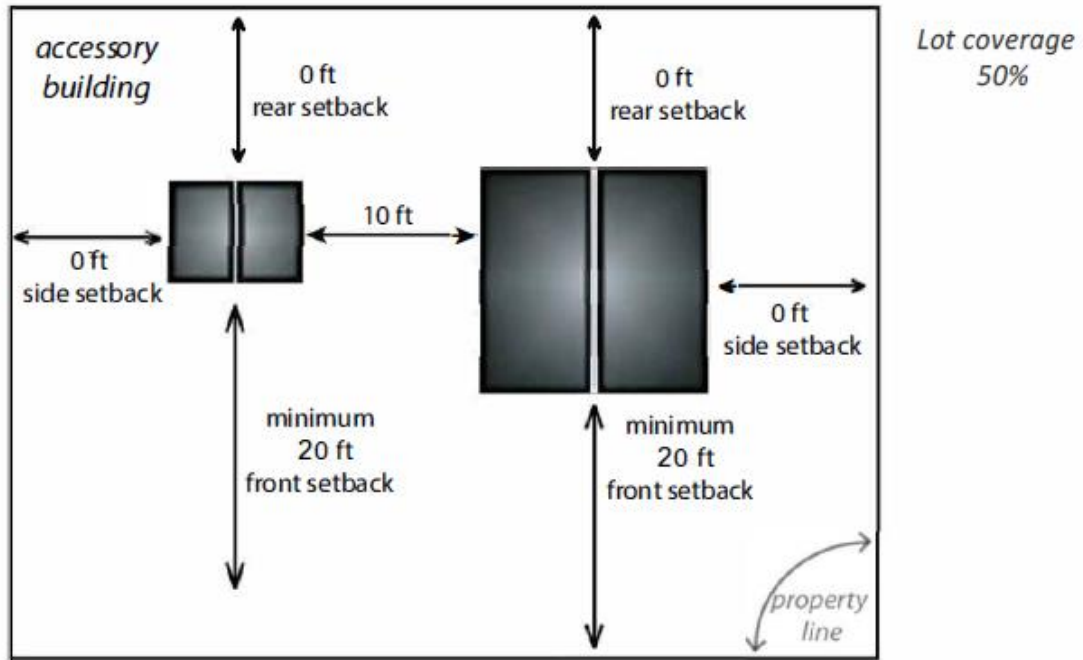
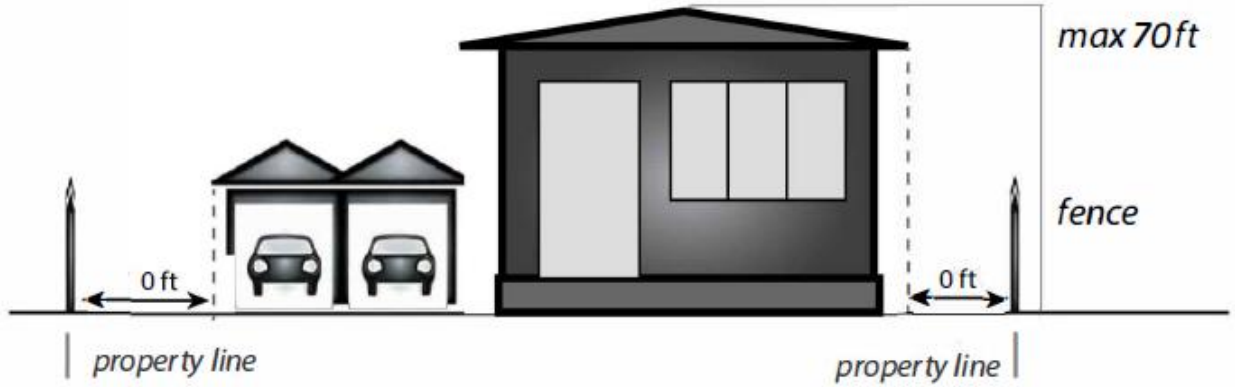
## 17.12.200 - Public District (P)

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

Allowed Uses Public - P		
<i>Permitted</i>		
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	Swimming pools or beaches, public	Landfills - reclamation or sanitary
Camps, public	Libraries, museums, and art galleries	Paint and retail sales
Colleges or universities	Post-secondary school	Jails and penal institutes
Commercial recreation areas	School, commercial	Water and sewage treatment plant
Zoo, arboretum		
<i>Conditional</i>		
Assembly halls and stadium	Crematorium	Heliports
Assembly of machines and appliances from previously prepared parts	Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	Paint and retail sales
Communication towers (commercial)	Public utilities service installations	Public utilities storage yard
Radio and TV tower		

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

# C-P Dimensional Standards Illustration



## CHAPTER 17.21 – TELECOMMUNICATIONS TOWERS AND ANTENNAE\*

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## 17.21.010 – Intent

This chapter is established to regulate the placement of telecommunications towers and antennae within the Laurel zoning jurisdictional area (one mile outside the municipal limits).

### 17.21.020 - Standards for amateur radio antenna support structures

- A. Definitions. For the purposes of this chapter, the terms used shall be defined as follows:
- i. "Amateur Radio Antenna" means a ground, building or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR § 97 and as designed by the Federal Communications Commission (FCC).
  - ii. "Amateur Radio Antenna Support Structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.
  - iii. "Antenna Support Structure Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
- B. General Provisions. All amateur radio towers shall comply with the following requirements:
1. Amateur radio antenna support structures and antennae shall be located only within the rear yard and shall not be placed within any required setback and shall be located so as to minimize their impact on adjacent residential properties and adjacent rights-of-way while maintaining acceptable signal quality.
  2. Amateur radio antenna structures and antennae exceeding six feet in height above grade (if ground-mounted) or above the roof or ridge of the building on which they are located (if building-mounted), shall require a building permit if located within the municipal limits of Laurel. If located within one mile of such municipal limits, applicants must provide evidence to the Laurel Code Enforcement Office that the device is adequately anchored, designed, and/or constructed so as to safeguard the general public and/or adjacent property from damaged in the event of failure of the device.
  3. It is recommended that amateur radio antenna support structures be designed, installed, and maintained so as to blend into the surrounding environment through the use of color and alternative designs, except in instances where the color is dictated by the Federal Aviation Administration (FAA).
  4. In accordance with the FCC's preemptive ruling PRB1, 101 FCC 2d 952 (1985), antenna support structures erected for the primary purpose of supporting amateur radio antennae may exceed height limitations of the underlying zoning.
  5. Attachments to amateur radio antenna support structures, such as guy wires, shall not cross any property line or any existing or proposed easement.
  6. No lighting shall be permitted on any amateur radio antenna support structures except as mandated by the FAA.
  7. No signage (other than required warning signs) or displays of any type shall be permitted on any amateur radio antenna support structure.

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

## 17.21.030 - Standards for wireless communications facilities

- A. Purpose. The purpose of this chapter is to establish regulations for the siting of antenna support structures and antennae on public and private property. The goals of this section are to:
1. Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;
  2. Strongly encourage the joint use of new and existing antenna support structures;
  3. Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
  4. Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennae; and
  5. Enhance the ability of the providers of wireless communication services to provide such services to the community, as quickly, effectively, and efficiently as possible.
- B. Definitions.
- a. "Abandoned antenna support structures" means any antennae or antenna support structures that are not utilized for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.
  - b. "Alternative antennae support structure" means an antenna support structure designed to shield, conceal, or disguise the presence of antennae or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, utility poles, clock towers, flagpoles, and church steeples.
  - c. "Antenna" means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae but not including satellite earth stations.
  - d. "Antenna support structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures, and the like. The term includes the structure and any support thereto. Land mobile radio and radio and television antenna support structures are regulated under Section 17.21.040 of this chapter.



- e. "Antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. The height of roof-mounted antenna support structure height of building on which they are mounted.
  - f. "Antenna or Tower farm" means an antenna or tower farm is a tract of land that contains no more than three antenna support structures within seven hundred fifty linear feet of each other. No antenna support structures located in tower farms shall exceed one hundred ninety-nine feet in height. Legal tracts must be adjacent to each other to be included in this definition.
  - g. "Co-location" means the use of a wireless communications facility by more than one wireless communications provider.
  - h. "Commercial wireless communication services" means licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
  - i. "Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.
  - j. "Wireless communication facility" means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure and one or more antennae. Amateur radio, land mobile radio, and commercial radio and television facilities are excluded from this definition.
  - k. "FAA" means the Federal Aviation Administration.
  - l. "FCC" means the Federal Communication Commission.
- C. Applicability. All wireless communication facilities located within the City of Laurel and its one-mile zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to wireless communication facilities upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter.
1. Amateur radio stations and antenna support structures;
  2. Antennae and antenna support structures for land mobile radio and radio and television;
  3. Pre-existing antenna support structures or antennae. Pre-existing antenna support structures and pre-existing antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures have received all required approvals, permits, exceptions prior to adoption of this chapter.
- D. Commercial Antenna Support Structures and Antennae Located in Residential Zoning Districts.
1. Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
    - a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

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

- b. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
    2. Antenna support structures and antennae shall be permitted in the Agricultural-Open Space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
      - a. Antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
        - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures for roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the Conditional Use requirements of Laurel's Zoning Ordinance. After the Conditional Use hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
        - (2) Antenna support structures fifty feet or less in height.
          - b. Antenna support structures that are greater than fifty feet in height shall be required to obtain Conditional Use approval.
          - c. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
          - d. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by Conditional Use.
- E. Commercial Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
  1. Alternative antenna support structures shall be permitted as an allowed use in all commercial zoning districts.
  2. Antenna support structures shall be permitted as an allowed use in all commercial zoning districts when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the Conditional Use requirements of Laurel's Zoning Ordinance. After the Conditional Use hearing and reaching its decision, city-county planning board shall forward its recommendations to the city council for its decision.
  3. Antennae co-located on existing alternative antenna support structures or existing antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use in all commercial zones.
  4. Antenna support structures and antennae located in Residential Professional (RP) that do not meet the requirements of preceding subsection E1, E2, and E3 shall be required to obtain Conditional Use approval.
  5. New antenna support structures shall not be erected in the Community Entryway Zone. Antennae may be placed on existing antenna support structures and alternative antenna support structures that have previously received all required approvals and permits and meet the provision and requirements of this ordinance without obtaining permit zoning approval.

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6. Antenna support structures and antennae located Neighborhood Commercial (NC), Highway Commercial (HC), Light Industrial (LI), Central Business District (CBD), Heavy Industrial (HI), and Public (P) zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections E1, E2, and E3, or:
    - a. Roof-mounted antenna that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use. (See additional requirements for roof-mounted antenna in subsection (G)(10) of this section).
    - b. Antenna support structures fifty feet in height or less shall be permitted as an allowed use. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by Conditional Use.
    - c. Antenna support structures that are greater than fifty feet in height shall not be allowed in the CBD or HC Zones.
  - F. Antenna Support Structures Located in Parks. The presence of certain wireless communication facilities may conflict with the purpose of some city and county-owned parks. Wireless communication facilities will be considered only following a recommendation by the city-county planning board, the city parks committee, or the county board of park commissioners and approved by the city council. Factors that will be considered include:
    1. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
    2. Commercial recreation areas and major playfields; and,
    3. Park maintenance facilities.
  - G. General Requirements. The requirements set forth in this section shall govern the location and construction of all wireless communications facilities governed by this ordinance.
    1. Building Codes and Safety Standards. To ensure the structural integrity of wireless communication facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such wireless communication facilities, as amended from time to time.
    2. Regulatory Compliance. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter. All wireless communication facilities must comply with all revised standards and regulations within the date established by the agency promulgating the standards or regulations.
    3. Setbacks:
      - a. Antenna support structures adjacent to residential uses or zoning. Antenna support structures must be set back from all property lines a distance equal to one-half the height of the structure from any off-site residential structure or residentially-zoned lot. Accessory structures must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially-zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
      - b. Commercial and Industrial Zoning Setbacks. Antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the commercial or industrial zoning district in which they are located.

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4. Lot Coverage and Height. Antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Accessory structures shall not exceed the height restrictions for the zoning district in which they are located.
  5. Fencing and buffering.
    - a. Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height, are required adjacent to residential uses and residentially-zoned property.
    - b. Landscaping. For all facilities the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the Laurel Code Enforcement Office, prior to zoning approval or issuance of building permit, to ensure the placement of required landscaping and fencing.
    - c. Commercial Landscaping. Landscaping requirements shall not apply to antenna support structures located in the Heavy Industrial (HI) zoning district.
  6. Lighting. Antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights.

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

7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs.
8. Co-location.
  - a. Antenna support structures should be designed in all respects to accommodate both the applicant's antennae and antennae for at least two additional comparable antennae if the antenna support structure is over one hundred feet in height or for at least one additional comparable antennae if the tower is between fifty feet and one hundred feet in height.
  - b. All new antennae must co-locate on existing or approved antenna support structures or alternative antenna support structures unless it can be demonstrated co-location is not feasible as provided for in subsection (K)(7) of this section.
9. Maintenance.
  - a. Equipment at a wireless communication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
  - b. All property used for the siting of an antenna support structure or antenna shall be maintained, without expense to the city so as to be safe, orderly, attractive, and in conformity with city codes including those regarding the removal of weeds, trash, and landscape maintenance.
10. Visual impact/aesthetics.

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- a. Wireless communication facilities shall either maintain a galvanized steel finish or (subject to any applicable standards of the FAA or other applicable local, state, or federal agency) be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
  - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers, or other architectural elements. Only monopole antennae support structures with omni-directional (whip) or low profile single-directional (panel) shall be installed on building roofs. Crow's nest antennae arrays are prohibited on rooftop structures.
  - d. Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below, or incorporated with vertical design elements of a structure.
  - e. Wireless communication facilities shall be located as to minimize their visibility and not be placed within historic or scenic view corridors as designated by the Laurel city council or by any state or federal law or agency.
11. Antenna support structure separation. All antenna support structures over fifty feet in height, regardless of the zoning district in which the structure is located, shall be located at least one mile from any other antenna support structure that is over fifty feet. Up to three antenna support structures located within an approved wireless communication facility tower farm shall be located at least one mile from any other tower farm.

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

- H. Nonconforming Wireless Communication Facilities. Antenna support structures and/or facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, (nonconforming antenna support structures) are subject to the following provisions:
1. Nonconforming antenna support structures may continue their present use, but may not be expanded or increased in height without complying with these regulations, except as further provided in this section.
  2. Nonconforming antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If an antenna support structure is destroyed or damaged by more than fifty percent of its replacement, the antenna support structure must be brought into compliance with these regulations.

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3. The owner of any nonconforming antenna support structure may make minor modifications in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennae or facilities, or to upgrade the facilities to current engineering, technological, or communications standards without having to conform to the provisions of these regulations.
  - I. Modifications of Existing Wireless Communication Facilities That Meet the Requirements of These Regulations.
    1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows: the addition of more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
    2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a Conditional Use. Major modifications are any that exceed the definition of minor modifications.
  - J. Abandonment. Wireless communications facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:
    1. Re-use the facility or transfer it to another owner who will re-use it; or
    2. Dismantle the Facility. If the facility is not removed within ninety days of abandonment, the city may remove the facility at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.

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

- K. Conditional Use Submittal Requirements. The applicant of new wireless communication facilities shall provide the following documentation for review by the city-county planning board:
  1. A map to scale showing the service area of the proposed wireless communication facility and an explanation of the need for that facility;
  2. A site/landscaping plan showing the following items;
    - a. North arrow.
    - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
    - c. Property boundaries and lot line dimensions.
    - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
    - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
    - f. Centerline and names of major and minor arterial streets relevant to the application.
    - g. Elevation drawing of proposed wireless communication facility including the antenna support structure, antenna platforms and associated equipment enclosures. Also indicate the maximum number of antenna platforms that can be supported.

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- h. Detailed landscaping plan of the site.
  - i. Location of artificial light sources and the areas of illumination.
  - j. Applications for tower farms shall include subsections (a) through (i) of this section and an overall development plan showing the location of future structures and equipment enclosures.
  - k. Latitude, longitude, and height of proposed antenna support structures.
1. Other pertinent features as determined by the planning board or the city.
  2. Area map showing the property boundaries of adjacent property and the location of existing buildings.
  3. Inventory of existing and approved sites. Each applicant for one or more antenna support structure shall provide to the city-county planning board a map showing the locations and service area of existing and approved antenna support structures operated or utilized by the applicant, including specific information on the location, height, and design of each antenna support structure. The city-county planning board shall maintain an inventory of existing and approved antenna support structures, including specific information about the location, height, and design of each antenna support structure. The city may share such information with other persons, organizations, or governmental authorities.
  4. Documentation of minimum light requirements from the FAA or other local, state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of comments from the FAA.
  5. When the applicant is a wireless service provider, proof that the applicant is licensed by the FCC to provide the wireless communication services that the proposed facility is designed to support.
  6. Availability of suitable existing or approved antenna support structures. No new antenna support structure shall be permitted unless the applicant clearly demonstrates, in writing, to the reasonable satisfaction of the city that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna. Closer separation distances may be approved if the applicant clearly demonstrates a critical need for the alternative location and the infeasibility of locating or co-locating wireless communication facility at or beyond the required separation distance. Evidence submitted to demonstrate that no existing or approved structure can accommodate the applicant's proposed antenna must include a discussion of the following items, if relevant:
    - A. No existing or approved antenna support structures are located within the geographic area required to meet the applicant's engineering requirements;
    - B. Existing or approved antenna support structures are not of sufficient height to meet the applicant's engineering requirements;
    - C. Existing or approved antenna support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength;
    - D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing or approved antenna support structures, or the antenna on the existing or approved antenna support structures would cause interference with the applicant's proposed antenna;
    - E. The fees or costs required to share an existing or approved antenna support structure or to adapt an existing or approved antenna support structures for sharing are unreasonable. Costs below new tower development are presumed reasonable;
    - F. Property owners or owners of existing or approved antenna support structures are unwilling to accommodate the applicant's needs;

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- G. The applicant demonstrates that there are other limiting factors that render existing or approved antenna support structures unsuitable;
7. Co-location Agreement. If co-location is feasible, the owner of the antenna support structure shall certify, prior to permit approval, that the owner will accept for co-location any FCC licensed wireless communication provider using compatible technology on commercially reasonable terms up to the antenna support structure's capacity to accommodate additional antennae. The applicant shall also include a statement on how requests for co-locators will be processed.
8. Effect of surrounding property values. The applicant must submit information that substantiates there will be no adverse effects on surrounding property values resulting from the proposed facility.
- L. Conditional Use Uses.
1. A request for a Conditional Use shall be initiated by application to the city-county planning board and handled in accordance with the Conditional Use procedure provided in Section 17.68 of this code. The Laurel city council may issue Conditional Use approval under these sections provided it has determined that the requirements of this ordinance has been satisfied and, further, that the benefits of and need for the proposed wireless communication facilities are greater than possible depreciating effects and damage to neighboring properties.
2. In granting Conditional Use approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed wireless communication facilities on surrounding properties.
3. Expiration of Conditional Use Approval.
- a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of Conditional Use approval. If located within the city of Laurel, a building permit must be applied for within six months of Conditional Use approval and the project shall be completed within one year from the date the Conditional Use is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extension of the period to start construction upon written request by the applicant.
- b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a Conditional Use establish the period of time such Conditional Use may remain in effect.
- M. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
- N. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)



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

- A. Purpose. The purpose of this section is to establish regulations for the siting of broadcast facilities, including land mobile radio services and radio and television broadcast antennae, antenna support structures, and associated equipment and buildings on public and private property. The goals of this section are to:
1. Encourage the location of broadcast facilities in non-residential areas and minimize the total number of antenna support structures throughout the community;
  2. Strongly encourage the joint use of new and existing broadcast antenna support structures;
  3. Require broadcast facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
  4. Require broadcast facilities to be configured in a way that minimizes the adverse visual impact of antenna support structures and antennae; and
  5. Enhance the ability of the providers of land mobile radio services and radio and television broadcast services to provide such services to the community as quickly, effectively, and efficiently as possible.
- B. Definitions. For the purposes of this section, the terms used shall be defined as follows:
- a. "AM" means amplitude-modulated broadcasting in the frequency band 535-1,705 kilohertz.
  - b. "Antenna/antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
  - c. "Broadcast antenna" means a ground, building or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:
    - (a) Title 47, Part 90 (47 CFR § 90) - Private Land Mobile Radio Services,
    - (b) Title 47, Part 73 (47 CFR § 73) - Radio Broadcast Services, which includes AM, FM, and Television Services, and
    - (c) Title 47, part 74 (47 CFR § 74) - Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services;
  - d. "Broadcast antenna support structure" means any structure or device specifically designed, constructed, and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.
  - e. "Broadcast antenna or tower farm" means a tract of land that contains three or more broadcast or land mobile radio service antenna support structures, any two are spaced no more than seven hundred fifty linear feet of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings, and any additions thereto.

- f. "Broadcast facilities" means an unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure, and one or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.
- g. "FAA" means the Federal Aviation Administration.
- h. "FCC" means the Federal Communications Commission.
- i. "Land Mobile Radio Service (LMRS)" means a mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90) - Private Land Mobile Radio Services.

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

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

- D. Broadcast antenna support structures and antennae located in residential zoning districts.
  - a. Land mobile radio and radio and television broadcast antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
  - b. Alternative broadcast antenna support structures conforming to all applicable provisions of this ordinance and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the Conditional Use requirements of Laurel's Zoning Ordinance. After the Conditional Use hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
  - c. Antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures, which have previously received all required approvals and permits shall be permitted as an allowed use.
- 2. Broadcast antenna support structures and antennae shall be permitted in the agricultural-open space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
  - a. Broadcast antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:(1)Located on school, government-owned utility, and government sites and alternative antenna support structures or roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the Conditional Use requirements of Laurel's Zoning Ordinance. After the Conditional Use hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.(2)Broadcast antenna support structures fifty feet or less in height.

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- b. Broadcast antenna support structures that are greater than fifty feet in height shall be required to obtain Conditional Use approval.
  - c. Broadcast antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
  - d. Broadcast antenna or tower farms are permitted by Conditional Use.
- E. Broadcast Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
- 1. Broadcast antenna support structures fifty feet in height or less shall be permitted as an allowed use.
  - 2. Broadcast antenna support structures that exceed fifty feet in height or the maximum height limitations in the underlying commercial and industrial zoning districts (whichever is greater) are permitted by Conditional Use.
  - 3. Broadcast antenna or tower farms are permitted by Conditional Use, except in Entryway Zone and the CBD and HC zoning districts.
  - 4. All broadcast antenna support structures located in heavy industrial (HI) shall be permitted as an allowed use, including broadcast antenna or tower farms.
  - 5. All broadcast facilities located within the boundaries of an approved or pre-existing broadcast antenna or tower farm shall be permitted as an allowed use.
- F. General requirements. The requirements set forth in this section shall govern the location and construction of all land mobile radio service and radio and television transmission facilities governed by this chapter.
- 1. Building Codes and Safety Standards. To ensure the structural integrity of broadcast facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such facilities.
  - 2. Regulatory Compliance. All broadcast facilities must meet current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter.
  - 3. Setbacks.
    - a. Broadcast antenna support structures adjacent to residential uses or zoning. Broadcast antenna support structures must be set back, from all property lines, a distance equal to one-half the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures, such as equipment enclosures or transmitter buildings, must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
    - b. Commercial and Industrial Zoning Setbacks. Broadcast antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
    - c. Broadcast Facilities in Broadcast Antenna or Tower Farms. Antenna support structures and accessory facilities located in antenna or tower farms must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.

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4. Lot Coverage and Height. Broadcast antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Building and equipment enclosures shall not exceed the height restrictions for the zoning district in which they are located.
  5. Fencing and Buffering.
    - a. Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the broadcast antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height are required adjacent to residences and residentially zoned property. All AM broadcast antenna support structures must be surrounded by a suitable fence as required by FCC regulations.
    - b. Landscaping adjacent to residential uses and/or residential zoning. For broadcast facilities located in a residential zoning district, adjacent to a residential use, or adjacent to a residentially zoned parcel, the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. AM Broadcast stations are exempt from this requirement due to overriding FCC regulations regarding vegetation in ground radial systems.

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

- c. Commercial Landscaping. Landscaping requirements shall not apply to broadcast antenna support structures located in Agricultural-Open Space or approved broadcast antenna or tower farms.
6. Lighting. Broadcast antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. Security lighting may be placed on a support structure no higher than twenty feet above ground. Cut-off security lights must be used in or adjacent to residential areas to prevent light spillage onto adjacent property.
7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs unless otherwise required by the FAA and/or FCC.
8. Maintenance.
  - a. Equipment at a broadcast facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
  - b. All property used for the siting of a broadcast antenna support structure or antenna shall be maintained, without expense to the city and/or county, so as to be safe, orderly, attractive, and in conformity with city and/or county codes including those regarding the removal of weeds, trash and landscape maintenance.
9. Visual impact/aesthetics.

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- a. Broadcast antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - b. If a broadcast antenna is installed on a structure other than a tower, the associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the related equipment as visually unobtrusive as possible. Broadcast antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
  - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other background. Crow's nest antennae arrays are prohibited on rooftop structures.
  - d. Broadcast antenna or antenna support structures attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.

G. Nonconforming broadcast facilities.

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

1. Nonconforming broadcast facilities may continue their present use, but may not be expanded without complying with these regulations, except as further provided in this section.
2. Nonconforming broadcast antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If a broadcast antenna support structure is destroyed or damaged by fifty percent or more of its replacement the broadcast antenna support structure must be brought into compliance with these regulations.
3. The owner of any nonconforming broadcast antenna support structure may make minor modifications in order to improve the structural integrity of the structure, to allow the structure to accommodate co-located antennae, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

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

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

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- c. Repairs to or replacement of existing antennae or feedlines or support members (such as guy wires) are not considered modifications under this part.
    2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a Conditional Use. Major modifications are any that exceed the definition of minor modifications.
  - I. Abandonment. Broadcast facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:
    1. Re-use the facility or transfer it to another owner who will re-use it; or
    2. Dismantle the facility. If the facility is not removed within ninety days of abandonment, the city and/or county may remove the facility at the facility and/or property owner's expense. If the facility is removed, city and/or county approval of the facility will expire. If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section
  - J. Conditional Use Submittal requirements. The applicant of new broadcast facilities shall provide the following documentation for review by the city-county planning board:
    1. A map to scale showing the service area of the proposed broadcast facility;
    2. A site/landscaping plan showing the following items:
      - a. North arrow.
      - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
      - c. Property boundaries and lot line dimensions.
      - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
      - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
      - f. Centerline and names of major and minor arterial streets relevant to the application.
      - g. Elevation drawing of proposed broadcast facility including the antenna support structure, antenna platforms and associated equipment enclosures.
      - h. Latitude, longitude and height of proposed antenna support structures.
      - i. Location of artificial light sources and the areas of illumination.
      - j. Applications for tower farms shall include items a through h and a general overall development plan showing the location of future structures and equipment enclosures.
      - k. Detailed landscaping plan of the site when applicable.
    3. Other pertinent features as determined by the city.
    4. Area map showing adjoining property boundaries and the location of existing buildings within a distance equal to the required setbacks as set forth in subsection (F)(3) of this section.

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5. Documentation of minimum light requirements from the FAA or other local state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of the comments provided by the FAA. Where an application has been filed with the FAA for the services proposed and decision on minimum light requirements by the FAA is still pending, submittal of a copy of the proposed application shall be sufficient to meet the requirements of the is paragraph.
  6. When the applicant is a land mobile radio service provider, or a radio or television broadcaster, proof must be provided that the applicant is licensed by the FCC to provide the services that the proposed facility is designed to support or the applicant must prove the necessary application have been filed with the FCC and/or FAA for the services proposed, together with proof all filing fees have been paid.
- K. Conditional Use uses.
1. A request for a Conditional Use shall be initiated by application to the city-county planning board and handled in accordance with the Conditional Use procedure provided in Section 17.68 of this code. The city of Laurel may issue Conditional Use approval under these sections provided they have determined that the requirements of these regulations have been satisfied.
  2. In granting Conditional Use approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed broadcast facilities on surrounding properties.
  3. Expiration of Conditional Use Approval.
    - a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of Conditional Use approval. Within the city limits, a building permit must be applied for within six months of a Conditional Use approval and the project shall be completed within one year from the date the Conditional Use is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extensions of the period to start construction upon written request by the applicant.
    - b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a Conditional Use establish the period of time such Conditional Use may remain in effect.
    - c. Small increases in the height of existing antenna support structures approved by Conditional Use may be approved by the city-county planning board on an administrative basis provided that the increase in the height of the antenna support structure is ten percent or less.
    - d. Conditional Use approvals for broadcast antenna or tower farms shall not expire until such time as all facilities within the boundaries of the antenna or tower farm have been abandoned.
- L. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.

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



**CHAPTER 17.24 – RESIDENTIAL MOBILE HOMES DISTRICTS**

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## 17.24.010 – Intent

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

- A. To encourage the placement of, and the continued use of the land for single-family mobile home dwellings located within mobile home parks or mobile home subdivisions;
- B. To prohibit commercial and industrial uses of the land;
- C. To encourage suitable and proper development of mobile home parks or mobile home subdivisions.

## 17.24.020 – Definitions

For the purposes of this section:

"Mobile home park" also means "mobile home court."

"Mobile home subdivision" means a surveyed, approved, and filled subdivision where the lots are primarily for sale rather than individual spaces for rent.

## 17.24.030 - Permitted uses

The following use is permitted:

Single-family mobile home dwellings when located within mobile home parks or on individual lots within a mobile home subdivision.

## 17.24.040 - Allowable density

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

## 17.24.050 - Lot dimensions

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

## 17.24.060 - Lot coverage

- A. The ground area occupied by a mobile home, attached storm shed, patio, storage building and off-street parking spaces shall not exceed fifty percent of the total area of the site. In computing the ground coverage, four hundred square feet shall be added to actual area of the mobile home and the accessory buildings for the two required off-street parking spaces. This provision limits to one storm shed, not over ten feet by twelve feet or one hundred twenty square feet in area per site and the utility building shall be placed on a proper foundation.
- B. No mobile home, storm shed or other legal attachments to the mobile home shall be located less than seven feet six inches from the side site line. Detached tool sheds shall be located not less than five feet from the side or rear site lines. The ends of the mobile homes shall be at least ten feet apart when opposing rear walls are staggered, otherwise fifteen feet apart. No portion of a mobile home, or attachment thereto, or tool shed, or any other structure shall be located less than fifteen feet away from any site or property line adjacent to a public right-of-way.

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## 17.24.070 - Mobile home park requirements

- A. The minimum total area of a mobile home park shall be at least ninety thousand square feet, including alleys and/or roadways.
- B. The minimum street roadway shall conform to the requirements found in the city-county subdivision regulations.
- C. All entrances, exits, lanes and driveways between rows of mobile homes shall be lighted to provide an intensity of five footcandles. Mobile home parks shall be provided with, at minimum, two walkways at least three and one-half feet wide between the mobile home sites and each service building; roadways and sidewalks within the parks shall be hard-surfaced, either concrete or bituminized; and shall conform to the requirements found in the city-county subdivision regulations.
- D. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate city department.
- E. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two car spaces per mobile home site. At least two car spaces shall be provided on each mobile home site. The area per one car space shall be at least ten feet wide and twenty feet deep, plus ingress and egress.
- F. There shall be provided, unless previously provided by a park dedication as required by the subdivision regulations, within each mobile home park an adequate site or sites for recreation for the exclusive uses of the park occupants. Such recreation site or sites shall have a minimum area in aggregate of four thousand square feet plus one hundred square feet for each mobile home site in the park. The recreation sites shall be of appropriate design and provided with adequate equipment; and may be used to meet the one-ninth minimum area requirement of the subdivision regulations.
- G. All mobile home parks must provide a completely and permanently landscaped setback area of at least fifteen feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like. Setback areas not bordering public rights-of-way may be used to fulfill the recreation area requirements of the subsection F.
- H. All mobile home parks shall have near their main entrance, a marquee or sign on which there shall be an up-to-date list of the addresses and a diagram of the park layout.
- I. All mobile home parks shall provide one additional parking space for every five sites as a main parking area to be used by visitors or in the storage of recreational vehicles.

## 17.24.080 - Mobile home park restrictions

Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this chapter.

## 17.24.090 - Mobile home subdivision requirements

- A. All lots in a mobile home subdivision shall conform to the requirements set forth in Section 17.16.020.
- B. All lots shall be served by the city's water and sewer systems.
- C. All lots shall be provided with direct access to a public street unless a home owner's association has been set up to maintain a private street.
- D. All mobile home subdivisions shall be designed in accordance with the criteria established in Title 16 of this code.

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## 17.24.100 - Mobile home requirements

- A. All mobile homes, whether located in a mobile home park or a mobile home subdivision, shall be set up and skirted in one of the following ways:
  - 1. Individual concrete pads with cinder blocks used for supports, coupled with coordinate skirting;
  - 2. Permanent concrete foundation;3.A dug-out style area with cinder blocks for support, designed to lower the unit to ground level:
    - a. The owner of a mobile home park shall be required to establish one of these methods for exclusive use throughout the park,
    - b. Individual lot owners in a mobile home subdivision will be required to indicate which of the three methods they will use prior to receiving a permit to move a mobile home onto the lot.
- B. Each mobile home, whether located in a mobile home park or a mobile home subdivision, shall be anchored to the ground for purposes of withstanding wind pressures specified for such mobile home by the city building inspection department prior to occupancy of the unit.

## **ARTICLE 11.15.0 – PLANNED UNIT DEVELOPMENT (PUD)**

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## 17.15.10 PURPOSE AND INTENT

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

## 17.15.20 APPLICABILITY AND LOCATION

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

### **17.15.21 INFRASTRUCTURE**

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

### **17.15.22 CONNECTIVITY**

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

### **17.15.23 NATURAL RESOURCES**

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

## 17.15.30 LAND USES

### **17.15.31 RESIDENTIAL UNDERLYING ZONING**

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

### **17.15.32 NON-RESIDENTIAL UNDERLYING ZONING**

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

## 17.15.40 DIMENSIONAL STANDARDS

### **17.15.41 LOT SIZES, FRONTAGE, SETBACKS**

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

### **17.15.42 DENSITY, IMPERVIOUS COVERAGE**

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

**17.15.43 BUILDING HEIGHT**

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

**17.15.50 SITE DESIGN STANDARDS**

PUD shall comply with the following site design standards:

**17.15.51 BUILDING SITES**

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

**17.15.52 ACCESS**

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

**17.15.53 NATURAL RESOURCES**

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

A. SETBACKS

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

B. HILLSIDES

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

C. WILDLIFE

Protecting wildlife habitats and migration corridors.

**17.15.54 CONNECTIVITY, CIRCULATION**

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

**17.15.55 PEDESTRIAN SYSTEM**

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

**17.15.56 INTEGRATION, COMPATIBILITY**

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

**17.15.57 HUMAN INTERACTION**

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

**17.15.58 GROWTH POLICY**

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

**17.15.60 STATEMENTS OF STANDARDS**

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

**17.15.70 REQUIRED FINDINGS**

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

**17.15.71 GROWTH POLICY**

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

**17.15.72 CONSISTENT WITH PURPOSE, INTENT**

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

**17.15.73 COMPLIES WITH STANDARDS**

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

**17.15.74 NO ADVERSE IMPACT**

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

**17.15.80 EXPIRATION**

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

**17.15.81 FUNCTIONALITY**

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

**17.15.82 VISUAL BLIGHT**

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



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**17.15.83 COMMUNITY CHANGES**

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

**ARTICLE 17.17.0—STANDARDS FOR SPECIFIC USES**

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## 17.17.10 CONDITIONAL USES

### **17.17.11 PURPOSE AND INTENT**

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

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

### **17.17.12 FINDINGS OF FACT**

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

A. CONSISTENT WITH GROWTH POLICY

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

B. COMPATIBILITY

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

C. MINIMIZES ADVERSE IMPACT

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

D. MINIMIZES ADVERSE ENVIRONMENTAL IMPACT

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

E. IMPACT ON PUBLIC FACILITIES AND SERVICES

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

F. HAZARD, NUISANCE

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

G. OTHER CODES

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

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### **17.17.13 APPLICABILITY**

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

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

### **17.17.14 EXPIRATION, DISCONTINUANCE OR ABANDONMENT**

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

## **17.17.20 USE SPECIFIC STANDARDS**

### **17.17.21 PURPOSE AND INTENT**

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

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## **17.17.22 SPECIFIC USES**

### **A. BEAD AND BREAKFAST**

#### **1. Definition**

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

#### **2. Maximum Number of Rooms**

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

#### **3. Meals**

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

#### **4. Duration of Stays**

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

#### **5. Residential, Historic Character**

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

#### **6. Parking**

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

#### **7. Signage**

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

### **B. DAY CARE OR GROUP CARE CENTERS**

#### **1. Definitions**

##### **a. Day Care Facility**

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

##### **b. Day Care Group, Day Care Center**

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

##### **c. Day Care Family, Day Care Home**

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

2. License, Registration Certificates

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

3. Compatible Appearance

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

4. Centers for Children

a. Outdoor Play Area

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

b. Fence

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

5. Signs

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

C. HOME OCCUPATIONS

1. Purpose and Intent

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

2. Standards

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

a. One per Residence

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

b. Residents

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

c. Character

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

d. Inside Structure

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

e. Maximum Area

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

f. Equipment

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

g. Outside Storage

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

h. Parking

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

i. Signs

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

j. Trucks Prohibited

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

k. Deliveries

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

l. Nuisance Prohibited

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

m. Hazardous Material Prohibited

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

3. Single Household Standards

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

D. MANUFACTURED HOME COMMUNITIES

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

1. State requirements

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

2. Lot improvements

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

3. Utility Hookup

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

4. Permanent Foundations and Anchoring

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

5. Skirting

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

6. Curb, Gutter and Sidewalks

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

7. Setbacks

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



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8. Offensive Activity

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

9. Pre-1976 Units

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

10. Sales

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

12. Maintenance

a. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.

b. No manufactured home may be parked on a public or private street for more than 24 hours.

c. An abandoned, burned or wrecked manufactured home must be secured against entry as directed by the fire marshal and may not be kept on a lot for more than forty-five (45) days.

d. Each manufactured home must bear an insignia which attests that the construction of the manufactured home meets or be certified as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development.

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

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

13. Manufactured Home Lots for Rent or Lease

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

14. Permits and Inspections

a. Owner's and Agent's Responsibility

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

b. Building Permit Required

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

c. City Inspection Required

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

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

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

15. The Preliminary and Final Plans Shall Accurately Depict:

a. All Proposed and Required Landscaping

b. Storage Areas

c. A Layout of Typical Lots

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

d. Mail Delivery Area

e. Foundation and Anchoring Details.

f. Permanent Enclosure for Temporary Storage of Garbage

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

g. Landscaping Buffer

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

E. RECREATIONAL VEHICLE PARK

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

1. State requirements

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

2. Lot improvements

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

3. Utility Hookup

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

4. Skirting

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

5. Curb, Gutter and Sidewalks

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

6. Setbacks

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

7. Propane Tanks

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

8. Offensive Activity

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

9. Pre-1976 Units

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

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

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

The required inspections for recreational vehicle parks shall include: on-site utilities requirements including gas, electric, sewer and water; setback requirements; and off-street parking requirements. It is unlawful for any person, firm, corporation or agency to turn on, or allow to be turned on, any gas or electric service without an inspection and clearance from the City Building Official prior to final plan approval.
  12. The Preliminary and Final Plans Shall Accurately Depict:
    - a. All Proposed and Required Landscaping
    - b. Storage Areas
    - c. Recreational vehicles storage and other chattels of the residents;
    - d. A Layout of Typical Lots

All lots for rent or lease, showing the location and dimensions of the lot, driveway and parking spaces;
    - e. Mail Delivery Area
    - f. Permanent Enclosure for Temporary Storage of Garbage

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

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

F. ACCESSORY DWELLING UNIT (GUEST HOUSE)

1. Relationship to Principal Dwelling

a. Attached, Separate

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

b. Dimensional Standards

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

c. Not Sold Separately

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

d. Permanent Structure

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

2. Size

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

3. One per Lot

Not more than one (1) Guest House can be located on a single lot, tract or parcel.

4. No Home Occupation

A Guest House shall not contain a Home Occupation.

5. Parking

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

G. TEMPORARY USES, BUILDING

1. Definition

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

2. Administrative Approval

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

3. Duration

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

H. SEXUALLY ORIENTED BUSINESS

Sexually Oriented Business shall comply with the following standards.

1. Definition

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

2. Separation from Other Uses

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

3. Separation from another Sexually Oriented Business

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

4. One per Building

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

5. Measurement

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

6. Signs

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

7. No Alcohol

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

I. MARIJUANA DISPENSARY

1. Definition

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

2. Separation from Other Uses

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

3. Separation from another Dispensary

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

4. Measurement

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

5. Signs

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

6. Compliance with State and Federal Codes

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

J. PROPANE BULK STORAGE

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

**17.17.23 OUTSIDE STORAGE**

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

**17.17.24 STORAGE UNITS AND CONTAINERS**

A. NON-RESIDENTIAL DISTRICTS, SITES

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

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

B. RESIDENTIAL DISTRICTS, SITES

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

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### **17.17.25 WIRELESS COMMUNICATION FACILITIES**

#### A. PURPOSE AND INTENT

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

#### B. DEFINITIONS

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

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

#### C. EXEMPTIONS

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

#### D. APPROVALS



1. Antennas  
Antennas that are co-located on existing buildings or communication towers, or are concealed or camouflaged, shall be approved by the Zoning Administrator pursuant to the terms of this Ordinance.
2. Communication Towers  
Wireless Communication Towers may be approved with a Conditional Use Permit pursuant to Section 11.17.10, Conditional Uses and further provided they comply with standards of this Section.

E. STANDARDS FOR COMMUNICATION TOWERS

1. No Attempt to Exclude  
No Wireless Communication Facility owner or lessee shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless Communication Facility owners and lessees shall cooperate in good faith with other wireless providers to achieve co-location of antennas and Wireless Communication Facilities.
2. Excess Capacity  
All new Communication Towers are encouraged to be constructed with excess capacity for co-location of future antennae or wireless facilities. Owners of Communication Towers shall work in good faith to reach mutually agreeable terms to allow co-location of Antennae and Wireless Communication Facilities.
3. Setbacks  
Ground mounted facilities and buildings related to a Communications Tower shall comply with the setbacks of the zoning district in which they are located. A Communication Tower be setback from all property lines at least one (1) foot for every foot of height of the tower but in no case less than the setback of the zoning district in which it is located.
4. Equipment Location, Visual Mitigation
  - a. Roof Mounted  
Roof mounted wireless communications equipment shall be located as far from the edge of the roof as possible or screened by parapet walls.
  - b. Wall Mounted  
Wall mounted wireless communication equipment shall be mounted as flush to the wall as possible and shall not project above the wall on which it is mounted.
5. Signals, Lights Prohibited  
Signals, lights, illumination and signs are prohibited on a Communication Tower or facility unless required by the FAA or other applicable regulatory authority.
6. No Hazard, No Interference  
Communications Towers shall be operated to avoid any health hazard to the general public and any interference with the operation of public safety/communication facilities and home appliances.
7. FAA Certification, FCC Standards

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

F. REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

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

**17.17.26 SHORT-TERM RENTAL**

A. PURPOSE AND INTENT

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

B. DEFINITIONS

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

C. STANDARDS

1. Comply with Single Household

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

2. Residential Character

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

3. Signage

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

D. FIRE AND HEALTH DEPARTMENTS

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

**ARTICLE 17.18.0 – STANDARDS OF GENERAL APPLICABILITY**

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## 17.18.10 PURPOSE AND INTENT

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

## 17.18.20 HILLSIDE DEVELOPMENTS

### **17.18.21 PURPOSE AND INTENT**

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

A. SOIL CONDITIONS

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

B. MAINTAIN NATURAL CONDITIONS

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

C. INTENSITY

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

D. PUBLIC SERVICES

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

E. SAFETY

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

### **17.18.22 APPLICABILITY**

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

### **17.18.23 GRADING AND FILLING**

A. AMOUNT OF GRADING PERMITTED

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

*Percent Lot Coverage, Grading and Fill Allowed on Slopes*

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

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

B. UNGRADED AREA

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

**17.18.24 LOT COVERAGE**

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

B. UNCOVERED AREA

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

**17.18.25 CUTS AND FILLS**

A. MAXIMUM GRADE

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

B. SETBACK

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

C. TOE OF NATURAL SLOPE

Cutting the toe of a natural slope is prohibited.

**17.18.26 DRAINAGE**

Natural drainage channels shall be preserved.

**17.18.27 SOILS**

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

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### **17.18.28 RETAINING WALLS/FENCING**

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

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

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

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

## **17.18.30 ENVIRONMENTAL REGULATIONS**

### **17.18.31 WETLANDS**

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

### **17.18.32 WATER QUALITY**

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

### **17.18.33 AIR QUALITY**

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

### **17.18.34 SUBSIDENCE**

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

### **17.18.35 FLOODPLAIN**

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

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## 17.18.40 PARKING AND LOADING STANDARDS

### **17.18.41 PURPOSE AND INTENT**

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

### **17.18.42 APPLICABILITY**

Any building or structure erected or located and any use of land established after the effective date of this Ordinance, including changes of use and additions to existing uses, shall provide off-street parking in accordance with the standards of this Section. Notwithstanding, development and uses located in the Central Business District (B-3) may be exempt from the parking requirement as determined by the parking commission.

#### A. REQUIRED PARKING

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

#### B. USES NOT IDENTIFIED

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

#### C. PARKING FOR PHYSICAL DISABILITIES

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

#### D. CHANGE OF USE

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

#### E. EXPANSION

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

*Off Street Parking Required Specs*

Off Street Parking Required Specs (Minimums)			
<b>Residential</b>		<b>Public &amp; Quasi Public</b>	
1 or 2 Dwelling	1/du	Day Care Home	2
3-6 Dwellings	1/du	Day Care Center	2/Staff Plus 5
>6 Dwellings	1/du	Government Buildings	3.3/1000 sf
Guest House	1/du	Health Care Facility; Long Term Care Facility	1/3 Employee & 1/3 Beds
Efficiency units	1/du	Library	1/300 sf
Senior Housing	1/du	School, Elementary or Jr. High	1/Staff & Faculty & 1/7 students
<b>Commercial</b>		School, Senior High	1/Staff & Faculty & 1/4 students
Auto, Vehicle Sales	2/salesmen	<b>Recreation &amp; Entertainment</b>	
Auto, Vehicle Service	4/service bay	Bowling Alley	5/Alley
Bank/Credit Union	1/400 sf	Golf Course	6/Hole
Bed & Breakfast	1/room + 1 for Owner/Manager	Indoor Entertainment	5.5/1,000 sf
Restaurants	1/3 seats	Miniature Golf Course	2/Hole
Fast Food Restaurants	1/4 seats	Private Health Club	4/Court & 1/200 Other sf
Alcohol Establishments	1/3 seats	Public Assembly	1/3 Seats
Hotel & Motel	1/room	Theater	1/3 Seats
Conference w/lodging	.5/seats	<b>Industrial</b>	
Restaurant w/lodging	1/4 seats	Freight, Distribution	2/3 Employees
Retail	5/1,000 sf	Manufacturing, Assembly	2/3 Employees
<b>Office</b>		Mini-Storage	1/10 Units
General Professional	3.3/1000 sf	Warehousing	2/3 Employees or 1/1000 sf whichever is less.
Medical & Dental	5/1000 sf		
<b>Miscellaneous</b>			
For any other use not specifically mentioned or provided for, the zoning administrator shall determine the standards to be applied for parking, using this as a guide for uses which most closely resembles the use provided.			
Notes: du = dwelling unit      sf = square feet			



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#### **17.18.44 COMPUTATION OF REQUIRED SPACES**

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

A. GROSS FLOOR AREA

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

B. BENCH SEATING

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

C. FRACTIONS

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

D. ON-STREET PARKING

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

#### **17.18.45 PARKING DESIGN**

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

A. SIZE

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

B. SETBACKS

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

C. SURFACING, GRADING

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

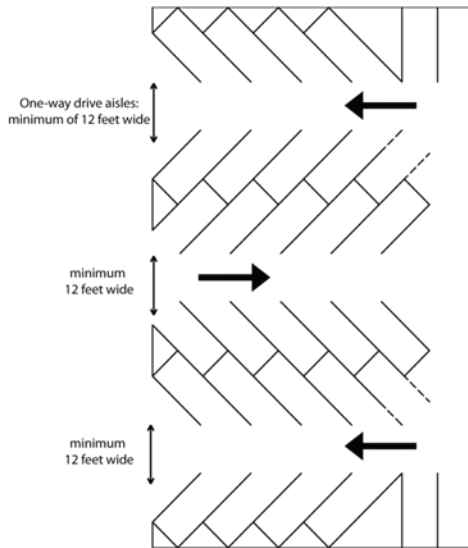
D. DRIVE ISLES

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

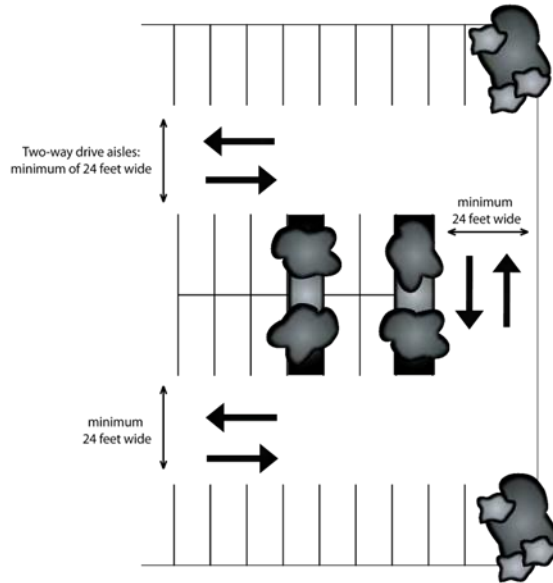
E. DRIVEWAYS

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

Angled Parking Aisle Width Figure



Straight Parking Aisle Width Figure



F. SNOW

STORAGE

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

G. TREE COVER

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

H. RESIDENTIAL GARAGES

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

**17.18.46 ACCESS, CURB CUTS**

All parking lots shall have adequate and safe ingress and egress to and from a local alley or street. The access shall comply with Section 11.18.50 Intersection Visibility, unless a wider approach width is approved by the City Public Works Director. Curb cuts to a City street shall be approved by the Public Works Director. Backing from a parking space into a street or alley is prohibited except for residential districts.

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### **17.18.47    *LOADING AREA STANDARDS***

Each commercial or industrial building larger than 10,000 gross square feet shall provide at least one (1) off-street loading area. Businesses in the Central Business District (B-3) are exempt from providing off-street loading areas.

A. CLEARANCE

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

B. DIMENSION

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

C. LOCATION, DESIGN

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

### **17.18.48    *SHARED PARKING***

A. GENERAL

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

B. SHARED PARKING FOR DIFFERENT CATEGORIES OF USES

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

1. If an office use and a retail sales-related use share parking, the parking requirement for the retail sales-related use may be reduced by up to twenty (20) percent, provided that the reduction does not exceed the minimum parking requirement for the office use.
2. If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, restaurants and entertainment-related uses, the parking requirement for the residential use may be reduced by up to thirty (30) percent, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.
3. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to fifty (50) percent, provided that the reduction does not exceed the minimum parking requirement for the office use.

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4. If office, retail sales and residential uses share off-street parking, the applicant may elect to use any one of the shared parking reductions listed in this section. The applicant may also elect to prepare a shared parking analysis using the Urban Land Institute's (ULI) shared parking analysis methodology. Parking reductions based on the ULI methodology require review and approval by the Zoning Administrator after consultation with the City Public Works Department.

C. SHARED PARKING FOR USES WITH DIFFERENT HOURS OF OPERATION

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

D. GENERAL, LOCATION OF OFF-STREET PARKING

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

E. OFF-SITE PARKING

1. General

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

2. Location

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

3. Control of Off-site Parking Area

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

F. USE OF OFF-STREET PARKING AREAS

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

G. DRIVEWAY PARKING AREA DESIGN

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

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

**17.18.49 BICYCLE PARKING**

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

A. COMMERCIAL USES

A minimum of two (2) bicycle parking spaces are required for every twenty (20) automobile parking spaces required.

B. INDUSTRIAL

None required.

C. MULTI-HOUSEHOLD HOUSING

A minimum of one (1) bicycle parking space is required for every five (5) multi-household residential units. A minimum of two (2) bicycle parking spaces are required for multi-Household housing units of at least five (5) units.

## 17.18.50 INTERSECTION VISIBILITY

### 17.18.51 PURPOSE AND INTENT

The purpose of this Section is to avoid traffic hazards that occur from obstructed visibility at intersections of streets, alleys and driveways.

### 17.18.52 APPLICABILITY

The standards of this Section apply to all development not exempted below. The standards of this Section shall not apply to:

A. EXISTING BUILDINGS

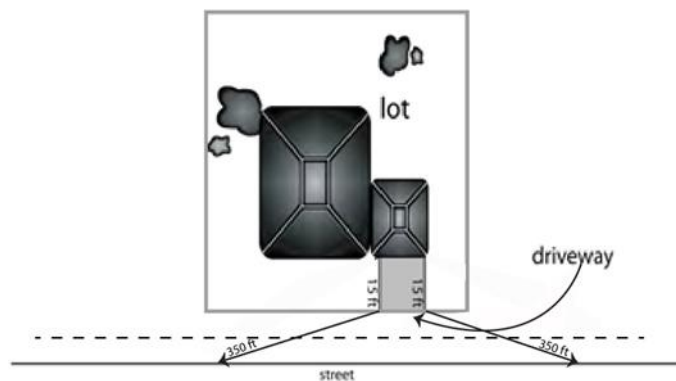
Permanent buildings existing on the effective date of this Ordinance.

B. CONTROLLED INTERSECTIONS

Stop sign controlled or traffic signal controlled intersections.

### 17.18.53 ESTABLISHMENT OF SIGHT TRIANGLE

For the purpose of this Section a sight triangle is defined and established at the intersection of all streets, streets and alleys, and streets and driveways. The sight triangle is measured from the center of the approaching traffic lane for each direction for a distance of 450 feet for 45 mph, 400 feet for 40 mph, and 350 feet for 35 mph, in no case shall the distance be reduced below 250 feet



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

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A. TREES

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

## 17.18.60 LANDSCAPING

### **17.18.61 PURPOSE AND INTENT**

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

### **17.18.62 APPLICABILITY**

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

A. NEW DEVELOPMENT

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

B. CHANGE OF USE

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

C. CONDITIONS

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

### **17.18.63 LANDSCAPE PLAN**

A. PLAN REQUIRED

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

B. PLAN CONTENTS

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

C. PLAN REVIEW

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

### **17.18.64 LANDSCAPE STANDARDS**

A. DESIGN ELEMENTS

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

1. Landscape Area

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

2. Use of Landscape Planting

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

3. Landscape Material

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

4. Ensure sight triangle is maintained.

B. STREET BOULEVARD

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

C. MAINTENANCE

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

**17.18.65 PURPOSE AND INTENT**

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

**17.18.66 APPLICABILITY**

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

**17.18.67 EXEMPTIONS**

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

A. EXISTING FIXTURES

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

B. STREET LIGHTS, TRAFFIC CONTROL

Street lights and traffic control lights.

C. RECREATION FACILITY



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

D. NAVIGATION LIGHTS

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

E. HOLIDAY DECORATIONS

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

F. UNITED STATES FLAG

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

**17.18.68 LIGHTING STANDARDS**

A. SHIELDING

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

B. 75 DEGREE CUTOFF

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

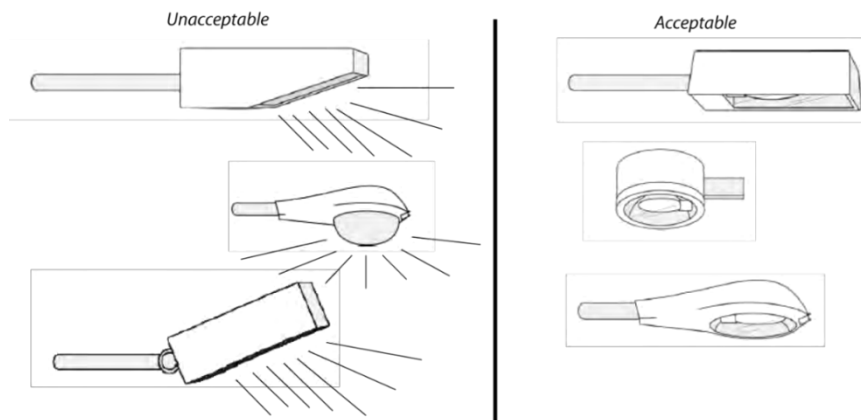
C. OFF SITE GLARE

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

D. FOOT CANDLES

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

Street Lighting Regulations



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**17.18.69 PROHIBITIONS**

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

A. SEARCHLIGHTS

The operation of searchlights for advertising purposes is prohibited.

**17.18.70 INFRASTRUCTURE**

**17.18.71 PURPOSE AND INTENT**

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

**17.18.72 REQUIRED INFRASTRUCTURE AND UTILITY IMPROVEMENTS**

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

**17.18.73 PUBLIC WATER SUPPLY, PUBLIC WASTEWATER SYSTEM**

A. CONNECTION TO MUNICIPAL SYSTEMS

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

B. CONSTRUCTION STANDARDS

1. City, DEQ

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

2. Shared Use

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

C. DEVELOPER'S EXPENSE

1. Developer's Expense

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

2. City Participation

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

**17.18.74 PRIVATE UTILITIES**

A. UNDERGROUND INSTALLATION

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

1. Above Ground Appurtenants

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

2. Connections to Above Ground Facilities

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

3. Existing Facilities

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

4. Transmission, Distribution Feeder Lines

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

B. CONSTRUCTION STANDARDS

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

C. STRUCTURES IN UTILITY EASEMENTS

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

1. Laurel Growth Policy

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

2. Natural Topography

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

3. Drainage

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

4. Number of Accesses

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

5. No Commercial Access through Residential

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

6. Emergency Access

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

7. Street Standards

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

8. Arterial streets

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

D. DEVELOPER'S EXPENSE

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

1. City Participation

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

**17.18.75 PEDESTRIAN ACCESS**

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

A. EXEMPTIONS

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

B. ADA

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

C. COMMERCIAL/INDUSTRIAL DEVELOPMENT

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

D. CONSTRUCTION STANDARDS

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

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E. LANDOWNER'S EXPENSE

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

**17.18.76 DEVELOPMENT AGREEMENT**

A. AGREEMENT REQUIRED

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

B. CONTENT OF AGREEMENT

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

1. Site Plan

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

2. Required Improvements

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

3. Costs

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

4. Schedule for Completion

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

5. City Completion

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

6. Renegotiation

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

7. Transfer

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

8. Guarantee

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

9. Warranty

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

C. PHASING

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

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D. EFFECT OF AGREEMENT

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

E. GUARANTEE

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

F. INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

1. Inspection Required

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

2. Developer Request

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

3. Improvements Accepted

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

4. Fees

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

G. WARRANTY OF IMPROVEMENTS

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

1. Warranty Enforcement

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

a. Escrow

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

b. Letter of Credit

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

c. Use of Funds

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

2. Release of Funds

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

## 17.18.80 STORM WATER MANAGEMENT AND EROSION CONTROL

### **17.18.81 PURPOSE AND INTENT**

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

### **17.18.82 APPLICABILITY**

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

### **17.18.83 EXEMPTIONS**

Development in the Central Business Zoning District (B-3) shall be exempt from this section.

### **17.18.84 STORM WATER RUNOFF AND EROSION CONTROL PLAN**

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

### **17.18.85 STANDARDS**

A. PRE-DEVELOPMENT DISCHARGE

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

B. VELOCITIES MINIMIZED

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

C. STORMWATER DETENTION

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

D. MAINTENANCE

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

E. RETENTION OF VEGETATION

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

F. DISTURBED AREAS MINIMIZED

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

G. SILT FENCING

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

H. WATER QUALITY

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

## 17.18.90 OPERATIONAL PERFORMANCE STANDARDS

### **17.18.91 PURPOSE AND INTENT**

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

### **17.18.92 AIR QUALITY**

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

### **17.18.93 COMBUSTIBLES AND EXPLOSIVES**

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

### **17.18.94 HAZARDOUS MATERIALS STORAGE**

A. STATE, FEDERAL REGULATIONS



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

B. OTHER CITY CODES

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

**17.18.95 NOISE**

A. NOISE LEVELS

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

*Noise Levels*

Noise Levels		
Zoning District in which the Sound is Generated	Maximum Sound Level	Quiet Hours
R-7500, R-6000, RLMF	65 dBA	Reduce to 55 dBA from 10:00 pm to 6:00 am
C-1, C-2, C-3	70 dBA	Reduce to 55 dBA from 10:00 pm to 6:00 am
B-1, B-2	80 dBA	Reduce to 55 dBA from 10:00 pm to 6:00 am
B-3, CLM	85 dBA	Reduce to 55 dBA from 10:00 pm to 6:00 am
M-I, A-O	95 dBA	Reduce to 55 dBA from 10:00 pm to 6:00 am

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B. EXCEPTIONS

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

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

C. MEASUREMENT

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

**17.18.96 JUNK VEHICLES**

A. CERTIFICATION

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

B. VIOLATION

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

C. EXCEPTIONS

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

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**17.18.100 BUILDING DESIGN**

A. STREET WALL LENGTH AND SHAPE

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

B. USE CLARIFICATION

Unless otherwise noted in the B-3 Central Business District or within sections of this code; the primary use of a structure within all districts shall be classified as that use which occupies 50.1 percent of the gross floor area of a structure. If multiple uses are within the structure, the simple majority of gross floor area of one use shall constitute the primary use for determining what is permitted in each district.

## **ARTICLE 17.19.0 – OUTDOOR ADVERTISING**

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### 17.19.10 PURPOSE AND INTENT

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

### 17.19.20 APPLICABILITY

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

### 17.19.30 EXEMPTIONS

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

#### **17.19.31 OFFICIAL NOTICES, WARNING SIGNS, HISTORICAL INFORMATION**

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

#### **17.19.32 WINDOW DISPLAYS, INDOOR SIGNS**

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

#### **17.19.33 BUILDING IDENTIFICATION, MINOR RESIDENTIAL**

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

#### **17.19.34 HOLIDAY LIGHTS**

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

#### **17.19.35 REAL ESTATE**

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

#### **17.19.36 RELIGIOUS SYMBOLS, NON-COMMERCIAL**

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

#### **17.19.37 WAY FINDING, TRAFFIC CONTROL**

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

#### **17.19.38 MURALS**

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

### 17.19.40 DEFINITIONS

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

#### **17.19.41 SIGN**

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

**17.19.42 SIGN AREA**

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

**17.19.43 NEON AND ILLUMINATED**

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

**17.19.44 INTERNALLY ILLUMINATED**

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

## 17.19.50 PERMIT REQUIRED

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

**17.19.51 DIGITAL ELECTRONIC GRAPHIC DISPLAY**

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

## 17.19.60 GENERAL STANDARDS

**17.19.61 SIZE**

A. RESIDENTIAL DISTRICTS

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

B. NON-RESIDENTIAL DISTRICTS

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

**17.19.62 NUMBER, TYPE**

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

**17.19.63 HEIGHT**

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

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**17.19.64 ON SITE/OFF SITE**

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

**17.19.65 CONSTRUCTION, ELECTRICAL CODES**

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

**17.19.70 PROHIBITED SIGNS**

The following signs shall be prohibited:

**17.19.71 INTERNALLY ILLUMINATED**

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

**17.19.72 FLASHING AND BLINKING SIGNS**

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

**17.19.80 INTERNALLY ILLUMINATED SIGNS**

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

**17.19.90 NONCONFORMING SIGNS**

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

**17.19.100 ABANDONED SIGNS**

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

**17.19.110 TEMPORARY SIGNS**

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

**ARTICLE 17.21.0 – ADMINISTRATION**



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## 17.21.10 ORGANIZATION OF ARTICLE

### **17.21.11 OVERVIEW OF DUTIES AND RESPONSIBILITIES**

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

### **17.21.12 DECISION MAKING AND ADMINISTRATIVE BODIES**

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

### **17.21.13 COMMON REVIEW PROCEDURES**

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

### **17.21.14 PUBLIC HEARING, PUBLIC NOTICE**

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

### **17.21.15 SUPPLEMENTARY REVIEW PROCEDURES**

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

## 17.21.20 OVERVIEW OF DUTIES AND RESPONSIBILITIES

### Summary Table of Review Procedures

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

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

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## 17.21.30 – Duties and Responsibilities of Decision Making And Administrative Bodies

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

### **17.21.31 MAYOR AND CITY COUNCIL**

#### A. POWERS AND AUTHORITY

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

1. Appoint Zoning Administrator and Building Official

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

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

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

3. Growth Policy

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

4. Zoning Ordinance and Zoning Map

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

5. Planned Unit Development

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

6. Annexations

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

7. Other Actions

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

### **17.21.32 PLANNING BOARD/ZONING COMMISSION**

#### A. ESTABLISHMENT

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

#### B. DUTIES AND AUTHORITY

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

- 
1. Growth Policy  
To prepare and recommend to the Mayor and City Council the Laurel Growth Policy.
  2. Amend Growth Policy  
To initiate, hear, consider and make recommendations to the Mayor and City Council on amendments to the Growth Policy.
  3. Adopt Ordinances  
To initiate, hear, consider and make recommendations to the Mayor and City Council on the adoption of this Ordinance and other ordinances, regulations and codes authorized by general or specific law.
  4. Amend Ordinances  
To initiate, hear, consider and make recommendations to the Mayor and City Council on amendments to this Ordinance and to other ordinances, regulations and codes authorized by general or specific law.
  5. Adopt Zoning Map  
To initiate, hear, consider and make recommendations to the Mayor and City Council on the adoption of the Official Zoning Map of the City of Laurel.
  6. Amend Zoning Map  
To initiate, hear, consider and make recommendations to the Mayor and City Council on amendments to the Official Zoning Map of the City of Laurel.
  7. Conditional Uses  
To hear, consider and make recommendations to the Mayor and City Council on whether to approve, approve with conditions or disapprove applications for Conditional Use Permits pursuant to the terms and procedures of this Ordinance.
  8. Planned Unit Development  
To initiate, hear, consider and make recommendations to the Mayor and City Council on applications for Planned Unit Developments.
  9. Annexation  
To initiate, hear, consider and make recommendations to the Mayor and City Council on approval, approval with conditions or disapproval of applications for annexation of land to the City of Laurel.
  10. Other Actions  
To undertake and execute other duties the Mayor and City Council deems necessary and desirable to assign to the Planning Board/Zoning Commission.

### **17.21.33 BOARD OF ADJUSTMENT**

#### A. ESTABLISHMENT

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

#### B. POWERS AND AUTHORITY

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

1. Appeals

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

2. Variances

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

**17.21.34 ZONING ADMINISTRATOR**

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

A. INTERPRET ORDINANCE

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

B. RECEIVE APPLICATIONS, DETERMINE COMPLETENESS

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

C. APPROVE DEVELOPMENT PERMITS

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

D. RECOMMENDATIONS

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

E. MINOR DEVIATIONS

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

F. ADMINISTRATIVE DUTIES

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

G. INSPECTIONS, ENFORCEMENT

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

H. LEGAL ACTION

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

I. OTHER DUTIES

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

**17.21.35 BUILDING OFFICIAL**

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

A. BUILDING PERMITS

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

B. ZONING ORDINANCE

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

C. CERTIFICATES OF OCCUPANCY

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

**17.21.40 COMMON PROCEDURES**

**17.21.41 GENERAL**

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

**17.21.42 APPLICATION FORMS**

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

**17.21.43 FEES**

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

**17.21.44 PRE-APPLICATION CONFERENCE**

A. PRE-APPLICATION CONFERENCE

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

B. INITIATION OF PRE-APPLICATION CONFERENCE

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

C. SCHEDULING OF PRE-APPLICATION CONFERENCE

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

D. PRE-APPLICATION CONFERENCE PURPOSES

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

E. WRITTEN SUMMARY

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

F. EXPIRATION OF PRE-APPLICATION CONFERENCE

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

**17.21.45 SUBMISSION OF APPLICATION AND DETERMINATION OF COMPLETENESS**

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

A. INITIATION

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

B. REQUIRED CONTENTS OF APPLICATION

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

C. DETERMINATION OF COMPLETENESS

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

1. Determined Incomplete

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

2. Determined Complete

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

**17.21.46 TECHNICAL REVIEW**

A. TECHNICAL REVIEW COMMITTEE

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

1. Committee Members, Responsibilities

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



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

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

B. WRITTEN SUMMARY

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

C. REVISED SUBMISSION

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

D. ADDITIONAL TRC MEETINGS

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

**17.21.47 PROCEDURES FOR ZONING ADMINISTRATOR DECISIONS**

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A. AUTHORITY FOR FINAL ACTION

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

B. RECLASSIFY APPLICATION

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

C. STAFF REVIEW, STAFF REPORT AND DECISION

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

D. TIMING OF DECISIONS

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

E. ISSUANCE OF PERMIT, CORRECTED APPLICATION

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

F. PUBLIC NOTICE AFTER DECISION

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

G. EXPIRATION OF PERMIT

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

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

A. AUTHORITY FOR FINAL ACTION

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

B. ZONING ADMINISTRATOR RECOMMENDATION

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

C. SCHEDULING OF PUBLIC HEARING

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

D. PUBLIC HEARINGS, PUBLIC NOTICE

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

E. DECISION

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

F. ISSUANCE OF PERMIT

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

G. EXPIRATION OF A PERMIT

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

**17.21.50 PROCEDURES FOR DECISIONS BY MAYOR AND CITY COUNCIL**

A. AUTHORITY FOR FINAL ACTION

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

B. ZONING ADMINISTRATOR RECOMMENDATION

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

C. SCHEDULING OF PUBLIC HEARING

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

D. PUBLIC HEARINGS, PUBLIC NOTICE

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

E. PLANNING BOARD/ZONING COMMISSION RECOMMENDATION

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

F. SCHEDULING OF PUBLIC MEETING

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

G. DECISION

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

H. ISSUANCE OF PERMIT

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

I. EXPIRATION OF A PERMIT

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

## 17.21.60 PUBLIC HEARING PROCEDURE

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

### **17.21.61 NOTICE**

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

### **17.21.62 ANNOUNCEMENT**

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

### **17.21.63 RIGHT TO SPEAK**

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

### **17.21.64 STAFF REPORT PRESENTATION**

The Zoning Administrator shall present the Staff Report.

### **17.21.65 APPLICANT PRESENTATION**

The applicant shall present any information the applicant deems appropriate.

### **17.21.66 PUBLIC STATEMENTS**

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

**17.21.67 APPLICANT RESPONSE**

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

**17.21.68 STAFF RESPONSE**

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

**17.21.69 DELIBERATION, DECISION**

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

**17.21.610 RECORD OF PROCEEDINGS**

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

**17.21.611 CONTINUANCE**

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

## **17.21.70 PUBLIC NOTICE**

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

**17.21.71 TYPE OF APPLICATION**

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

**17.21.72 DESCRIPTION OF DECISION**

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

**17.21.73 NAME OF OWNER, APPLICANT**

The name of the land owner and applicant.

**17.21.74 LOCATION OF LAND**

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

**17.21.75 LOCATION, DATE, TIME**

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

**17.21.76 WHERE INFORMATION AVAILABLE**

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

**17.21.77 PROPOSED USE**

A description of the type of use being proposed.

**17.21.80 SUPPLEMENTARY REVIEW PROCEDURES**

**17.21.81 VARIANCE**

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

A. PROCEDURE

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

B. STANDARDS

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

1. Special Conditions

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

2. Not Result of Applicant

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

3. Strict Application Unreasonable

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

4. Necessary to Provide Reasonable Use

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

5. Minimum Variance

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

6. Not Injurious

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

7. Consistent with Ordinance

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

C. CONDITIONS

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

D. EXPIRATION

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

**17.21.82 APPEALS**

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

A. INITIATION

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

B. CONTENTS OF APPEAL

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

C. SCHEDULING OF HEARING

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

D. PRODUCE RECORD

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

E. HEARING

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

F. DECISION

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



## **ARTICLE 17.22.60 - ENFORCEMENT**

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### 17.22.10 PURPOSE AND INTENT

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

### 17.22.20 GENERAL

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

### 17.22.30 VIOLATIONS

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

- A. ESTABLISH USE, STRUCTURE OR SIGN WITHOUT PERMIT OR APPROVAL  
To establish or place any use, structure or sign upon land that is subject to this Ordinance without all required approvals, permits and certificates.
- B. DEVELOPMENT WITHOUT PERMIT OR APPROVAL  
To develop, construct, remodel, expand or any other activity of any nature that is subject to this Ordinance without all required approvals, permits and certificates.
- C. ESTABLISH USE OR DEVELOPMENT INCONSISTENT WITH PERMIT  
To engage in a use or develop, construct, remodel or expand a structure or sign, or any other activity of any nature that is inconsistent with the terms and conditions of any permit, approval, certificate or any other form of authorization required for such activity.
- D. ESTABLISH USE OR DEVELOPMENT INCONSISTENT WITH ORDINANCE  
To use, construct, erect, remodel, expand, maintain or move any building, structure or sign in violation of any provision of this Ordinance.
- E. CREATE A NONCONFORMING CONDITION  
To reduce or diminish any lot area or structure setback, or to increase the intensity or density of any use of land or structure, except in accordance with the standards and procedures of this ordinance.

### 17.22.40 CONTINUING VIOLATIONS

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

### 17.22.50 RESPONSIBILITY OF ENFORCEMENT, COMPLIANCE

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

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## 17.22.60 ENFORCEMENT PROCEDURES

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

A. INSPECTION

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

B. WITHHOLD PERMIT

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

C. CONDITION A PERMIT

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

D. REVOCAION OR SUSPENSION OF PERMIT

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

1. Departure from Plans

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

2. False Representation

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

3. Violation

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

E. STOP WORK ORDER

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

F. INJUNCTIVE RELIEF

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

G. ABATEMENT

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

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H. CIVIL REMEDIES

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

I. CUMULATIVE REMEDY

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

**File Attachments for Item:**

1. Approve the minutes from November 15, 2023

The City/County Planning Board Minutes of November 15 will be added to the packet on Monday, December 18, 2023, by 8:00 a.m.

**File Attachments for Item:**

2. Resolution No 2023-01 recommending adoption of the 2023 update to the 2020 Growth Policy

## RESOLUTION NO. 2023-01

### LAUREL - YELLOWSTONE CITY COUNTY PLANNING BOARD

A resolution of the Laurel - Yellowstone City County Planning Board to recommend adoption of the 2023 Laurel - Yellowstone City County Growth Policy and implementation measures by the City of Laurel and the Yellowstone County Commissioners.

WHEREAS: The Yellowstone County Commission and the City of Laurel City Council tasked the Planning Board with the preparation of a Growth Policy for Laurel - Yellowstone City County Planning Jurisdiction, AND;

WHEREAS: The Planning Board approved an action plan incorporating public input and an approximate timeline for the adoption of an updated Growth Policy for Yellowstone - Laurel Planning Jurisdiction, AND;

WHEREAS: The Planning Board conducted a series of public meetings, surveys and outreach to encourage public participation in the preparation of the Growth Policy, AND;

WHEREAS: The Planning Board considered several strategies and policies that could be adopted by the County Commissioners to implement the Growth Policy, AND;

WHEREAS: The Planning Board encouraged both written and verbal testimony on issues and items of concern related to the future growth and development expected to occur during the life of the new Growth Policy. AND;

WHEREAS: The proposed Growth Policy addresses all of the statutory components of a Growth Policy found in §76-1-601 et. seq. MCA to the extent acceptable to the Planning Board, AND;

WHEREAS: The Planning Board did conduct a public hearing of the Growth Policy on December 20, 2023.

NOW THEREFORE BE IT RESOLVED, by the Laurel - Yellowstone City County Planning Board to recommend that the Governing Bodies of Yellowstone County and the City of Laurel, Montana Adopt the Laurel - Yellowstone City County Growth Policy in accordance with §76-1-604 MCA.



BE IT FURTHER RESOLVED, By the Laurel - Yellowstone City County Planning Board that the following regulations, policies, plans and strategies be considered by the County Commissioners to implement the Growth Policy:

- Subdivision Regulations;
- Design and Development Standards;
- Capital Improvements Planning;
- Economies of scale in the provision of local government services;
- Empower City/Town Governments;
- Comprehensive Economic Development Strategy.
- Zoning Regulations
- Floodplain Hazard Management Regulations.

Dated this 20th day of December 2023.

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Laurel - Yellowstone City County Planning Board  
Judy Goldsby, President

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Kurt Markegard, Executive Secretary

**File Attachments for Item:**

3. Yellowstone County Subdivision Regulations requested by the County Commissioners

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 23- (NUMBER)

**Resolution for the City of Laurel/Yellowstone County Planning Board  
to make a Recommendation on Subdivision Regulations for the Area around the City of Laurel**

WHEREAS, pursuant to Section 76-3-501(1) of the Montana Code Annotated, a board of county commissioners must adopt subdivision regulations for the county. Pursuant to Section 76-1-106 of the Montana Code Annotated, a board must receive a recommendation on the adoption of subdivision regulations from the planning board.

WHEREAS, the Yellowstone County Board of County Commissioners has exercised subdivision jurisdiction around the City of Laurel. The Board has only been able to find limited documentation as to its authority to exercise subdivision jurisdiction in the area. To reassert its subdivision jurisdiction in the area, the Board has decided to adopt the existing subdivision regulations in the area. To adopt the existing regulations, the Board needs a recommendation from the City of Laurel / Yellowstone County Planning Board on the adoption of the regulations.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners orders the City of Laurel/Yellowstone County Planning Board to make a recommendation to the Board on the adoption of the existing subdivision regulations in the area around the City of Laurel by January 17, 2024. Attached is a map of the area and the subdivision regulations for the area. After the Board receives the recommendation from the Planning Board, it intends to adopt the regulations.

Passed and Adopted on the 28<sup>th</sup> day of November 2023.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Donald W. Jones, Member

\_\_\_\_\_  
Mark Morse, Member

ATTEST:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

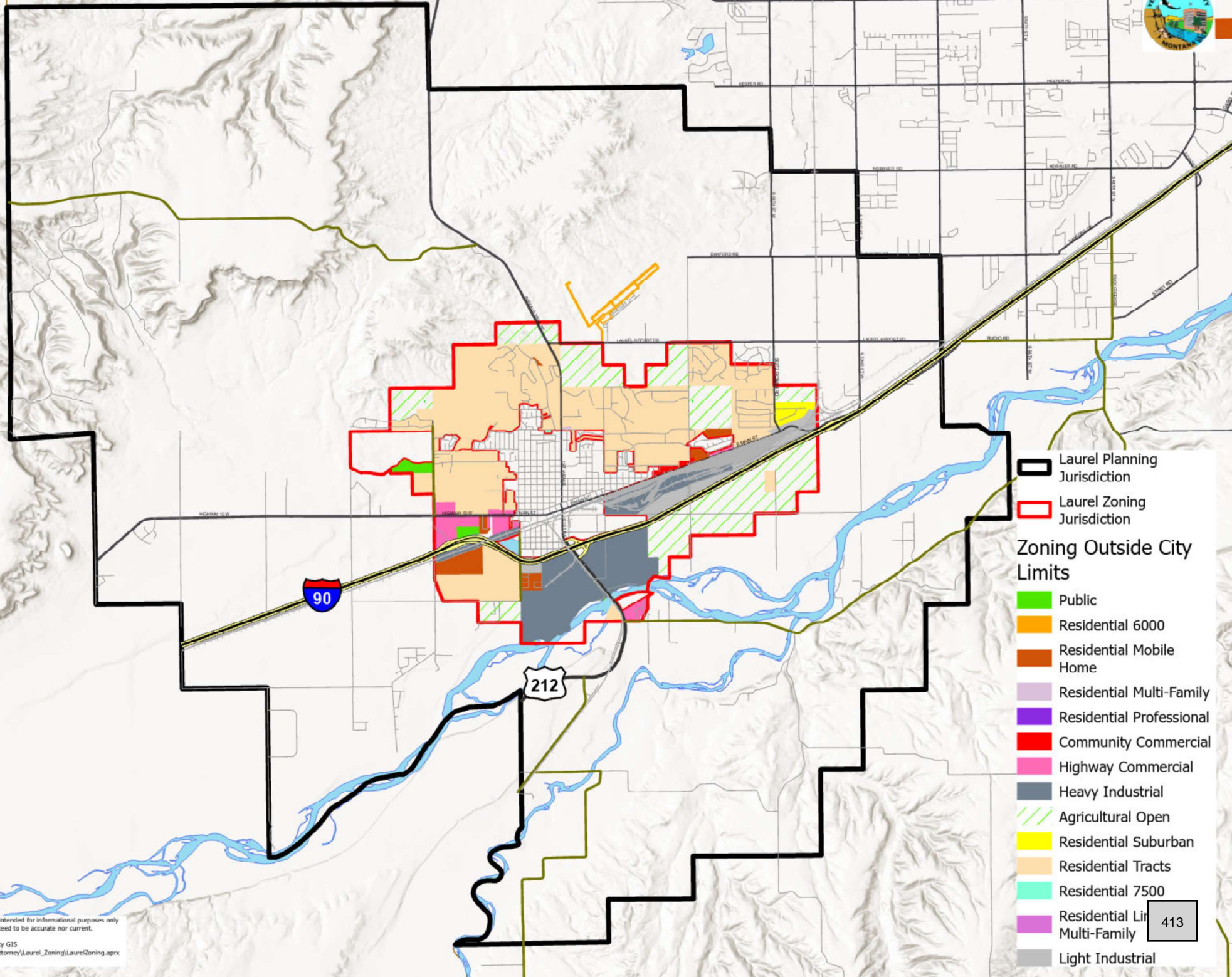
**Attachments**

Map  
Subdivision Regulations



**File Attachments for Item:**

5. Yellowstone County's request to consider Zoning Regulations around Laurel in the planning jurisdiction

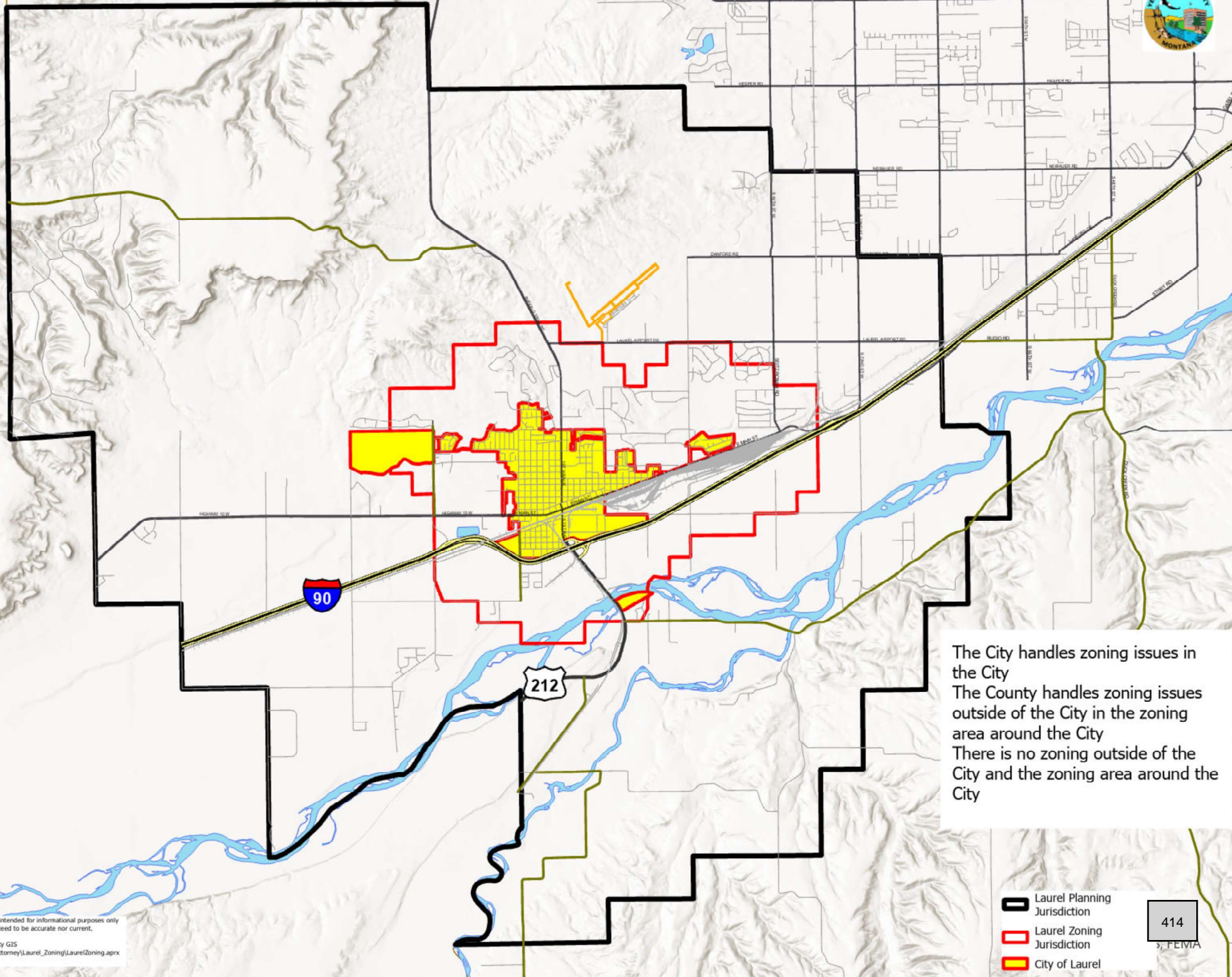


- Laurel Planning Jurisdiction
- Laurel Zoning Jurisdiction




**Zoning Outside City Limits**

- Public
- Residential 6000
- Residential Mobile Home
- Residential Multi-Family
- Residential Professional
- Community Commercial
- Highway Commercial
- Heavy Industrial
- Agricultural Open
- Residential Suburban
- Residential Tracts
- Residential 7500
- Residential Limited Multi-Family
- Light Industrial

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.  
 Date 11/17/2023  
 Yellowstone County GIS  
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The City handles zoning issues in the City  
 The County handles zoning issues outside of the City in the zoning area around the City  
 There is no zoning outside of the City and the zoning area around the City

-  Laurel Planning Jurisdiction
-  Laurel Zoning Jurisdiction
-  City of Laurel

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.  
 Date 11/17/2023  
 Yellowstone County GIS  
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The Subdivision Regulations come from the City of Laurel's Municipal Code that can be found online.

Changes have been made to the Regulations.

The Regulations contemplated the City exercising jurisdiction in and outside of the City and the County exercising no jurisdiction

The changes to the Regulations indicate the City will exercise zoning jurisdiction in the City and the County will exercise zoning jurisdiction in the zoning jurisdiction around the City

The Regulations are still phrased as if the City only exercises jurisdiction. The reference to the City should only include the County

## **Title 17**

### **ZONING**

#### **Chapters:**

### **Chapter 17.04 TITLE, PURPOSE AND SCOPE**

#### **Sections:**

#### **17.04.010 Title cite.**

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

(Prior code § 17.16.010)

**The City of Laurel through its council shall handle the zoning issues within the City. Yellowstone County through its Board of Commissioners shall handle the zoning issues outside of the City in the zoning jurisdictional area of the Laurel-Yellowstone County Planning Board. The zoning jurisdictional area is an area around the City that extends approximately one mile beyond the City limits. Attached as Appendix A is a map that indicates the zoning jurisdictional zoning area.**

#### **17.04.020 Purpose of provisions.**

- A. The zoning regulations, classifications and districts as herein set forth are in accordance with Sections 76-2-301 to 76-2-328, 76-1-101 to 76-1-606, and 76-2-201 to 76-2-228, MCA, 1979.
- B. They have been made in accordance with the comprehensive planning process, and have been deemed necessary and developed with consideration among other things, to the character of each zoning district and its peculiar suitability for particular uses, to conserve the value of buildings, to stabilize property values, to preserve recreation and agricultural lands from conflict with urban development, to promote the interest of health, safety, and general welfare, to secure safety from fire, and to provide adequate open space for light and air, and to facilitate the economic provision of adequate transportation, water, sewer, schools, parks, and other public requirements.
- C. The Laurel city council further declares the zoning plan is adopted for the following specific purposes:

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

(Ord. 96-5 (part), 1996; prior code § 17.16.020)

#### **17.04.030 Scope.**

- A. This title applies to all lands in the incorporated limits of the city; and any additional territory authorized by either state statutes or the county commissioners.
- B. In their interpretation and application, the provisions of this title may be regarded as the minimum requirements for the protection of the public health, safety, comfort, prosperity and welfare;
- C. This title is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued prior to the effective date of the ordinances codified in this title.

(Prior code § 17.16.030)

## **Chapter 17.08 DEFINITIONS**

### **Sections:**

#### **17.08.010 Purpose of provisions.**

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

(Prior code § 17.20.001)

#### **17.08.020 Rules of construction.**

All words used in the present tense include the future tense. All words used in the plural number include the singular number, and all words used in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the word "structure." The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended or arranged to be used."

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

(Prior code § 17.20.010)



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### **17.08.030 Accessory living quarters.**

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

(Prior code § 17.20.015)

### **17.08.040 Airport or aircraft landing field.**

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

(Prior code § 17.20.020)

### **17.08.050 Airport zone.**

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

(Prior code § 17.20.025)

### **17.08.060 Agricultural district.**

"Agricultural district" means any A district.

(Prior code § 17.20.030)

### **17.08.070 Agricultural use.**

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

(Prior code § 17.20.035)

### **17.08.080 Alley.**

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

(Prior code § 17.20.040)

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### **17.08.090 Apartment.**

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

(Prior code § 17.20.045)

### **17.08.100 Auto wrecking.**

See "junkyard."

(Prior code § 17.20.050)

### **17.08.110 Basement.**

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

(Prior code § 17.20.055)

### **17.08.120 Billboard.**

See "Sign — Outdoor advertising."

(Prior code § 17.20.060)

### **17.08.130 Block.**

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

(Prior code § 17.20.065)

### **17.08.131 Bed and breakfast inn.**

"Bed and breakfast inn" means a house or portion thereof that contains short-term guest rooms where lodging with or without meals is provided for compensation. The operator of the inn shall live on the same property upon which the term is located.

(Ord. 01-4 (part), 2001)

### **17.08.132 Boarding or lodging house.**

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

(Ord. 01-4 (part), 2001)

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### **17.08.140 Building.**

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

(Prior code § 17.20.070)

### **17.08.150 Building, accessory.**

"Accessory building" means a subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

(Prior code § 17.20.075)

### **17.08.160 Building codes.**

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

(Prior code § 17.20.080)

### **17.08.170 Building inspector.**

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

(Prior code § 17.20.085)

### **17.08.180 Building line.**

"Building line" means a line established in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by this title.

(Prior code § 17.20.090)

### **17.08.190 Building—Principal.**

"Principal building" means a building in which is conducted the principal use of the lot on which it is situated.

(Prior code § 17.20.095)

### **17.08.200 Business or commerce.**

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

(Prior code § 17.20.100)

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### **17.08.210 Camp, public.**

"Public camp" means any area or tract or land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits.

(Prior code § 17.20.105)

### **17.08.220 Carport.**

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

(Prior code § 17.20.110)

### **17.08.230 Child care facilities.**

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

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

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

(Ord. 01-4 (part), 2001: Prior code § 17.20.115)

### **17.08.240 City.**

"City" means the city of Laurel, Montana.

(Prior code § 17.20.120)

### **17.08.250 Clinic.**

"Clinic" means a building designed and used for the medical, dental, and surgical diagnosis and treatment of patients under the care of doctors and nurses.

(Prior code § 17.20.125)

### **17.08.260 Clinic, animal.**

"Animal clinic" means a building or premises for the medical treatment of pets or customary household animals, including but not limited to cats and dogs, provided no overnight boarding occurs on the premises.

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(Prior code § 17.20.130)

**17.08.270 Club.**

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

(Prior code § 17.20.135)

**17.08.280 Cluster.**

"Cluster" means a pattern of residential development where dwelling units are grouped, with the remainder of the yard left in landscaped open space.

(Prior code § 17.20.140)

**17.08.285 College or university.**

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

(Ord. 04-1 (part), 2004)

**17.08.290 Commercial district.**

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

(Prior code § 17.20.145)

**17.08.291 Community residential facilities.**

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

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

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

"Nursing homes, convalescent homes, orphanages, and charitable institutions" means a home operated similarly to a boarding house but not restricted to any number of guest or guest rooms, and the operator of which is licensed by the state, city, or county to give special care and supervision to his/her patients. In such homes, nursing, dietary, and other personal services are furnished to convalescent, invalids, and aged persons, but within which homes are kept no persons suffering from a contagious or communicable disease, and within which are performed no surgery, maternity, or other primary treatments such as are customarily provided in sanitariums or

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hospitals, and within which no persons are kept to be served who normally would be admitted to a mental hospital. Adult foster care homes are not included in this definition.

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

"Youth group home" means a youth care facility licensed by the Montana Department of Family Services in which individual care is provided to seven to twelve children or youth.

(Ord. 01-4 (part), 2001)

### **17.08.300 Condominium.**

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

(Prior code § 17.20.150)

### **17.08.310 Dairy.**

"Dairy" means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained.

(Prior code § 17.20.155)

### **17.08.330 Density.**

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

(Prior code § 17.20.160)

### **17.08.340 Drive-in restaurant.**

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

(Prior code § 17.20.165)

### **17.08.350 Dwelling.**

"Dwelling" means a building or portion thereof arranged or designed to provide living facilities for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel or travel trailer. All dwellings except manufactured homes must conform to the Uniform Building Code.

(Ord. 96-5 (part), 1996; prior code § 17.20.170)

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**17.08.360 Dwelling, group.**

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

(Prior code § 17.20.175)

**17.08.370 Dwelling, multifamily.**

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

(Prior code § 17.20.180)

**17.08.380 Dwelling, multifamily high rise.**

"Multifamily high rise dwelling" means a building containing over three dwelling units with a height not over six stories or sixty feet.

(Prior code § 17.20.185)

**17.08.390 Dwelling, single-family.**

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

(Ord. 96-5 (part), 1996; prior code § 17.20.190)

**17.08.400 Dwelling, two family.**

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

(Prior code § 17.20.195)

**17.08.410 Dwelling unit.**

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

(Prior code § 17.20.200)

**17.08.420 Easement.**

"Easement" means a grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes.

(Prior code § 17.20.205)

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**17.08.430 Elderly housing.**

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

(Prior code § 17.20.210)

**17.08.440 Fallout shelters.**

"Fallout shelters" means a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.

(Prior code § 17.20.215)

**17.08.450 Family.**

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

(Prior code § 17.20.220)

**17.08.460 Fence.**

"Fence" means a barrier of posts connected by boards, rails, panels or wire constructed for purposes of enclosing space, for separating parcels of land or for landscaping and including masonry walls, ornamental structures, privacy screens and shrubs.

(Ord. 891, 1986: prior code § 17.20.225)

**17.08.470 Filling station.**

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

(Prior code § 17.20.230)

**17.08.480 Floodplain or floodway.**

"Floodplain" or "floodway" means in all cases of interpretation the regulations of the Montana Water Resources Board as provided in Sections 76-5-103 and 76-5-104, MCA, 1979.

(Prior code § 17.20.235)

**17.08.490 Floodplain zone.**

"Floodplain zone" means a separate and distinct portion of the Laurel Zoning Ordinance governing those lands affected by a one hundred year floodplain classification.

(Prior code § 17.20.240)



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### **17.08.500 Fraternity, sorority, or student cooperative.**

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

(Prior code § 17.20.245)

### **17.08.510 Frontage.**

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

(Prior code § 17.20.250)

### **17.08.520 Garage, private.**

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

- A. For any single-family dwelling — three passenger vehicles;
- B. For any two-family dwelling — four passenger vehicles;
- C. For any multifamily dwelling — passenger vehicles equal in number to two hundred fifty percent of the number of dwelling units in the principal building;
- D. For any other use — no limitation.

(Prior code § 17.20.255)

### **17.08.530 Garage, public.**

"Public garage" means a building or premises which is operated for commercial purposes and used for the storage, care or repair of motor vehicles, but a "public garage" shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

(Prior code § 17.20.260)

### **17.08.540 Group dwelling.**

See "Dwelling group."

(Prior code § 17.20.265)

### **17.08.550 Height of building.**

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

- A. The street curb level;
- B. The established or mean street grade in case the curb has not been constructed; or

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- C. The average finished ground level adjoining the building if it sets back from the street line to the level of the highest point at the roof beams to flat roofs, or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs.

(Prior code § 17.20.270)

#### **17.08.560 Hospital.**

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

(Prior code § 17.20.275)

#### **17.08.570 Hospital, animal.**

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

(Prior code § 17.20.280)

#### **17.08.580 Hospital, mental.**

"Mental hospital" means an institution licensed by state agencies under the provisions of law to offer facilities, care and treatment of cases of mental and nervous disorders.

(Prior code § 17.20.285)

#### **17.08.590 Hotel.**

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

(Prior code § 17.20.290)

#### **17.08.600 Industrial district.**

"Industrial district" means any LI or HI district.

(Prior code § 17.20.295)

#### **17.08.610 Junkyard.**

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

(Prior code § 17.20.300)

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**17.08.620 Jurisdictional area.**

"Jurisdictional area" means the area included within the unincorporated areas, a distance of four and one-half miles, in all directions, from the city's limits. Such jurisdictional area may be changed by joint resolution of the city council and board of county commissioners in accordance with Sections 76-1-501 to 76-1-508, MCA, 1979.

(Prior code § 17.20.305)

**17.08.630 Kennel, commercial.**

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

(Prior code § 17.20.310)

**17.08.640 Kennel, noncommercial.**

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

(Prior code § 17.20.315)

**17.08.650 Livestock.**

"Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, etc.

(Prior code § 17.20.320)

**17.08.651 Livestock units.**

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

Livestock Class	Livestock Units
Cow, mature	1.00
Cow with calf	1.00
Bull, mature	1.25
Bull, yearling	.67
Calf, weaned	.60
Calf, under six months	.25
Steer, one-year old	.70
Steer, two-year old	.90
Steer, three-year old	1.00
Heifer, one-year old	.67

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Heifer, two-year old	.85
Heifer, three-year old	1.00
Horse, mature	1.00
Horse with colt	1.50
Colt, weaned	.75
Ewe, mature	.20
Ewe, with lamb	.20
Lamb, weaned	.10
Lamb, under six months	.20
Ram, mature	.50
Goat, mature	.20
Goat with kid	.20
Kid, weaned	.05
Kid, under six months	.10
Hog, mature	.50
Hog, weaned	.20
Fowl: hens, roosters, or ducks or similar	.10
Fowl: turkeys or geese or similar	.25

Livestock units for animals not listed herein shall be determined by the planning director.

(Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

**17.08.670 Lot.**

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

(Prior code § 17.20.330)

**17.08.680 Lot, corner.**

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

(Prior code § 17.20.335)

**17.08.690 Lot depth.**

"Lot depth" means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

(Prior code § 17.20.340)

**17.08.700 Lot, interior.**

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

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(Prior code § 17.20.345)

**17.08.710 Lot line, rear.**

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

(Prior code § 17.20.350)

**17.08.720 Lot, record.**

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

(Prior code § 17.20.355)

**17.08.730 Lot width.**

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

(Prior code § 17.20.360)

**17.08.740 Lot, zoning.**

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

(Prior code § 17.20.365)

**17.08.750 Marquee.**

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

(Prior code § 17.20.370)

**17.08.760 Medical marijuana cultivation facility or cultivation facility.**

"Medical marijuana cultivation facility" or "cultivation facility" shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from any medical marijuana dispensary and that is designated as part of the premises of a medical marijuana dispensary licensed pursuant to Title 5, Chapter 5.70 of the Laurel Municipal Code. The city shall not license a medical marijuana cultivation facility or cultivation facility within one thousand feet of any private or public preschool, elementary,

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secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.

(Ord. No. O11-01, 2-15-2011)

### **17.08.761 Medical marijuana dispensary or dispensary.**

"Medical marijuana dispensary" or "dispensary" shall mean a property or structure used to sell, distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients or primary caregivers pursuant to the authority contained in MCA § 50-46-101 et. seq. and the implementing administrative regulations promulgated thereto. The city shall not license a medical marijuana dispensary facility or dispensary facility within one thousand feet of any private or public preschool, elementary, secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.

(Ord. No. O11-01, 2-15-2011; Ord. No. O11-03, 3-1-2011)

### **17.08.762 Mobile home.**

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

(Ord. 96-5 (part), 1996: prior code § 17.20.375)

(Ord. No. O11-01, 2-15-2011)

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

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

1. "Manufactured home" means a dwelling unit that: (a) is not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes; and (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (c) exceeds forty feet in length and eight feet in width.
2. Manufactured Home, Class A. "Class A manufactured home" means a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:
  - a. The home has a length not exceeding four times its width;
  - b. The pitch of the unit's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

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- c. The standard siding consists of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
  - d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
  - e. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.
3. Manufactured Home, Class B. "Class B manufactured home" means a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.
  4. Manufactured Home, Class C. "Class C manufactured home" means any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.
  5. "Manufactured home park" means a residential use in which more than one manufactured home is located on a single lot.
  6. "Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code Standards applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(Ord. 96-5 (part), 1996)

(Ord. No. O11-01, 2-15-2011)

### **17.08.770 Motel.**

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

(Prior code § 17.20.380)

### **17.08.780 Motor vehicle parts salvage yard.**

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

(Prior code § 17.20.385)

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**17.08.790 Nonconforming use.**

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

(Prior code § 17.20.390)

**17.08.800 Off-street parking space.**

"Off-street parking space" means an off-street area for parking of one motor vehicle having an all-weather surface, shall have a width of not less than twelve feet when directly connected to a driveway approach; in all other instances the width shall be not less than ten feet; in both instances the length shall be not less than twenty feet. Easy access to a street shall be provided by a driveway having an all-weather surface.

(Prior code § 17.20.395)

**17.08.810 Parking lot.**

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

(Prior code § 17.20.400)

**17.08.820 Residential district.**

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

(Prior code § 17.20.405)

**17.08.830 Outdoor advertising display.**

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

(Prior code § 17.20.410)

**17.08.840 Pasture.**

"Pasture" means an area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock.

(Prior code § 17.20.415)



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### **17.08.850 Planning board.**

"Planning board" means the Laurel-Yellowstone city-county planning board as authorized under the provisions of 76-1-101 to 76-1-606, MCA 1979.

(Prior code § 17.20.425)

### **17.08.860 Planning director.**

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

(Prior code § 17.20.420)

### **17.08.870 Planned unit development.**

"Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which compromises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

(Prior code § 17.20.430)

### **17.08.875 Post-secondary school.**

"Post-secondary school" means a community college, a unit of the Montana University System, or a private university or college.

(Ord. 04-1 (part), 2004)

### **17.08.877 Preschool.**

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

(Ord. 04-1 (part), 2004)

### **17.08.880 Principal use.**

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

(Prior code § 17.20.435)

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### **17.08.890 Public use zone.**

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

(Prior code § 17.20.443)

### **17.08.900 Public utility.**

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

(Prior code § 17.20.445)

### **17.08.910 Recreational area, commercial.**

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

(Prior code § 17.20.450)

### **17.08.920 Recreational area, noncommercial.**

"Noncommercial recreational area" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club, homeowner's association or other corporate structure and whose membership is limited to the residents within the area.

(Prior code § 17.20.455)

### **17.08.950 Row housing.**

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

(Prior code § 17.20.470)

### **17.08.960 Salvage yards.**

See "motor vehicle parts salvage yards."

(Prior code § 17.20.475)

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### **17.08.970 Sanitarium.**

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

(Prior code § 17.20.480)

### **17.08.980 School.**

"School" means a place or institution for the teaching of individuals, the curriculum of which is composed of the work of any combination of kindergarten through grade twelve, a post-secondary school or a preschool.

(Ord. 04-1 (part), 2004: prior code § 17.20.485)

### **17.08.990 School, commercial.**

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

(Ord. 04-1 (part), 2004: prior code § 17.20.490)

### **17.08.1010 Secondhand store.**

"Secondhand store" means a retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new. Antique stores are exempted.

(Prior code § 17.20.500)

### **17.08.1020 Service station, automobile gasoline and motor fuels.**

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

- A. The servicing of motor vehicles and operations incidental thereto but not necessarily limited to the retail sale of petroleum products and automotive accessories, automobile waxing and polishing, tire changing and repairing (excluding recapping), battery service, charging and replacement, excluding repair and rebuilding, radiator cleaning and flushing, excluding steam cleaning and repair, and installation of accessories;
- B. The following operation, if conducted within a building: Lubrication of motor vehicles, brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes, wheel balancing, the testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring, replacing mufflers and shock absorbers.

(Prior code § 17.20.505)

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### **17.08.1030 Sign.**

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

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignias of any government except where displayed in connection with commercial promotion;
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
- F. Real estate "For Sale" signs ten sq. feet or less in size;
- G. Package containers, designed for the purpose of holding letters, parcel post, packages and delivery service orders;
- H. Temporary political campaign signs.

(Prior code § 17.20.510)

### **17.08.1040 Stable, private.**

"Private stable" means a detached accessory building in which animals are kept entirely for the use of the owner or members of the immediate family.

(Prior code § 17.20.515)

### **17.08.1050 Stable, nonprofit or commercial.**

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

(Prior code § 17.20.520)

### **17.08.1060 Story.**

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

(Prior code § 17.20.525)

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**17.08.1070 Story, half.**

"Half story" means a story with at least two opposite exterior sides meeting at a sloping roof not more than two feet above the floor of such story.

(Prior code § 17.20.530)

**17.08.1080 Street.**

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

(Prior code § 17.20.535)

**17.08.1090 Structural alteration.**

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or dimension of the rooms therein.

(Prior code § 17.20.540)

**17.08.1100 Structure.**

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

(Prior code § 17.20.545)

**17.08.1110 Theater, drive-in.**

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

(Prior code § 17.20.550)

**17.08.1120 Trailer or mobile home.**

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

(Ord. 96-5 (part), 1996: prior code § 17.20.555)

**17.08.1130 Travel trailer.**

"Travel trailer" means a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use. When factory- equipped for the road, it shall have a maximum dimension of eight by thirty-two feet.

(Prior code § 17.20.560)

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### **17.08.1160 Uniform building codes.**

"Uniform building codes" means the currently adopted set of regulations in effect concerning building in the city, as defined in Section 17.08.160 of this chapter, and as utilized in the zoning jurisdiction of the city and in that area around Laurel in which Laurel enforces the building code.

(Ord. 96-5 (part), 1996: prior code § 17.20.575)

### **17.08.1170 Use.**

"Use" means the term referring to:

- A. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; and
- B. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land; or
- C. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

(Prior code § 17.20.580)

### **17.08.1180 Usable open space.**

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

(Prior code § 17.20.585)

### **17.08.1190 Uses permitted.**

"Uses permitted" means any use permitted by the regulations of this title. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(Prior code § 17.20.590)

### **17.08.1200 Variance.**

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

(Prior code § 17.20.595)

### **17.08.1210 Yard, front.**

"Front yard" means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

(Prior code § 17.20.600)

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### **17.08.1220 Yard, rear.**

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

(Prior code § 17.20.605)

### **17.08.1230 Yard, side.**

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

(Prior code § 17.20.610)

### **17.08.1240 Yard.**

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

(Prior code § 17.20.615)

## **Chapter 17.12 ZONING DISTRICTS ESTABLISHED**

### **Sections:**

#### **17.12.010 Intent.**

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

(Prior code § 17.24.010)

#### **17.12.020 Districts designated.**

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

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- A. AO — Agricultural-Open Space;
  - B. R-7500 — Residential-7500;
  - C. R-6000 — Residential-6000;
  - D. RLMF — Residential Light Multifamily;
  - E. RMF — Residential Multifamily;
  - F. RMH — Residential Manufactured Home;
  - G. PUD — Planned Unit Development;
  - H. RP — Residential Professional;
  - I. NC — Neighborhood Commercial;
  - J. CBD — Central Business District;
  - K. CC — Community Commercial;
  - L. HC — Highway Commercial;
  - M. LI — Light Industrial;
  - N. HI — Heavy Industrial;
  - O. AP — Airport;
  - P. FP — Floodplain;
  - Q. P — Public;
  - R. SR — Suburban Residential Zone;
  - S. RT — Residential Tracts Zone;
  - T. RE-22,000 — Residential Estates 22,000.

(Ord. 01-4 (part), 2001; amended during 4-97 supplement; prior code § 17.24.020)

### **17.12.030 Agricultural-open space (AO) zone.**

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

(Prior code § 17.24.020(A))

### **17.12.031 Suburban residential (SR) zone.**

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

(Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)



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#### **17.12.034 Residential tracts (RT) zone.**

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

(Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

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

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

(Ord. 01-4 (part), 2001)

#### **17.12.050 Residential-7500 (R-7500) zone.**

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

(Prior code § 17.24.020(C))

#### **17.12.060 Residential-6000 (R-6000) zone.**

The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.

(Prior code § 17.24.020(D))

#### **17.12.070 Residential light multifamily (RLMF) zone.**

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

(Prior code § 17.24.020(E))

#### **17.12.080 Residential multifamily (RMF) zone.**

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

(Prior code § 17.24.020(F))

#### **17.12.090 Residential manufactured home (RMH) zone.**

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

(Ord. 96-5 (part), 1996; prior code § 17.24.020(G))

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### **17.12.100 Planned unit development (PUD) zone.**

The planned unit development zone is intended to provide a district in which the use of the land is for the development of residential and commercial purposes, as an integrated unit.

(Prior code § 17.24.020(H))

### **17.12.110 Residential professional (RP) zone.**

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

(Prior code § 17.24.020(I))

### **17.12.120 Neighborhood commercial (NC) zone.**

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

(Prior code § 17.24.020(J))

### **17.12.130 Central business district (CBD) classification.**

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

(Prior code § 17.24.020(K))

### **17.12.140 Community commercial (CC) classification.**

The community commercial classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area within a one and one-half mile radius, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials.

(Prior code § 17.24.020(L))

### **17.12.150 Highway commercial (HC) district.**

The purpose of the highway commercial district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the

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hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.

(Prior code § 17.24.020(M))

#### **17.12.160 Light industrial (LI) classification.**

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

(Prior code § 17.24.020(N))

#### **17.12.170 Heavy industrial (HI) district.**

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

(Prior code § 17.24.020(O))

#### **17.12.180 Airport (AP) zone.**

The airport zone is designated to preserve existing and establish new compatible land uses around the Laurel airport.

(Prior code § 17.24.020(P))

#### **17.12.190 Floodplain (FP) zone.**

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

(Prior code § 17.24.020(Q))

#### **17.12.200 Public (P) zone.**

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

(Prior code § 17.24.020(R))

#### **17.12.210 District boundaries and zoning map.**

The location and boundaries of districts established in the city are shown on the official zoning map of the city. This map is entitled "Zoning Map of the City of Laurel, Montana," and is on file in the office of the city clerk-

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treasurer. This map is hereby made a part of this chapter. This map shall reflect the ordinances adopted prior to this date and all ordinances adopted after this date relating to the boundaries of zoning districts. The city engineer shall show changes upon the official zoning map of the city in accordance with such ordinances as they are from time to time enacted.

(Ord. 97-2 § 4 (part), 1997; prior code § 17.24.030)

(Ord. No. 008-03, 3-18-08)

### **17.12.220 Interpretation of district boundaries.**

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

- A. District boundary lines are intended to follow street, alley or lot lines, or lines parallel to or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the zoning map;
- B. Where district boundaries are indicated as approximately following street or alley lines or proposed street or alley lines, such lines shall be construed to be such boundaries;
- C. Where district boundaries are so indicated that they approximately follow lot lines and are not more than ten feet distant therefrom, such lot lines shall be such boundaries;
- D. Where land within the city limits is not subdivided into lots and blocks or where district boundary lines are not approximately street, alley, or lot lines, the district boundary lines on the zoning map shall be determined by the scale shown on such map, and where uncertainty exists, the district boundary line shall be determined by the zoning commission by written decision. If land within the city limits has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the district boundaries were established, or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on the zoning map, the zoning commission, after notice to the property affected thereby and a public hearing, may interpret the zoning map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street and lot layout of the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the zoning map in the office of the city building inspector shall be changed to conform thereto;
- E. Any street, alley or railroad right-of-way, watercourse, channel or body of water, included in the zoning map shall, unless otherwise indicated, be included in the zoning district of adjoining property on either side thereof. Where such a street, alley, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different zoning districts, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between zones. If a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley;
- F. All land or territory annexed to the city after the date of adoption of this section shall immediately become classified as an R-7500 residential district and the zoning map shall thereupon be amended to indicate such land or territory in the R-7500 residential district without additional procedure.
- G. The hearing for annexation and zone change may be held at the same time.

(Ord. 01-4 (part), 2001; prior code § 17.24.040)

## Chapter 17.16 RESIDENTIAL DISTRICTS

**Sections:**

**17.16.010 List of uses.**

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts.

(Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999; Ord. 96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

**17.16.020 Zoning classified in districts.**

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999; Ord. 96-5 (part), 1996; Ord. 94-5, 1994; Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985; prior code § 17.28.020)

**Table 17.16.010**

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									

Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020—17.21.040)									

**Table 17.16.020**

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								

One unit	7,500	6,000	6,000 <sup>1</sup>	6,000 <sup>1</sup>	6,000 <sup>3</sup>	See	5 acres	1 acre
Two units		7,500	7,500	7,750		Chapter		
Three units		8,500	8,500	9,500		17.32		
Four units			10,000	11,250				
Five units				13,000				
Six units and more				Add 2,500 each additional unit				
Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 <sup>5</sup>	25
Side	5	5 <sup>4</sup>	5 <sup>4</sup>	5 <sup>4</sup>	5		5 <sup>5</sup>	5
Side adjacent to street	20	20	20	20	20		10 <sup>5</sup>	10
Rear	5	5	5	5	5		25 <sup>5</sup>	25
Maximum height for all buildings	30	35	35	40	30		30	30
Maximum lot coverage (percentage)	30	30	40	45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

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

<sup>2</sup> NA means not applicable.

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

<sup>4</sup> Zero side setbacks may be permitted if approved through the special review process.

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

(Ord. No. O-15-05, 7-21-2015)

## Chapter 17.20 COMMERCIAL—INDUSTRIAL USE REGULATIONS

**Sections:**

**17.20.010 List of uses.**

Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

(Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 96-5 (part), 1996; Ord. 998, 1991; Ord. 923, 1987; Ord. 922, 1987; Ord. 917, 1987; prior code § 17.32.010)

**17.20.020 Zoning classified in districts.**

Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020.

(Prior code § 17.32.020)

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		

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Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country				A	A	A	A		
Bus repair and storage terminals						A	A	A	
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities:									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			

Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	
Department stores				A	A	A	A		
Drug stores			A	A	A	A	A		
Dry kiln								A	
Dwellings: single-family Manufactured home Class A, Class B, Class C	A	A	A	A	A				
two family			A	A	A				
multiple family			A	A	A				
row housing			SR	SR	SR				
Eating and drinking establishments:									
Cocktail lounge, restaurants, bars and taverns				SR	SR	SR	SR		
Restaurants (without the sale of alcoholic beverages)				A	A	A	AA		
Drive-in restaurants					SR	SR	SR		
Extractive industries - excavations of sand and gravel		SR					SR		
Farm implements, sales and service						A	A	A	
Fat rendering or production of fats and oils								SR	
Feedlots - livestock	A							SR	
Feed and seed processing and cleaning for retail purposes									
Feed and seed - farm and garden retail sales					A	A	A		
Fertilizer manufacturing								SR	
Fertilizer wholesale sales						SR	SR	A	
Fertilizer - retail sales					A	A	A		
Florist, wholesale sales	SR				A	A	A		
Florist, retail sales			A	A	A	A	A		
Flour mills							SR	SR	
Food products manufacturing, storage and processing						SR	SR	A	
Food stores (retail only)				A	A	A	A		
Food stores (retail only) - 3000 sq. ft.			A	A	A	A	A		
Foundry								A	
Frozen food lockers					A	A	A		
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		

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

Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A			
Music stores			A	A	A	A	A		
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	

Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards							SR	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. 009-01, 3-17-09; Ord. No. 009-07, 7-7-09; Ord. No. 011-01, 2-15-2011; Ord. No. 0-14-03, 8-5-2014)

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

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(Supp. No. 20)

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

## **Chapter 17.21 TELECOMMUNICATIONS TOWERS AND ANTENNAE\***

### **Sections:**

#### **17.21.010 Intent.**

This chapter is established to regulate the placement of telecommunications towers and antennae within the Laurel zoning jurisdictional area (one mile outside the municipal limits).

(Ord. 01-2 (part), 2001)

#### **17.21.020 Standards for amateur radio antenna support structures.**

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

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

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

"Antenna Support Structure Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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

1. Amateur radio antenna support structures and antennae shall be located only within the rear yard and shall not be placed within any required setback and shall be located so as to minimize their impact on adjacent residential properties and adjacent rights-of-way while maintaining acceptable signal quality.
2. Amateur radio antenna structures and antennae exceeding six feet in height above grade (if ground-mounted) or above the roof or ridge of the building on which they are located (if building-mounted), shall require a building permit if located within the municipal limits of Laurel. If located within one mile of such municipal limits, applicants must provide evidence to the Laurel Code Enforcement Office that the device is adequately anchored, designed, and/or constructed so as to safeguard the general public and/or adjacent property from damaged in the event of failure of the device.
3. It is recommended that amateur radio antenna support structures be designed, installed, and maintained so as to blend into the surrounding environment through the use of color and alternative designs, except in instances where the color is dictated by the Federal Aviation Administration (FAA).
4. In accordance with the FCC's preemptive ruling PRB1, 101 FCC 2d 952 (1985), antenna support structures erected for the primary purpose of supporting amateur radio antennae may exceed height limitations of the underlying zoning.

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5. Attachments to amateur radio antenna support structures, such as guy wires, shall not cross any property line or any existing or proposed easement.
  6. No lighting shall be permitted on any amateur radio antenna support structures except as mandated by the FAA.
  7. No signage (other than required warning signs) or displays of any type shall be permitted on any amateur radio antenna support structure.
- C. Applicability. All amateur radio support structures and antennae located within the City of Laurel or its surrounding zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to amateur radio antenna support structures and antennae upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter: Pre-existing amateur radio antenna support structures or antennae. Pre-existing amateur radio antenna support structures and pre-existing amateur radio antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures and antennae have received all required approvals, permits, and exceptions prior to adoption of this chapter.

(Ord. 01-2 (part), 2001)

### **17.21.030 Standards for wireless communications facilities.**

- A. Purpose. The purpose of this chapter is to establish regulations for the siting of antenna support structures and antennae on public and private property. The goals of this section are to:
1. Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;
  2. Strongly encourage the joint use of new and existing antenna support structures;
  3. Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
  4. Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennae; and
  5. Enhance the ability of the providers of wireless communication services to provide such services to the community, as quickly, effectively, and efficiently as possible.
- B. Definitions.

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

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

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

"Antenna support structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include,

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but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures, and the like. The term includes the structure and any support thereto. Land mobile radio and radio and television antenna support structures are regulated under Section 17.21.040 of this chapter.

"Antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. The height of roof-mounted antenna support structure height of building on which they are mounted.

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

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

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

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

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

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communication Commission.

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

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

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

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



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

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

- b. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
2. Antenna support structures and antennae shall be permitted in the Agricultural-Open Space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
    - a. Antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
      - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures for roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
      - (2) Antenna support structures fifty feet or less in height.
        - b. Antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.
        - c. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
        - d. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.
- E. Commercial Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
1. Alternative antenna support structures shall be permitted as an allowed use in all commercial zoning districts.
  2. Antenna support structures shall be permitted as an allowed use in all commercial zoning districts when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, city-county planning board shall forward its recommendations to the city council for its decision.
  3. Antennae co-located on existing alternative antenna support structures or existing antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use in all commercial zones.
  4. Antenna support structures and antennae located in Residential Professional (RP) that do not meet the requirements of preceding subsection E1, E2, and E3 shall be required to obtain special review approval.

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5. New antenna support structures shall not be erected in the Community Entryway Zone. Antennae may be placed on existing antenna support structures and alternative antenna support structures that have previously received all required approvals and permits and meet the provision and requirements of this ordinance without obtaining permit zoning approval.
  6. Antenna support structures and antennae located Neighborhood Commercial (NC), Highway Commercial (HC), Light Industrial (LI), Central Business District (CBD), Heavy Industrial (HI), and Public (P) zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections E1, E2, and E3, or:
    - a. Roof-mounted antenna that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use. (See additional requirements for roof-mounted antenna in subsection (G)(10) of this section).
    - b. Antenna support structures fifty feet in height or less shall be permitted as an allowed use. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.
    - c. Antenna support structures that are greater than fifty feet in height shall not be allowed in the CBD or HC Zones.
- F. Antenna Support Structures Located in Parks. The presence of certain wireless communication facilities may conflict with the purpose of some city and county-owned parks. Wireless communication facilities will be considered only following a recommendation by the city-county planning board, the city parks committee, or the county board of park commissioners and approved by the city council. Factors that will be considered include:
1. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
  2. Commercial recreation areas and major playfields; and,
  3. Park maintenance facilities.
- G. General Requirements. The requirements set forth in this section shall govern the location and construction of all wireless communications facilities governed by this ordinance.
1. Building Codes and Safety Standards. To ensure the structural integrity of wireless communication facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such wireless communication facilities, as amended from time to time.
  2. Regulatory Compliance. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter. All wireless communication facilities must comply with all revised standards and regulations within the date established by the agency promulgating the standards or regulations.
  3. Setbacks:
    - a. Antenna support structures adjacent to residential uses or zoning. Antenna support structures must be set back from all property lines a distance equal to one-half the height of the structure from any off-site residential structure or residentially-zoned lot. Accessory structures must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially-zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.

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- b. Commercial and Industrial Zoning Setbacks. Antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the commercial or industrial zoning district in which they are located.
    4. Lot Coverage and Height. Antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Accessory structures shall not exceed the height restrictions for the zoning district in which they are located.
    5. Fencing and buffering.
      - a. Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height, are required adjacent to residential uses and residentially-zoned property.
      - b. Landscaping. For all facilities the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the Laurel Code Enforcement Office, prior to zoning approval or issuance of building permit, to ensure the placement of required landscaping and fencing.
      - c. Commercial Landscaping. Landscaping requirements shall not apply to antenna support structures located in the Heavy Industrial (HI) zoning district.
      - d. Exceptions for Laurel Airport. If federal safety and security standards at the airport prevent an antenna support structure from being fenced or landscaped, preceding items (5)(a) and (5)(b) will not apply. Documentation of these standards must be submitted with the application.
    6. Lighting. Antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights.

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

7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs.
8. Co-location.
  - a. Antenna support structures should be designed in all respects to accommodate both the applicant's antennae and antennae for at least two additional comparable antennae if the antenna support structure is over one hundred feet in height or for at least one additional comparable antennae if the tower is between fifty feet and one hundred feet in height.
  - b. All new antennae must co-locate on existing or approved antenna support structures or alternative antenna support structures unless it can be demonstrated co-location is not feasible as provided for in subsection (K)(7) of this section.
9. Maintenance.

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- a. Equipment at a wireless communication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
  - b. All property used for the siting of an antenna support structure or antenna shall be maintained, without expense to the city so as to be safe, orderly, attractive, and in conformity with city codes including those regarding the removal of weeds, trash, and landscape maintenance.
10. Visual impact/aesthetics.
- a. Wireless communication facilities shall either maintain a galvanized steel finish or (subject to any applicable standards of the FAA or other applicable local, state, or federal agency) be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
  - b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
  - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers, or other architectural elements. Only monopole antennae support structures with omni-directional (whip) or low profile single-directional (panel) shall be installed on building roofs. Crow's nest antennae arrays are prohibited on rooftop structures.
  - d. Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below, or incorporated with vertical design elements of a structure.
  - e. Wireless communication facilities shall be located as to minimize their visibility and not be placed within historic or scenic view corridors as designated by the Laurel city council or by any state or federal law or agency.
11. Antenna support structure separation. All antenna support structures over fifty feet in height, regardless of the zoning district in which the structure is located, shall be located at least one mile from any other antenna support structure that is over fifty feet. Up to three antenna support structures located within an approved wireless communication facility tower farm shall be located at least one mile from any other tower farm.

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

- H. Nonconforming Wireless Communication Facilities. Antenna support structures and/or facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, (nonconforming antenna support structures) are subject to the following provisions:
1. Nonconforming antenna support structures may continue their present use, but may not be expanded or increased in height without complying with these regulations, except as further provided in this section.

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2. Nonconforming antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If an antenna support structure is destroyed or damaged by more than fifty percent of its replacement, the antenna support structure must be brought into compliance with these regulations.
  3. The owner of any nonconforming antenna support structure may make minor modifications in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennae or facilities, or to upgrade the facilities to current engineering, technological, or communications standards without having to conform to the provisions of these regulations.
- I. Modifications of Existing Wireless Communication Facilities That Meet the Requirements of These Regulations.
1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows: the addition of more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
  2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.
- J. Abandonment. Wireless communications facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:
1. Re-use the facility or transfer it to another owner who will re-use it; or
  2. Dismantle the Facility. If the facility is not removed within ninety days of abandonment, the city may remove the facility at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.
- If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.
- K. Special Review Submittal Requirements. The applicant of new wireless communication facilities shall provide the following documentation for review by the city-county planning board:
1. A map to scale showing the service area of the proposed wireless communication facility and an explanation of the need for that facility;
  2. A site/landscaping plan showing the following items;
    - a. North arrow.
    - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
    - c. Property boundaries and lot line dimensions.

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- d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
  - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
  - f. Centerline and names of major and minor arterial streets relevant to the application.
  - g. Elevation drawing of proposed wireless communication facility including the antenna support structure, antenna platforms and associated equipment enclosures. Also indicate the maximum number of antenna platforms that can be supported.
  - h. Detailed landscaping plan of the site.
  - i. Location of artificial light sources and the areas of illumination.
  - j. Applications for tower farms shall include subsections (a) through (i) of this section and an overall development plan showing the location of future structures and equipment enclosures.
  - k. Latitude, longitude, and height of proposed antenna support structures.
1. Other pertinent features as determined by the planning board or the city.
  3. Area map showing the property boundaries of adjacent property and the location of existing buildings.
  4. Inventory of existing and approved sites. Each applicant for one or more antenna support structure shall provide to the city-county planning board a map showing the locations and service area of existing and approved antenna support structures operated or utilized by the applicant, including specific information on the location, height, and design of each antenna support structure. The city-county planning board shall maintain an inventory of existing and approved antenna support structures, including specific information about the location, height, and design of each antenna support structure. The city may share such information with other persons, organizations, or governmental authorities.
  5. Documentation of minimum light requirements from the FAA or other local, state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of comments from the FAA.
  6. When the applicant is a wireless service provider, proof that the applicant is licensed by the FCC to provide the wireless communication services that the proposed facility is designed to support.
  7. Availability of suitable existing or approved antenna support structures. No new antenna support structure shall be permitted unless the applicant clearly demonstrates, in writing, to the reasonable satisfaction of the city that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna. Closer separation distances may be approved if the applicant clearly demonstrates a critical need for the alternative location and the infeasibility of locating or co-locating wireless communication facility at or beyond the required separation distance. Evidence submitted to demonstrate that no existing or approved structure can accommodate the applicant's proposed antenna must include a discussion of the following items, if relevant:
    - a. No existing or approved antenna support structures are located within the geographic area required to meet the applicant's engineering requirements;
    - b. Existing or approved antenna support structures are not of sufficient height to meet the applicant's engineering requirements;
    - c. Existing or approved antenna support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength;

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- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing or approved antenna support structures, or the antenna on the existing or approved antenna support structures would cause interference with the applicant's proposed antenna;
  - e. The fees or costs required to share an existing or approved antenna support structure or to adapt an existing or approved antenna support structures for sharing are unreasonable. Costs below new tower development are presumed reasonable;
  - f. Property owners or owners of existing or approved antenna support structures are unwilling to accommodate the applicant's needs;
  - g. The applicant demonstrates that there are other limiting factors that render existing or approved antenna support structures unsuitable;
8. Co-location Agreement. If co-location is feasible, the owner of the antenna support structure shall certify, prior to permit approval, that the owner will accept for co-location any FCC licensed wireless communication provider using compatible technology on commercially reasonable terms up to the antenna support structure's capacity to accommodate additional antennae. The applicant shall also include a statement on how requests for co-locators will be processed.
  9. Effect of surrounding property values. The applicant must submit information that substantiates there will be no adverse effects on surrounding property values resulting from the proposed facility.
- L. Special Review Uses.
1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The Laurel city council may issue special review approval under these sections provided it has determined that the requirements of this ordinance has been satisfied and, further, that the benefits of and need for the proposed wireless communication facilities are greater than possible depreciating effects and damage to neighboring properties.
  2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed wireless communication facilities on surrounding properties.
  3. Expiration of Special Review Approval.
    - a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. If located within the city of Laurel, a building permit must be applied for within six months of special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extension of the period to start construction upon written request by the applicant.
    - b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.

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- M. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
  - N. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

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

- A. Purpose. The purpose of this section is to establish regulations for the siting of broadcast facilities, including land mobile radio services and radio and television broadcast antennae, antenna support structures, and associated equipment and buildings on public and private property. The goals of this section are to:
  - 1. Encourage the location of broadcast facilities in non-residential areas and minimize the total number of antenna support structures throughout the community;
  - 2. Strongly encourage the joint use of new and existing broadcast antenna support structures;
  - 3. Require broadcast facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
  - 4. Require broadcast facilities to be configured in a way that minimizes the adverse visual impact of antenna support structures and antennae; and
  - 5. Enhance the ability of the providers of land mobile radio services and radio and television broadcast services to provide such services to the community as quickly, effectively, and efficiently as possible.

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

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

"Antenna/antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Broadcast antenna" means a ground, building or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

- (a) Title 47, Part 90 (47 CFR § 90) - Private Land Mobile Radio Services,
- (b) Title 47, Part 73 (47 CFR § 73) - Radio Broadcast Services, which includes AM, FM, and Television Services, and
- (c) Title 47, part 74 (47 CFR § 74) - Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services;

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

"Broadcast antenna or tower farm" means a tract of land that contains three or more broadcast or land mobile radio service antenna support structures, any two are spaced no more than seven hundred fifty linear feet



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of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings, and any additions thereto.

"Broadcast facilities" means an unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure, and one or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

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

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

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

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

1. Land mobile radio and radio and television broadcast antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
  - a. Alternative broadcast antenna support structures conforming to all applicable provisions of this ordinance and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
  - b. Antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures, which have previously received all required approvals and permits shall be permitted as an allowed use.
2. Broadcast antenna support structures and antennae shall be permitted in the agricultural-open space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
  - a. Broadcast antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
    - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures or roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
    - (2) Broadcast antenna support structures fifty feet or less in height.

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- b. Broadcast antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.
  - c. Broadcast antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
  - d. Broadcast antenna or tower farms are permitted by special review.
- E. Broadcast Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
- 1. Broadcast antenna support structures fifty feet in height or less shall be permitted as an allowed use.
  - 2. Broadcast antenna support structures that exceed fifty feet in height or the maximum height limitations in the underlying commercial and industrial zoning districts (whichever is greater) are permitted by special review.
  - 3. Broadcast antenna or tower farms are permitted by special review, except in Entryway Zone and the CBD and HC zoning districts.
  - 4. All broadcast antenna support structures located in heavy industrial (HI) shall be permitted as an allowed use, including broadcast antenna or tower farms.
  - 5. All broadcast facilities located within the boundaries of an approved or pre-existing broadcast antenna or tower farm shall be permitted as an allowed use.
- F. General requirements. The requirements set forth in this section shall govern the location and construction of all land mobile radio service and radio and television transmission facilities governed by this chapter.
- 1. Building Codes and Safety Standards. To ensure the structural integrity of broadcast facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such facilities.
  - 2. Regulatory Compliance. All broadcast facilities must meet current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter.
  - 3. Setbacks.
    - a. Broadcast antenna support structures adjacent to residential uses or zoning. Broadcast antenna support structures must be set back, from all property lines, a distance equal to one-half the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures, such as equipment enclosures or transmitter buildings, must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
    - b. Commercial and Industrial Zoning Setbacks. Broadcast antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
    - c. Broadcast Facilities in Broadcast Antenna or Tower Farms. Antenna support structures and accessory facilities located in antenna or tower farms must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
  - 4. Lot Coverage and Height. Broadcast antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Building and equipment enclosures shall not exceed the height restrictions for the zoning district in which they are located.

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5. Fencing and Buffering.
    - a. Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the broadcast antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height are required adjacent to residences and residentially zoned property. All AM broadcast antenna support structures must be surrounded by a suitable fence as required by FCC regulations.
    - b. Landscaping adjacent to residential uses and/or residential zoning. For broadcast facilities located in a residential zoning district, adjacent to a residential use, or adjacent to a residentially zoned parcel, the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. AM Broadcast stations are exempt from this requirement due to overriding FCC regulations regarding vegetation in ground radial systems.

A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the city to ensure the placement of required landscaping and fencing.
    - c. Commercial Landscaping. Landscaping requirements shall not apply to broadcast antenna support structures located in Agricultural-Open Space or approved broadcast antenna or tower farms.
    - d. Exceptions for Laurel Airport. If federal safety and security standards prevent a broadcast antenna support structure from being fenced or landscaped, items (5)(a) and (5)(b) of this subsection will not apply. Documentation of these standards must be submitted with the special review applications.
  6. Lighting. Broadcast antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. Security lighting may be placed on a support structure no higher than twenty feet above ground. Cut-off security lights must be used in or adjacent to residential areas to prevent light spillage onto adjacent property.
  7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs unless otherwise required by the FAA and/or FCC.
  8. Maintenance.
    - a. Equipment at a broadcast facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
    - b. All property used for the siting of a broadcast antenna support structure or antenna shall be maintained, without expense to the city and/or county, so as to be safe, orderly, attractive, and in conformity with city and/or county codes including those regarding the removal of weeds, trash and landscape maintenance.
  9. Visual impact/aesthetics.
    - a. Broadcast antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.

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- b. If a broadcast antenna is installed on a structure other than a tower, the associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the related equipment as visually unobtrusive as possible. Broadcast antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
  - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other background. Crow's nest antennae arrays are prohibited on rooftop structures.
  - d. Broadcast antenna or antenna support structures attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.

G. Nonconforming broadcast facilities.

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

- 1. Nonconforming broadcast facilities may continue their present use, but may not be expanded without complying with these regulations, except as further provided in this section.
- 2. Nonconforming broadcast antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If a broadcast antenna support structure is destroyed or damaged by fifty percent or more of its replacement the broadcast antenna support structure must be brought into compliance with these regulations.
- 3. The owner of any nonconforming broadcast antenna support structure may make minor modifications in order to improve the structural integrity of the structure, to allow the structure to accommodate co-located antennae, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

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

- 1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows:
    - a. The addition of one or more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent.
    - b. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
    - c. Repairs to or replacement of existing antennae or feedlines or support members (such as guy wires) are not considered modifications under this part.
  - 2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.
- I. Abandonment. Broadcast facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning

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board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:

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

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

1. A map to scale showing the service area of the proposed broadcast facility;
2. A site/landscaping plan showing the following items:
  - a. North arrow.
  - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
  - c. Property boundaries and lot line dimensions.
  - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
  - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
  - f. Centerline and names of major and minor arterial streets relevant to the application.
  - g. Elevation drawing of proposed broadcast facility including the antenna support structure, antenna platforms and associated equipment enclosures.
  - h. Latitude, longitude and height of proposed antenna support structures.
  - i. Location of artificial light sources and the areas of illumination.
  - j. Applications for tower farms shall include items a through h and a general overall development plan showing the location of future structures and equipment enclosures.
  - k. Detailed landscaping plan of the site when applicable.
1. Other pertinent features as determined by the city.
3. Area map showing adjoining property boundaries and the location of existing buildings within a distance equal to the required setbacks as set forth in subsection (F)(3) of this section.
4. Documentation of minimum light requirements from the FAA or other local state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of the comments provided by the FAA. Where an application has been filed with the FAA for the services proposed and decision on minimum light requirements by the FAA is still pending, submittal of a copy of the proposed application shall be sufficient to meet the requirements of the is paragraph.
5. When the applicant is a land mobile radio service provider, or a radio or television broadcaster, proof must be provided that the applicant is licensed by the FCC to provide the services that the proposed facility is designed to support or the applicant must prove the necessary application have been filed with the FCC and/or FAA for the services proposed, together with proof all filing fees have been paid.

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- K. Special review uses.
1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The city of Laurel may issue special review approval under these sections provided they have determined that the requirements of these regulations have been satisfied.
  2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed broadcast facilities on surrounding properties.
  3. Expiration of Special Review Approval.
    - a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. Within the city limits, a building permit must be applied for within six months of a special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extensions of the period to start construction upon written request by the applicant.
    - b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.
    - c. Small increases in the height of existing antenna support structures approved by special review may be approved by the city-county planning board on an administrative basis provided that the increase in the height of the antenna support structure is ten percent or less.
    - d. Special review approvals for broadcast antenna or tower farms shall not expire until such time as all facilities within the boundaries of the antenna or tower farm have been abandoned.
- L. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
- M. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

## Chapter 17.24 RESIDENTIAL MOBILE HOME DISTRICTS

### Sections:

#### 17.24.010 Intent.

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

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

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- B. To prohibit commercial and industrial uses of the land;
  - C. To encourage suitable and proper development of mobile home parks or mobile home subdivisions.

(Prior code § 17.52.010)

#### **17.24.020 Definitions.**

For the purposes of this section:

"Mobile home park" also means "mobile home court."

"Mobile home subdivision" means a surveyed, approved, and filled subdivision where the lots are primarily for sale rather than individual spaces for rent.

(Prior code § 17.52.020)

#### **17.24.030 Permitted uses.**

The following use is permitted:

Single-family mobile home dwellings when located within mobile home parks or on individual lots within a mobile home subdivision.

(Prior code § 17.52.030)

#### **17.24.040 Allowable density.**

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

(Prior code § 17.52.040)

#### **17.24.050 Lot dimensions.**

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

(Prior code § 17.52.050)

#### **17.24.060 Lot coverage.**

- A. The ground area occupied by a mobile home, attached storm shed, patio, storage building and off-street parking spaces shall not exceed fifty percent of the total area of the site. In computing the ground coverage, four hundred square feet shall be added to actual area of the mobile home and the accessory buildings for the two required off-street parking spaces. This provision limits to one storm shed, not over ten feet by twelve feet or one hundred twenty square feet in area per site and the utility building shall be placed on a proper foundation.
- B. No mobile home, storm shed or other legal attachments to the mobile home shall be located less than seven feet six inches from the side site line. Detached tool sheds shall be located not less than five feet from the

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side or rear site lines. The ends of the mobile homes shall be at least ten feet apart when opposing rear walls are staggered, otherwise fifteen feet apart. No portion of a mobile home, or attachment thereto, or tool shed, or any other structure shall be located less than fifteen feet away from any site or property line adjacent to a public right-of-way.

(Prior code § 17.52.060)

#### **17.24.070 Mobile home park requirements.**

- A. The minimum total area of a mobile home park shall be at least ninety thousand square feet, including alleys and/or roadways.
- B. The minimum street roadway shall conform to the requirements found in the city-county subdivision regulations.
- C. All entrances, exits, lanes and driveways between rows of mobile homes shall be lighted to provide an intensity of five footcandles. Mobile home parks shall be provided with, at minimum, two walkways at least three and one-half feet wide between the mobile home sites and each service building; roadways and sidewalks within the parks shall be hard-surfaced, either concrete or bituminized; and shall conform to the requirements found in the city-county subdivision regulations.
- D. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate city department.
- E. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two car spaces per mobile home site. At least two car spaces shall be provided on each mobile home site. The area per one car space shall be at least ten feet wide and twenty feet deep, plus ingress and egress.
- F. There shall be provided, unless previously provided by a park dedication as required by the subdivision regulations, within each mobile home park an adequate site or sites for recreation for the exclusive uses of the park occupants. Such recreation site or sites shall have a minimum area in aggregate of four thousand square feet plus one hundred square feet for each mobile home site in the park. The recreation sites shall be of appropriate design and provided with adequate equipment; and may be used to meet the one-ninth minimum area requirement of the subdivision regulations.
- G. All mobile home parks must provide a completely and permanently landscaped setback area of at least fifteen feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like. Setback areas not bordering public rights-of-way may be used to fulfill the recreation area requirements of the subsection F.
- H. All mobile home parks shall have near their main entrance, a marquee or sign on which there shall be an up-to-date list of the addresses and a diagram of the park layout.
- I. All mobile home parks shall provide one additional parking space for every five sites as a main parking area to be used by visitors or in the storage of recreational vehicles.

(Prior code § 17.52.070)

#### **17.24.080 Mobile home park restrictions.**

Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this chapter.

(Prior code § 17.52.080)

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### **17.24.090 Mobile home subdivision requirements.**

- A. All lots in a mobile home subdivision shall conform to the requirements set forth in Section 17.16.020.
- B. All lots shall be served by the city's water and sewer systems.
- C. All lots shall be provided with direct access to a public street unless a home owner's association has been set up to maintain a private street.
- D. All mobile home subdivisions shall be designed in accordance with the criteria established in Title 16 of this code.

(Prior code § 17.52.090)

### **17.24.100 Mobile home requirements.**

- A. All mobile homes, whether located in a mobile home park or a mobile home subdivision, shall be set up and skirted in one of the following ways:
  - 1. Individual concrete pads with cinder blocks used for supports, coupled with coordinate skirting;
  - 2. Permanent concrete foundation;
  - 3. A dug-out style area with cinder blocks for support, designed to lower the unit to ground level:
    - a. The owner of a mobile home park shall be required to establish one of these methods for exclusive use throughout the park,
    - b. Individual lot owners in a mobile home subdivision will be required to indicate which of the three methods they will use prior to receiving a permit to move a mobile home onto the lot.
- B. Each mobile home, whether located in a mobile home park or a mobile home subdivision, shall be anchored to the ground for purposes of withstanding wind pressures specified for such mobile home by the city building inspection department prior to occupancy of the unit.

(Prior code § 17.52.100)

## **Chapter 17.25 DOWNTOWN OVERLAY DISTRICT**

### **17.25.010 Intent.**

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the Downtown core of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

The intent of this section is to:

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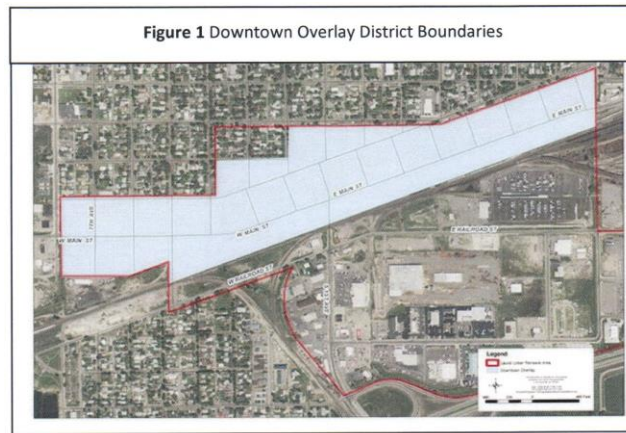
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- A. Promote a physical landscape to make the District an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-01, 3-17-2015)

**17.25.020 District boundaries.**

The boundaries of the district are identified in Figure 1.



(Ord. No. O15-01, 3-17-2015)

**17.25.030 Application and Approval Process**

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
  1. The name and address of the property owner;
  2. The name and address of the applicant;
  3. The legal description of the parcel;
  4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
  5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;
  6. A complete elevation drawings drawn to the scale 1"=40' including the dimensions and height of the structure;
  7. If applicable, signage plan specifications, location and ground lighting pattern; and

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8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31, 2002)
- (Ord. No. O15-01, 3-17-2015)

#### **17.25.040 Nonconformance.**

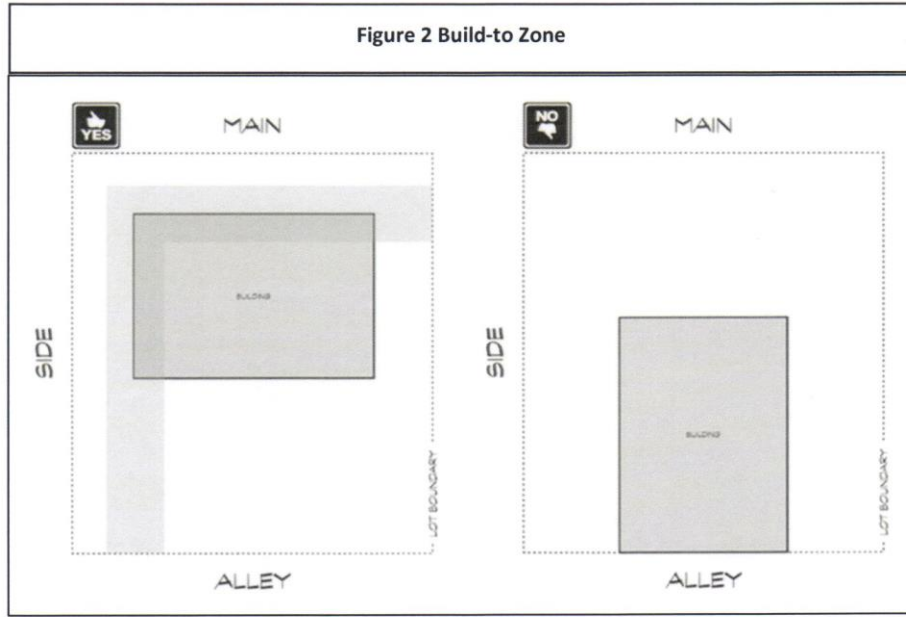
- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-01, 3-17-2015)

#### **17.25.050 Definitions.**

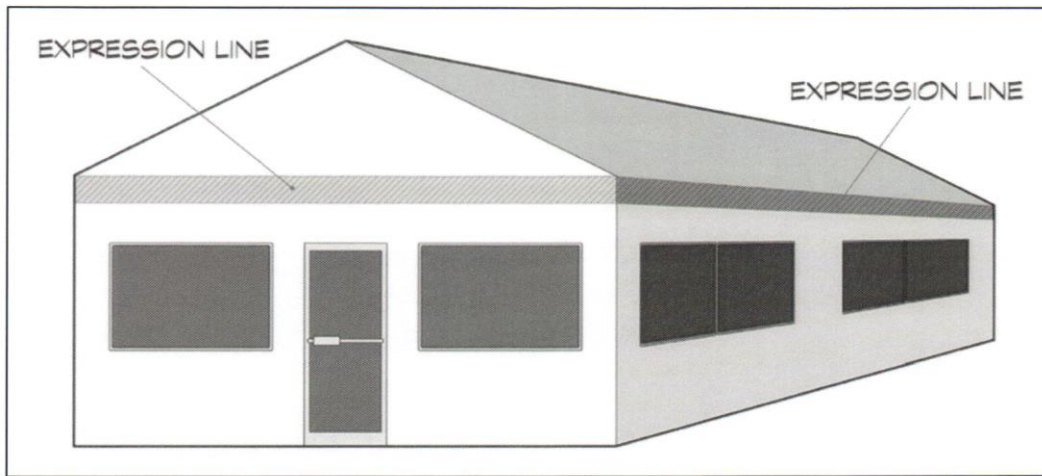
All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Build-to zone means" an area of a lot designated for placement of a building façade along a street, located parallel to a front property line or a front and side property line in the case of a corner lot. The build-to zone defines an area in which the locations of building fronts can vary within a specified range. See Figure 2.



- C. "Expression line" means an architectural feature consisting of a decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to delineate the top or bottom of floors or stories of a building or provide additional aesthetic relief to a façade. See Figure 3.

**Figure 2 Expression Line**





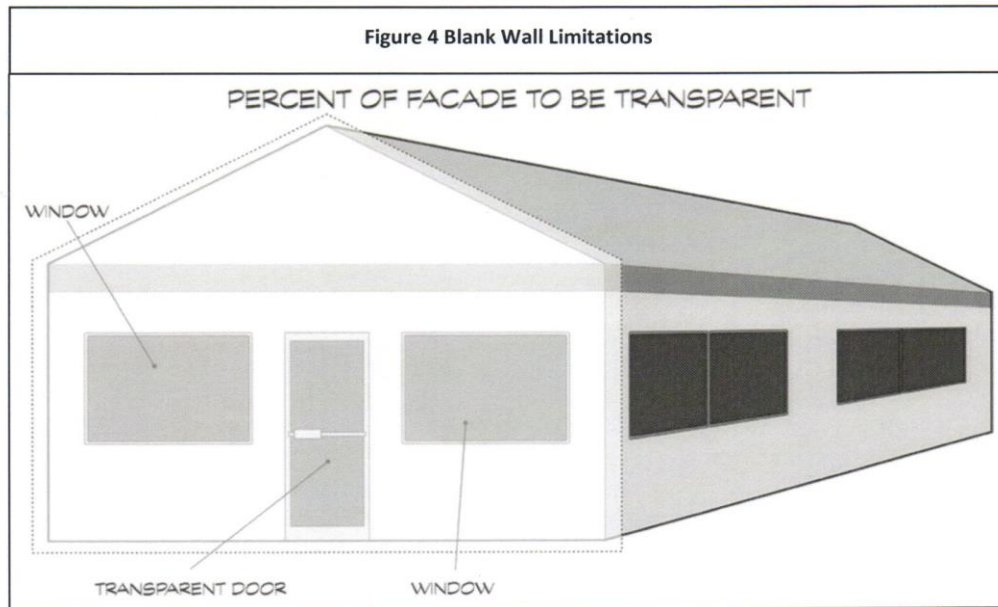
- D. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- E. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- F. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- G. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-01, 3-17-2015)

### 17.25.060 Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The use of natural and natural looking materials indigenous to the area signifying permanence, such as stone, stucco and masonry are encouraged.
  - 1. Buildings shall be finished with one or more of the following materials. Brick, fluted block, colored textured block, glass, stucco, or stone. Exposed seam metal buildings are prohibited unless covered with an acceptable finishing material.
  - 2. All front façades and sides adjacent to streets shall have a minimum of twenty-five percent masonry composed of natural materials such as stone, brick, brick veneer, or cast stone.
  - 3. Exterior cladding materials shall be of colors that compliment neighboring structures.
- B. Roof top mechanical equipment shall be screened from view with parapet walls, articulated roof designs or other architectural components.
- C. Expression lines are required on the front façade of all buildings.
- D. Blank walls on front facades or façades adjacent to street are not permitted. The amount of windowless or non-transparent area allowed on a front façade is measured per façade. No rectangular area greater than

fifty percent of a front façade may be windowless. All other façades are encouraged to have transparent elements. See Figure 4.

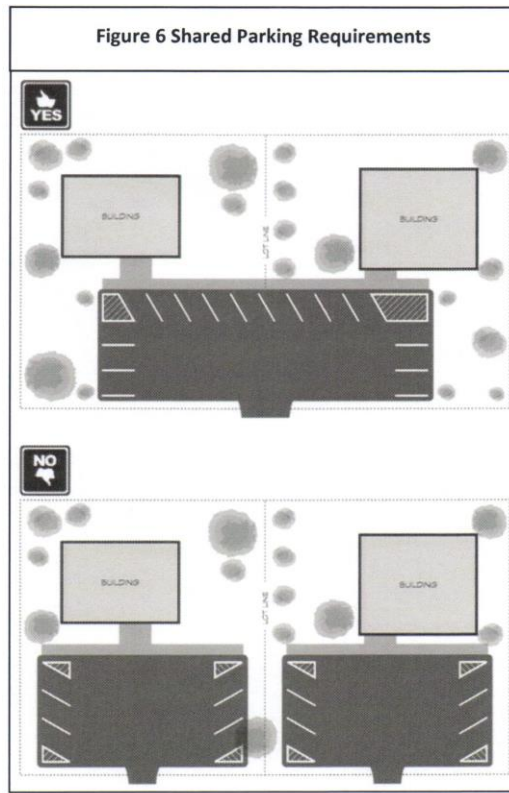
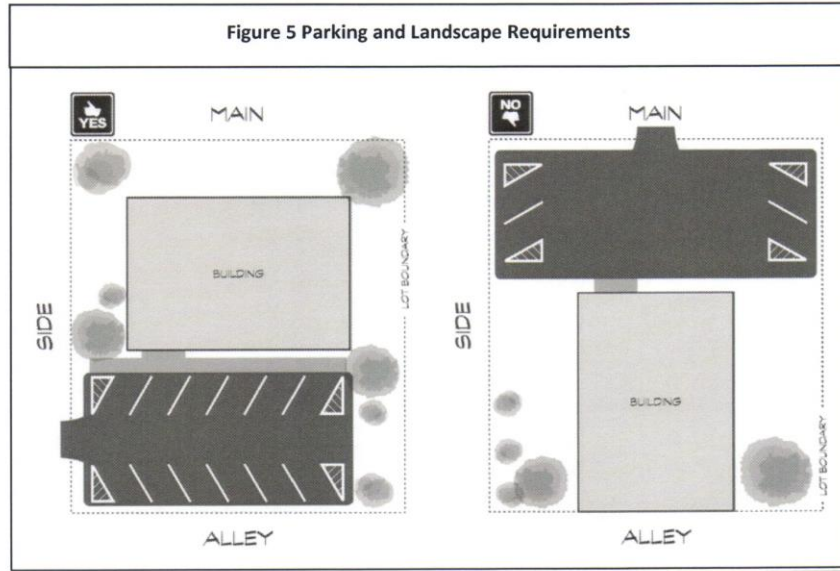


E. All front façades shall have a minimum of one entry door.

(Ord. No. O15-01, 3-17-2015)

### 17.25.070 Site design requirements.

- A. When a building does not have one hundred percent lot coverage a build-to zone of at least five feet is required at the front lot line or a side adjacent to street. Exceptions to this include properties in the district that are zoned light industrial, heavy industrial, and highway commercial.
- B. If off-street parking is proposed it shall be located at the rear of the building. When parking cannot be located in the rear, the planning board shall make a recommendation. See Figure 5. Shared parking is encouraged when property owners have a written agreement. This agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 6.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. If a property is located in this district and the entry way zoning district, parking and landscape requirements of the downtown overlay district shall apply.



(Ord. No. O15-01, 3-17-2015; Ord. No. O-15-06, 11-3-2015)

**17.25.080 Landscape requirements.**

Landscaping in the form of trees, shrubs and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of groundwater, the reflection of seasonal color change, the

provision of sound barriers, and urban wildlife habitat. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the downtown overlay district shall apply.

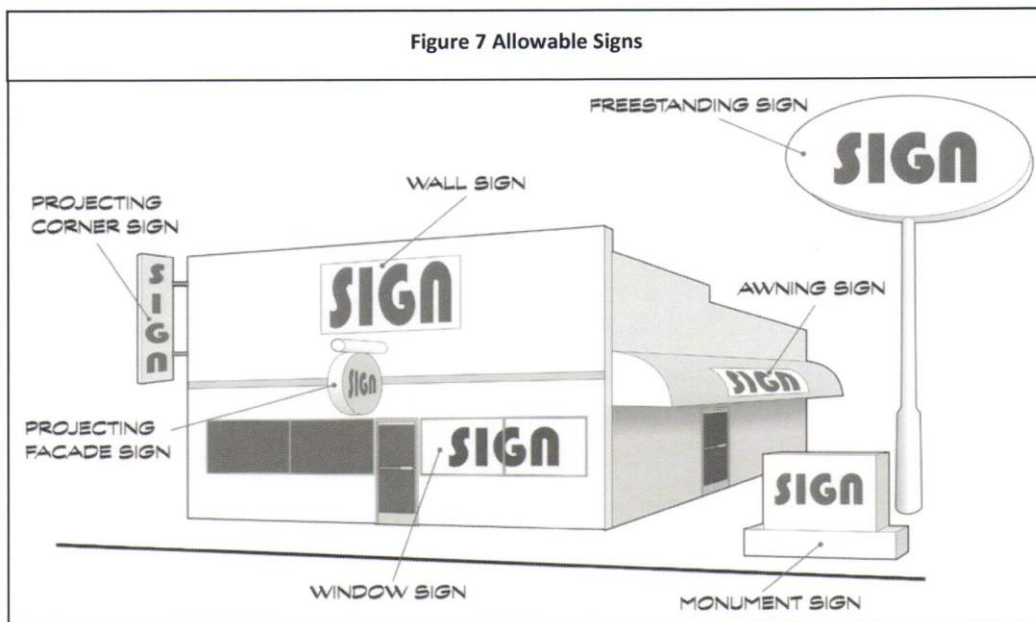
- A. Any site development where the building and parking area does not occupy one hundred percent of the parcel, the remaining property must be landscaped.
- B. Landscaping should be of an indigenous species or species that are acclimated to the city's climate.
- C. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- D. Landscaping shall not interfere with clear vision requirements.

(Ord. No. O15-01, 3-17-2015)

### 17.25.090 Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this district and the entryway zoning district, signage requirements of the entryway zoning district shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.





Corner Projecting signs are allowable in this district. These two photos show examples of corner projecting signs. Similar signs are also allowable on any portion of the façade.

(Ord. No. O15-01, 3-17-2015)

## Chapter 17.26 COMMUNITY ENTRYWAY ZONING DISTRICT

### Sections:

#### 17.26.010 Intent.

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

The natural landscape in the Yellowstone Valley is a major influence on the form and character of Laurel. Residents appreciate being able to see the Beartooth Range, the river's corridor of trees, and the large expanse of sky. The intent of the Community Entryway Zoning District (EZD) is to promote attractive, high quality development and to provide an appealing image of the city of Laurel to the traveling public and the people of the community and region. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and the pastoral ambience and protecting environmentally sensitive areas. Creativity in meeting these requirements is encouraged with the overall intent of all development representing the image and economy of the Laurel area—and not just a reflection of the same commercial buildings, signage, and parking lots that are seen alongside the interstate across the nation.

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

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

The intent of this section is to:

- A. Promote a physical landscape that will assist in making Laurel an attractive place to live and work and be inviting to new industries;
- B. Encourage creativity in design and quality in site planning and development;

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- C. Reduce the level of adverse impacts from the transportation system on adjoining lands;
  - D. Promote development patterns in harmony with the goals and objectives of Laurel's Growth Management Plan;
  - H. Promote compatible land use transitions with a sensitivity toward existing residential uses.

Non-commercial/industrial uses falling within the EZD are exempt from the requirements of the EZD except as such requirements pertain to signage.

(Ord. 02-31, 2002)

### **17.26.030 Location of district.**

The Community Entryway Zoning District (EZD) shall extend three hundred feet on either side of Interstate 90 right-of way as it extends through the Laurel Zoning Jurisdiction Area, an area that extends outside the city municipal limits one mile. Specifically, along the interstate the EZD shall extend as described from the east limit of the extra-territorial zoning boundary west to the limit of the west extra-territorial boundary. The district shall also include that area three hundred feet on either side of the north extra-territorial boundary on Buffalo Trail Road south through Laurel on First Avenue to where First Avenue turns into US Highway 212-310

(Ord. 02-31, 2002)

(Ord. No. O15-03, 5-5-2015)

### **17.26.040 Application and approval process.**

- A. All plans and applications for development shall be submitted to the city-county planning board. All applications involving signs shall be submitted to the public works department which shall provide a copy thereof to the planning board. All applications must be submitted and signed by the property owner, lessee, the contract purchaser, or the authorized agent of the property owner. Approval is required prior to any construction activity.
- B. Each application shall include, but not be limited to, the following information:
  - 1. The name and address of the property owner;
  - 2. The name and address of the applicant;
  - 3. The legal description of the parcel;
  - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
  - 5. A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
  - 6. Complete elevation drawings drawn to scale including the dimensions and height of the structure;
  - 7. Signage Plan specifications, location, and ground lighting pattern (applications for signs only—see Section 17.26.050); and
  - 8. Application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, other city designee, or the public works department (in the case of signs) shall issue approval for development or

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sign or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial.

(Ord. 02-31, 2002)

### **17.26.050 Definitions.**

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. 02-31, 2002)

### **17.26.052 Development standards.**

#### **A. Signage.**

1. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:
  - a. Use of subdued, low-key colors;
  - b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
  - c. Sign is built of permanent, durable materials;
  - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
  - e. The sign is professionally prepared and finished on both sides;
  - f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
  - g. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
  - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
  - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
  - j. The sign cannot be seen from the Yellowstone River or any city, county or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.
2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
4. Signs shall be limited to one hundred sixty square feet in copy area.

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5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.
    - a. The sign is relocated or replaced;
    - b. The structure or size of the sign is altered in any way;
    - c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
    - d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.
  6. No portable signs as described in the city signage ordinance are allowed in the EZD.
  7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.
  8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- B. Building Design Standards.
1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
  2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.
  3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.
- C. Additional Provisions for Commercial Uses.
1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In

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addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.

2. Site Lighting. All outdoor lighting shall be designed, located and mounted at heights no greater than eighteen feet above grade for non-cutoff lights and thirty-five feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths foot-candle for non-cutoff lights and three foot-candles for cutoff lights.
3. Storage of Junk. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight-obscuring fence at least six feet in height.
4. Solid Waste Area. All solid waste storage facilities shall be located within an area enclosed with a sight-obscuring fence or wall that is architecturally compatible in color and design with the building.

D. Cell Towers.

No wireless communication facilities are allowed in the entryway zone.

(Ord. 02-31, 2002)

(Ord. No. O11-07, 6-7-2011; Ord. No. O16-02, 2-2-2016)

### **17.26.054 Landscaping standards.**

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

A. Landscaping Definitions.

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

Evergreen Tree or Shrub. A tree or shrub of a species which normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five feet in height.

B. Landscaping.

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

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which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:

- (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs
  - (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs
  - (3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs
- b. The following criteria shall also apply to the bufferyards.
- i. The landscape strip may be contoured. Berming shall be one foot of rise to four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.
  - ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.
  - iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.
  - iv. Depth of bufferyard shall depend on density of vegetation.
  - v. All new utility lines shall be placed underground.
  - vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.

C. Off-Street Parking Lot Landscaping.

Landscaping shall be provided within all parking areas as follows:

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

1. A minimum of twenty square feet of landscaped area shall be provided for each parking space on parking lots containing more than ten spaces.
2. Two canopy and/or evergreen trees and five shrubs shall be required for every ten parking spaces or component thereof over ten parking spaces.
3. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds or organic materials. No more than twenty-five percent of the landscaped area shall contain rock, bark chips, stepping stones or similar material.
4. The minimum width and/or length of any parking lot landscaped area shall be five feet.
5. Internal parking lot landscaping provided shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred feet. Landscaped areas provided shall be in a scale proportionate to parking lot.
6. Any development that has parking abutting a required bufferyard, may extend the width of parking landscaping plant material. The minimum bufferyard width and that bufferyard a minimum of five feet and include the additional required landscaping material is required in addition to the parking landscaping.

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

D. Commercial Uses Abutting Residential Uses.

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

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

In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest, highest whole number.

(Ord. 02-31, 2002)

## Chapter 17.27 SE 4TH STREET OVERLAY DISTRICT

Sections:

### 17.27.010 Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the SE 4th Street corridor of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape to make the district an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-04, 5-5-2015)

### 17.27.020 District boundaries.

The boundaries of the District are identified in Figure 1.

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(Ord. No. O15-04, 5-5-2015)

**17.27.030 Application and approval process.**

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
  - 1. The name and address of the property owner;
  - 2. The name and address of the applicant;
  - 3. The legal description of the parcel;
  - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
  - 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;
  - 6. A Complete elevation drawing drawn to the scale 1"=40' including the dimensions and height of the structure;
  - 7. If applicable, signage plan specifications, location and ground lighting pattern; and
  - 8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31,2002)

(Ord. No. O15-04, 5-5-2015)



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### **17.27.040 Nonconformance.**

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-04, 5-5-2015)

### **17.27.050 Definitions.**

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- C. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- D. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- E. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-04, 5-5-2015)

### **17.27.060 Building design requirements.**

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.
- B. Structures not located along SE 4th street are excluded from the forty percent threshold.
- C. Architectural design elements are required on the front façade. Permitted design element materials include any finish of wood, wood timbers or wooden logs.

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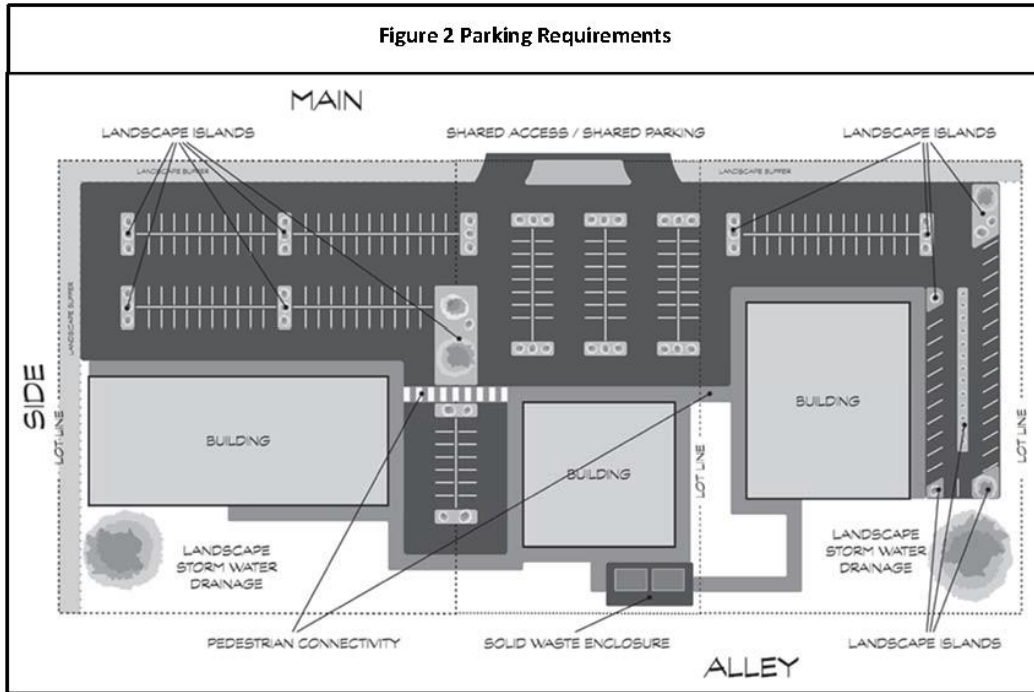


**Architectural Design Element:** The wooden timbers in front of the buildings are a prime *example of the required design element*.

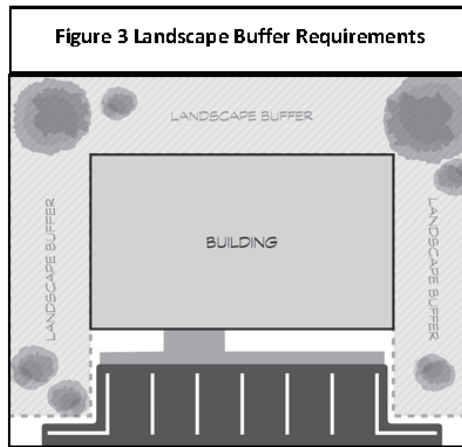
(Ord. No. O15-04, 5-5-2015)

**17.27.070 Site design requirements.**

- A. Inter-site circulation is required to provide for orderly and appropriate vehicular traffic between adjacent properties. This will also limit the number of necessary approaches on busy roadways.
- B. Parking exceeding the minimum requirement is discouraged.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. Pedestrian connectivity from parking areas to buildings shall be provided by interior sidewalks or designated, striped pedestrian crossings.
- E. Shared parking is encouraged when property owners have a written agreement as to the terms of the shared parking. The written agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 2.



- F. Landscaping must be an integral part of the site design. A landscape buffer is required as part of any site development. The buffer shall be designed to provide both screening and aesthetic effect. See Figure 3.



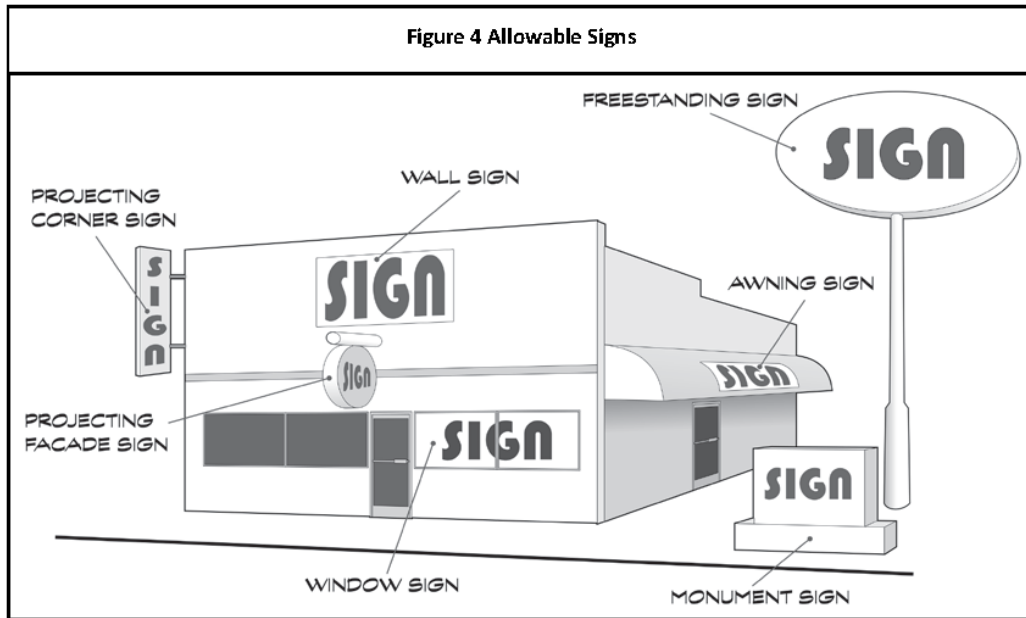
- G. Landscaping should be of an indigenous species or one that is acclimated to the city's climate.
- H. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- I. Landscaping shall not interfere with clear vision requirements.
- J. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the entryway zoning district shall apply.

(Ord. No. O15-04, 5-5-2015)

### 17.27.080 Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this District and the Entryway Zoning District, signage requirements of the Entryway Zoning District shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.

(Ord. No. O15-04, 5-5-2015)

## Chapter 17.28 AIRPORT ZONING

### Sections:

#### 17.28.010 Intent.

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

- 
- A. The safety of the airport users and persons and property in the vicinity of the airport;
  - B. The character of the flying operations conducted or expected to be conducted at the airport;
  - C. The magnitude and duration of noise produced by aircraft and the number of aircraft flying;
  - D. The nature of the terrain;
  - E. The future development of the airport; and
  - F. The views and mandates of the federal agency charged with the fostering of civil aeronautics as to the aerial surfaces necessary for safe flying operations.

(Ord. 02-30 (part), 2002)

### **17.28.020 Definitions.**

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

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

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

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

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

Flight Pattern/Airport Hazard Area means an area extending out from the end of Runway 4/22 a distance of ten thousand feet and also an area parallel and extending out from both sides Runway 4/22 a distance of one mile as shown on the Laurel airport zoning map.

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

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

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

Tree means any object of natural growth.

(Ord. 02-30 (part), 2002)

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### **17.28.030 Zoning commission—Duties.**

The Laurel-Yellowstone city-county planning board shall act as the airport zoning commission whose duty it shall be to recommend the boundaries of the various original districts, propose appropriate regulations to be enforced therein, and to propose or review amendments or changes in either the boundaries or regulations as applicable.

(Ord. 02-30 (part), 2002)

### **17.28.040 Administration.**

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

(Ord. 02-30 (part), 2002)

### **17.28.050 Applicability.**

These regulations will affect the property which lies outside of the airport boundary but inside of the airport area of influence.

(Ord. 02-30 (part), 2002)

### **17.28.060 District created.**

In order to carry out the intent of these regulations, the Laurel airport area of influence is hereby described as flight pattern/airport hazard area.

(Ord. 02-30 (part), 2002)

### **17.28.070 Airport zoning map.**

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

(Ord. 02-30 (part), 2002)

### **17.28.080 Use restrictions.**

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

(Ord. 02-30 (part), 2002)

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### **17.28.090 Height limitations.**

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

- A. Utility Runway Visual Approach Zone: slopes upward twenty feet horizontally for each foot vertically, beginning at the end of and at the same elevation and width as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, with a lateral width of one thousand two hundred fifty feet.
- B. Utility Runway Nonprecision Instrument Approach Zone: slopes upward twenty feet horizontally for each foot vertically beginning at the end of and at the same elevation and width as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, with a lateral width of two thousand feet.
- C. Transitional Zone: slopes upward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation and width as the primary surface and the approach zones, and extending to a height of one hundred and fifty feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect with the conical surface.
- D. Horizontal Zone: a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.
- E. Conical Zone: slopes upward and outward twenty feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and extending to a height of three hundred fifty feet above the airport elevation.

(Ord. 02-30 (part), 2002)

### **17.28.100 Permit required.**

- A. As shown on Table 17.28.190, new residential and any other non-agricultural land uses within the flight pattern/airport hazard area require a flight pattern/airport hazard use permit. No new, non-agricultural land use shall be created or erected without such permit. All existing land uses and structures in the flight pattern area at the time of adoption of the ordinance codified in this section shall be considered as grandfathered, nonconforming uses until such uses have been found in compliance with this section.
- B. Three copies of an application along with the required review fee shall be filed with the city and shall consist, at a minimum, of the following information:
  - 1. A legal and general description of the tract or tracts upon which the permit is sought.
  - 2. A map showing the dimensions, acreage and sites of the tract(s) and adjacent land uses;
  - 3. The names, addresses and telephone numbers of the owner(s) of the tract(s) and their agents, if any;
  - 4. A site plan showing major details of the proposed non-agricultural use including but not limited to: proposed and existing buildings and structures; heights of structures; means of ingress and egress; landscaping; and proposed construction materials;

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5. A time schedule for development;
  6. An executed perpetual air rights easement, in a form satisfactory to the city, granting to the city, for the benefit of the public, perpetual air rights-of-way for the free and unobstructed navigation and passage of all types of aircraft in and through the air space above the real property involved; and
  7. Any other information the applicant believes will support the request or that the city may require.
- C. Review of the Flight Pattern/Airport Hazard Area Use Permit by the Planning Director.
1. The application for flight pattern/airport hazard area use permit shall be reviewed by the planning director or other representative authorized by the city for appropriateness and effect on the ordinance codified in this section, existing and proposed airport plans, compatibility of surrounding land uses and relationship to the Laurel growth management plan and FAR Part 150, noise compatibility program.
  2. The planning director shall provide one copy of the application to the Laurel airport authority for review.
  3. If the application is properly prepared and complete as specified in subsection B of this section, the planning director shall have ten working days to review the application and, if in compliance with the intent of the ordinance codified in this section, issue a flight pattern/airport hazard area use permit which shall consist of returning a copy of the permit application signed by the city representative to the applicant.

(Ord. 02-30 (part), 2002)

### **17.28.110 Variances.**

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

(Ord. 02-30 (part), 2002)

### **17.28.120 Nonconforming uses.**

- A. **Regulations Not Retroactive.** These regulations shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter. Nothing herein contained shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted to completion.
- B. **Nonconforming Uses Abandoned or Destroyed.** Whenever the city determines that a nonconforming structure or tree has been abandoned or more than eighty percent torn down, destroyed, deteriorated or decayed, no approval shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
- C. **Hazard Marking and Lighting.** Notwithstanding subsection "A" above, the owner of any nonconforming structure or tree is required to permit the city; at its own expense, to install, operate, and maintain thereon such markers and lights as the Airport Authority may deem necessary to indicate to airmen the presence of

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airport hazards; provided, that the city does not by taking such action waive any right to exercise eminent domain or abate as a nuisance any such nonconforming structure.

(Ord. 02-30 (part), 2002)

Table 17.28.190	
Land Use Category Within Flight Pattern / Airport Hazard Area	Condition
Residential uses inside the municipal boundaries of the City of Laurel	Permit Required
Residential uses outside the municipal boundaries of the City of Laurel	Permit Required
Commercial uses inside the Laurel Airport property boundary	Allowed
Commercial uses outside the Laurel Airport property boundary	Special Review
Public uses	Allowed
Agricultural uses	Allowed
Note: A location covered by more than one zoning district shall be limited to the more restrictive zone.	

## Chapter 17.32 PLANNED UNIT DEVELOPMENTS

### Sections:

#### 17.32.010 Intent.

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

(Prior code § 17.48.010)

#### 17.32.020 Review and approval.

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

- A. A minimum of thirty days prior to the date of formal submittal of a PUD the applicant shall meet with planning director to review the procedure, documentation and requirements necessary for full and complete processing. The procedure schedule is as follows:
  - 1. Submittal of a PUD zone change request;
  - 2. Public hearing and recommendation of city zoning commission;
  - 3. Public hearing before and decision to grant or deny PUD zone change request by city council.
- B. On the date established for submittal of preliminary plats, in accordance with Laurel's subdividing procedures, the applicant shall submit twenty copies of the PUD site plan and twenty copies of written statement, together with all fees to the planning office.

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- C. Within ten working days after the date of formal submittal, the planning director shall convene a design conference between the applicant and representatives from local governmental units having a substantial interest in the location, land use or other features of the proposed PUD. Within the same thirty days after the design conference and after receiving the recommendation of the city-county planning board the zoning commission shall hold a public hearing on the PUD and make recommendations to the city council.
  - D. Within thirty days after the design conference, the application shall be reviewed by the city-county planning board and recommendations based on the comments from the design conference and the criteria contained in the subdivision regulations shall be forwarded to the zoning commission. The comments from the design conference shall be forwarded to the planning board, zoning commission and developer within five working days after the conference.
  - E. The planning director shall prepare a written report on the conclusions, findings and recommendations of the zoning commission and planning board, and submit the same together with site plans, required documentation, and comments received from other governmental agencies or the public hearing before the planning board.

(Prior code § 17.48.020)

### **17.32.030 Site plan requirements.**

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

- A. Names of the Proposed Development. Names and addresses of the owners and the designers of the site plan, his seal; and
- B. Vicinity Sketch Map. A vicinity sketch map showing names and locations of property lines, adjacent streets and roads and the approximate location of adjacent property within five hundred feet of the planned unit site; and
- C. Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas, and as sites for schools and other public buildings; and
- D. The location and dimension of all vehicular points of ingress and egress, drives, channelizations and traffic circulation; and
- E. The location of pedestrian entrances, exits, walks and walkways; and
- F. A general landscape plan showing the spacing, sizes and specific types of landscaping material; and
- G. Utility and Drainage Plans. Utility and drainage plans shall be provided including all information required to determine that water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with the city's requirements; and
- H. Contour intervals of five feet; and
- I. The location and size of all existing and proposed buildings, structures and improvements; and
- J. The maximum heights of all buildings, density or dwellings, and proposed land uses; and
- K. Any areas subject to over a one hundred year flood cycle; and
- L. Location of solid waste collection facilities.

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(Prior code § 17.48.030)

**17.32.040 Written statement required.**

A written statement, ten copies of which must be submitted with the preliminary site plan, must contain the following information:

- A. Copies of any special agreement, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common parks or open spaces; and
- B. A statement of the present ownership and legal description of all the land included in the planned unit; and
- C. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches, or elevations as may be required to describe the objectives; and
- D. A development schedule indicating the approximate date when construction of the planned unit or stages of the planned unit can be expected to begin and be completed.

(Prior code § 17.48.040)

**17.32.050 Standards and requirements.**

All PUD applications shall implement the purposes of this chapter and in addition meet the following standards and requirements:

- A. In cases of conflict between standards of any other provisions of this title and standards of this chapter, the standards of this chapter shall apply;
- B. Demonstrate that the PUD is consistent with the purposes and objectives of the city comprehensive plan and any other officially adopted plan;
- C. The PUD's relationship to its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation building bulk, insufficient screening, noise, dust or other common nuisances;
- D. If a PUD is proposed to be constructed or developed in phases, it must be demonstrated that each phase is independent of the other phases and contains sufficient parking, open space and other facilities to provide for the needs of the projected population of that phase;
- E. The minimum acreage for a PUD shall be five acres.

(Prior code § 17.48.050)

**17.32.060 Residential use requirements.**

The maximum allowable density in each planned unit development shall be as approved by the city council.

(Prior code § 17.48.060)

**17.32.070 Minimum usable open space and common park areas defined—Required.**

- A. Minimum useable open space and common park areas are lands used for scenic, recreational, landscaping or conservation purposes, and shall not include road easements, dedicated or private road right-of-ways,

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driveways, parking areas, or required screening or other buffering between residential and nonresidential land uses.

- B. Not less than twenty percent of the net land area shall be developed and maintained as common open space and shall be evenly distributed throughout the development.

(Prior code § 17.48.070)

### **17.32.080 Nonresidential land uses—Terms and conditions.**

- A. Nonresidential land uses may be permitted in a PUD district but such land must be for the express service and convenience of the residents of the PUD. Commercial uses allowed in a PUD shall be limited to the uses permitted as a matter of right in the neighborhood commercial limited (NCL) zone.
- B. No building permit for a PUD district may be issued for any nonresidential uses except those permitted as a matter of right in a NCL zone, until at least twenty-five percent of the total number of approved dwelling units have been constructed. A minimum of twenty-five gross acres must be reserved for residential land uses before any commercial uses allowed outright in a NCL zone may be incorporated into a PUD.
- C. The planning board and zoning commission must be satisfied that the site plan for a PUD has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:
  - 1. That there is an appropriate relationship to the surrounding area. The buffer zone must be kept free of buildings, obstructions, and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized;
  - 2. Circulation, in terms of an internal street circulation system designed for the type of traffic generated, is safely separated from living areas. Private internal streets may be permitted if they can be used by police, fire department vehicles for emergency purposes, and by other city and county departments to provide basic services. Bicycle traffic shall be considered and provided for when the site is used for an area for living purposes. Proper circulation in parking areas in terms of safety, convenience, separation and screening;
  - 3. Usable open space in terms of: preservation of natural features including trees, drainage areas, recreation, views, density, relief, convenience and function;
  - 4. Variety in terms of: housing type, densities, facilities, and open spaces;
  - 5. Privacy in terms of the needs of: individuals, families, and adjacent properties;
  - 6. Pedestrian traffic in terms of: safety, separation, convenience, access to points of destination and attractiveness;
  - 7. Building types in terms of: appropriateness of density, site relationship and bulk; and
  - 8. Building design in terms of: orientation, spacing, materials, color and texture, storage, signs and lighting.

(Prior code § 17.48.080)

### **17.32.090 Application approval or denial—Authority and procedure.**

- A. The city council shall approve or deny all PUD applications referred to it by the planning board and zoning commission. The council may approve the application in whole or in part, with or without modifications and conditions, or deny the application.

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- B. All approved site plans, special agreements, restrictions, covenants, including any modifications, or conditions shall be endorsed by the city clerk-treasurer. The applicant shall file the approved PUD site plan and such other agreements with the county clerk and recorder. Thereafter, no building or structure shall be erected, and no land shall be used for any purpose other than shown on the officially recorded PUD site plan or in accordance with any conditions required thereon.
  - C. Once approved the planning director shall indicate on the official map that an amendment for a PUD has been granted for the tracts included in the site plan.

(Ord. 97-2 § 4 (part), 1997; prior code § 17.48.090)

### **17.32.100 Changes in development—Procedure.**

- A. Major changes in the plan of development or other documents similarly approved and recorded shall be considered the same as a new petition and reapplication shall be made in accordance with the procedures for a new application.
- B. Minor changes in the development may be approved by the planning director; provided, that such changes: do not increase densities, heights of buildings, structural materials, other boundaries, land uses, or the location and/or amount of land devoted to open space, parks or other common facilities.

(Prior code § 17.48.100)

### **17.32.110 Development schedule—Requirements.**

A PUD shall be started within twelve months following approval of the development of the city council, and must be substantially complete within five years from the starting date. A PUD shall be reviewed annually by the planning director and an oral report made to the city council.

(Prior code § 17.48.110)

## **Chapter 17.36 SOIL EROSION CONTROL**

### **Sections:**

#### **17.36.010 Applicability of provisions.**

In all zoning districts, the regulations set out in Sections 17.36.020 through 17.36.050 shall apply.

(Prior code § 17.72.010 (part))

#### **17.36.020 Plan and permit prior to subdivision required.**

Before any developer or other firm, person or agency changes or alters the contour of any land proposed to be subdivided, developed or changed in use by grading, excavating or the removal of the natural topsoil, trees, or other vegetative covering thereon for the purpose of development, construction or other purposes, he or his agent shall submit to the city engineer a plan to control erosion and sedimentation which can be expected to occur if appropriate precautions are not taken to arrest such waste and soil depletion. No such grading, excavating or removal of trees and related vegetation shall be undertaken until after a permit for such work shall have been issued by the city engineer, or his designated assistant.

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(Prior code § 17.72.010 (A))

**17.36.030 Approval and compliance required.**

The city engineer, or his designated assistant shall review the erosion control plans as submitted, make suggestions and changes necessary to reasonably control soil erosion, and shall take the necessary steps to ensure compliance by the developer or other responsible person with the erosion control plans as finally approved. Erosion and sedimentation control shall be exercised throughout the time of excavation, landfill and/or construction. No such work shall be finally approved until after appropriate seeding, sodding, plantings, mulching or other appropriate erosion control measures have been taken. Approval of plans by the city engineer shall in no way make the city liable.

(Prior code § 17.72.010 (B))

**17.36.040 City engineer authority.**

The city engineer is hereby granted authority to require the posting of a performance bond by any such persons who desire to change the contour of the land. Such bond shall be in the amount he reasonably expects the cost would be to the city to enter upon the property for the purpose of taking corrective action where such developer or other person has failed to satisfactorily control either erosion or sedimentation.

(Prior code § 17.72.010 (C))

**17.36.050 Control measures to be observed during development—Designated.**

The following control measures shall be observed during the development of property or when changing the contour of the land:

- A. The smallest practical area of land will be exposed at any time during development;
- B. When land is exposed during development, the exposure will be kept to the shortest practical period of time;
- C. Where necessary, temporary vegetation and/or mulching will be used to protect areas exposed during development;
- D. Sediment basins will be installed and maintained to remove sediment from runoff waters from land undergoing development or substantial change of grade;
- E. Provisions are to be made to effectively accommodate the increased runoff caused by changes of soil and surface conditions during and after development;
- F. Permanent final vegetation and structural development are to be installed as soon as practical in the development;
- G. The development plan is to be adapted to the topography and soils so as to create the least erosion potential;
- H. Wherever feasible, trees, shrubs and natural vegetation are to be retained and protected to control erosion.

(Prior code § 17.72.010 (D))

## Chapter 17.40 OFF-STREET PARKING REQUIREMENTS

### Sections:

#### 17.40.010 Applicability of provisions.

There shall be provided at the time of erection of any building or structure minimum off-street parking accommodations meeting the provisions of this chapter.

(Ord. 800 (part), 1985; prior code § 17.76.010 (part))

#### 17.40.020 Location specified.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

- A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.
- B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.
- C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.
- D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.
- E. For uses other than those specified above, off-street parking within four hundred feet is required.

(Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

#### 17.40.030 Expansion and enlargement to be provided for.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of this chapter; provided, however, that no parking space be provided in the case of enlargement or expansion, where the number of parking spaces required for such expansion or enlargement is less than ten percent of the parking spaces required for the enlarged facility as specified in this chapter. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing at the time of passage of the ordinance codified in this chapter.

(Prior code § 17.76.010(B))

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#### **17.40.040 Nonconforming uses allowed.**

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though nonconforming; provided, that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(Prior code § 17.76.010(C))

#### **17.40.050 Mixed occupancy requirements computed separately.**

In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements to be the sum of the area computed. Off-street parking facilities for one use shall not be considered as a substitute for joint use.

(Prior code § 17.76.010(D))

#### **17.40.060 Use not specified—Determination dependent on requirements.**

In the case of a use not specifically mentioned in the Table of Minimum Standards, the requirements for off-street parking facilities shall be determined by the building official. Such determination shall be based upon the requirements for the most comparable use listed.

(Prior code § 17.76.010(E))

#### **17.40.070 Joint use authorized when.**

The building official may authorize the joint use of parking facilities for the following uses or activities under conditions specified.

- A. Up to fifty percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants, and related uses herein referred to as daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
- B. Up to one hundred percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature.

(Prior code § 17.76.010(F))

#### **17.40.080 Conditions required for joint use.**

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred feet of such parking facilities, in addition to which:

- A. The applicant shall show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which joint use of off-street parking facilities is proposed;
- B. The applicant shall present to the building official a legal agreement executed by the parties concerned for joint use of off-street parking facilities.

(Prior code § 17.76.010(G))



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### **17.40.090 Off-street parking requirements—Procedure—Specifications.**

Except as provided elsewhere in this chapter, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building, improvement or use, a site plan showing the required open space designated as being reserved for off-street parking incident to such building, improvement, or use, in accordance with this section. No certificate of occupancy shall be issued until the required off-street parking spaces have been provided. Each required off-street parking space should be of an area at least ten feet wide and twenty feet long, not including the required ingress and egress approaches and driveways also required by this code. However, at a minimum, each off-street parking space shall conform to the size and layout standards set forth in the Table of Parking Dimensions in Feet, attached to the ordinance codified in this chapter and on file in the office of the city clerk-treasurer and incorporated by reference as though set out in full. Off-street parking on the street side of properties shall be paved with an all-weatherproof surface of concrete or asphalt. Off-street parking on the alley side of properties shall also be paved with an all-weatherproof surface material unless the city street and alley committee and the building official gives approval in writing of a different surfacing material. The number of off-street parking spaces shall be provided according to the following minimum requirements:

- A. Dwellings.
  - 1. Single-family and two-family dwellings — Two spaces for each dwelling unit,
  - 2. Multiple-family dwellings — One and one-half spaces for each dwelling unit,
  - 3. Reserved.
- B. Roominghouses. One space for each two sleeping rooms rented, plus one additional space for the owner or operator of the roominghouse;
- C. Hotels, Including Clubs. One space for each two guest rooms; if, in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses;
- D. Tourist Homes, Motel. One space for each guest room or cabin; off-street parking for auxiliary uses in the same building or on the same lot shall be provided in accordance with the regulations set forth in this section for such uses. For tourist homes there must be provided in addition to off-street parking space for guests, one additional space for each family permanently residing in the building;
- E. Hospitals. One space for each two patient beds; plus one additional space for each two regular employees, including nurses;
- F. Restaurants, etc. Restaurants, including bars, taverns, nightclubs, lunch counters, diners and all other similar dining and drinking establishments — One space for each four seats provided for patron use, or one space for each one hundred square feet of floor area used for patron use whichever requirement is greater;
- G. Theaters. One space for each five seats provided for patron use;
- H. Places of Public Assembly. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dancehalls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus grounds, churches, funeral homes, and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly — One space for each ten seats provided for patron use, or one space for four hundred square feet of gross

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floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces;

- I. Medical Facilities. Medical clinics, including the offices of doctors, dentists and drugless physicians — Three spaces for each doctor using the office or clinic, plus one additional space for each two regular employees, including nurses;
- J. Retail Establishments. Retail establishments including personal service shops, equipment or repair shops:
  - 1. In a NC, CBD and HC commercial district — One space for each two hundred square feet of floor area on the ground floor, plus one space for each four hundred square feet of floor area in the basement or any story above the ground floor,
  - 2. In a CC commercial district: One space for each two hundred square feet of floor area;
- K. Office Buildings. Office building, including commercial, governmental and professional building, except as otherwise provided for in this section: One space for each four hundred square feet of floor area;
- L. Wholesale, Manufacturing and Industrial Plants. Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile or industrial pursuits — One space for each employee plus sufficient space to park all company-owned or leased vehicles including passenger cars, trucks, tractors, trailers, and similar motor vehicles, but in no case less than one off-street parking space for each one thousand square feet of gross floor area;
- M. Terminal Facilities. Terminal facilities including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities — Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each two regular employees, plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles;
- N. Schools. Schools, including colleges, elementary schools, junior and senior high schools, including public, private and parochial schools — One space for each two staff members or employees, plus one space for each classroom, plus additional space for any place of public assembly in accordance with the requirements set forth in this section for such use;
- O. Miscellaneous Institutions. Sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and similar institutions — One space for each four patient beds, plus one additional space for each staff doctor, plus one additional space for each two regular employees including nurses.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 97-2 § 4 (part), 1997; Ord. 96-5 (part), 1996; Ord. 918, 1987; prior code § 17.76.010(H))

(Ord. No. 009-02, 3-17-09)

#### **17.40.100 Retail and commercial off-street loading.**

In any district, any building or part thereof having a gross floor area of ten thousand square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each twenty thousand feet or major fraction thereof of gross floor area. Each loading

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space shall be not less than twenty feet in width, twenty-five feet in length, and fourteen feet in height. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(Prior code § 17.76.010(I))

#### **17.40.110 Warehouse and wholesale off-street loading.**

Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(Prior code § 17.76.010(J))

#### **17.40.120 Screening around parking facility required when.**

Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where any parking facility has a common boundary with any residentially zoned property.

(Prior code § 17.76.010(K))

#### **17.40.130 Landscaping requirements.**

In the neighborhood commercial limited (NCL), neighborhood commercial (NC), community commercial (CC), and highway commercial (HC) zoning districts, landscaping shall be provided according to the following schedules:

A. New Site Development:

**Percentage of Landscaping Required:**

Up to 22,000 sq. ft.	10% minimum
22,000 sq. ft. to 5 acres	8% minimum
5 acres to 10 acres	6% minimum
over 10 acres	4% minimum

- B. Existing Site Development: Building additions in excess of fifty percent — Percentage of landscaping required one-half of new site development. Building additions less than twenty-five percent — No landscaping required.

The building official shall determine that existing site development does not substantially alter the use of the property before approving reduced landscaping requirements.

- C. Landscaping area shall be based on the square footage of the lot or lots less the square footage of the building or buildings on the site and may consist of outdoor plazas, deciduous plantings, aesthetic bufferings, benches, kiosks, public transit shelters, fountains, flower tubs or other environmental amenities approved by the building official.

(Prior code § 17.76.010(L))

#### **17.40.140 Construction permit—Requirements—Procedure.**

- A. Construction. Plans for parking lots shall be submitted to the building official. After approval by the city engineer, the building official may issue a construction permit. A permit shall be obtained before construction of any parking facility is started.

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- B. Surfacing. Surfacing is required for all off-street parking, loading, storage, sales, rental or service areas for vehicles including service stations and used car lots. Surfacing shall be designed by accepted engineering methods and subject to the approval of the city engineer.
  - C. Drainage. Drainage is required for all surfaced areas as approved by the city engineer. Surface water shall not be drained across public sidewalks or alleys.
  - D. Walkway. Walkways four feet in width shall be provided between any building and an adjacent parking lot.
  - E. Lighting. Lighting shall be directed away from residential areas and public streets.
  - F. Bumper Curb. A raised bumper curb of concrete six inches high is required for all parking stalls adjacent to the property line and where necessary to ensure pedestrian access.
  - G. Traffic Control Devices. Parking stalls shall be designated by pavement markings:
    - 1. All traffic control devices such as pavement markings, signs, rails, curbs, and other developments shall be installed and completed as shown on the approved plans.
  - H. Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of dirt, trash, and weeds, repair and maintenance of drain and repair of traffic control devices, signs, lights, standards, fences, walls, surfacing materials, curbs, sidewalks and railings.

(Prior code § 17.76.010(M))

#### **17.40.150 Cash in lieu of required parking spaces.**

If property subject to the off-street parking requirements of this section is not large enough to include the number of required spaces specified hereunder, or if the proposed location of the parking spaces, whether on-site or off-site, is undesirable in the opinion of the governing body, the city may accept a cash payment in lieu of some or all of the required number of parking spaces. Such payment shall be set by the city council by annual resolution after a public hearing for each required space not being provided. The payment shall be made at the time of application for the building permit to construct the building or improvement, and shall be deposited to the Laurel parking fund, to be used by the city for future acquisition, construction, maintenance and improvement of city-owned parking spaces.

(Ord. 06-04 (part), 2006: Ord. 928, 1988: Ord. 893, 1986: prior code § 17.76.010(N))

## **Chapter 17.42 SIGN CODE**

### **17.42.010 Adoption.**

The Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, together with any appendix or subsequent amendments or additions thereto, adopted or as may be adopted in the future by the city of Laurel, is [by this Section] 17.42.010 adopted by and declared to be the sign code of the City.

One full printed copy of the code shall be available in the offices of the city. The aforesaid, Uniform Sign Code is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "Uniform Sign Code" of the city.

(Ord. 99-10 (part), 1999; Ord. 96-11, 1996: Ord. 859, 1986: prior code § 15.52.010)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

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### **17.42.020 Updated references.**

The sign code described in Section 17.42.010 may be amended by resolution or administrative order of the mayor.

(Ord. 99-10 (part), 1999; Ord. 860, 1986; prior code § 15.52.020)

### **17.42.030 Intent.**

This code shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined in this chapter as a sign.

(Ord.02-32 (part), 2003)

### **17.42.040 Definitions.**

"Animated sign." A sign depicting action, motion, light, or color change, or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to depict motion.

"Area of sign" means the entire area of a sign including the area within a perimeter, which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign, which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below section calculation of sign area.)

"Bandit sign" means an illegal commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right of way or public property or on private property. A bandit sign generally has less than six square feet or less of advertising area and are made of vinyl, paper, cloth or fabric, polyboard, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing, posts or stakes.

"Banner sign" means any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Billboard, on-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product, commodity, service, entertainment or communication which is sold or offered at the premises on which the sign is located.

"Billboard, off-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product, commodity, service, entertainment or communication which is not sold or offered at the premises on which the sign is located.

"Building marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

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"Canopy sign" means any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.

"Changeable copy sign" means a sign whose alphabetic and numeric content can be changed or altered by manual or electric, electromechanical or electronic means. Changeable copy signs are limited to time and temperature displays. For changeable copy signs displaying informational and other pictographic content see "pictographic changeable copy sign."

- a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time and temperature.
- b. Computer Controlled Variable Message Electronic Signs. Signs whose alphabetic or numeric content can be changed or altered by means of computer-driven electronic impulses.

"Copy" means the content of a sign surface in either permanent or removable letter, alphabetic or numeric form.

"Directional/informational sign" means an on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty percent of the total sign.

"Director" means the director of planning of the city of Laurel or his or her designee.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

"Freestanding sign" means any sign supported by uprights or braces permanently placed upon the ground, and not attached to any building.

"Government sign" means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

"Height of sign" means the vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.

"Lot" means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer or ownership.

"Maintenance" means for the purposes of this code, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

"Monument sign" means a sign mounted directly to the ground with maximum height not to exceed ten feet.

"Nonconforming sign" means a sign, which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

"On-premises sign" means a sign that advertises solely for the property on which it is located.

"Pictographic changeable copy sign" means a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not sooner than every sixty seconds. No pictographic changeable copy sign can depict movement or motion, flashing, blinking or other special effects including scrolling text.

"Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of

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wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

"Principal building" means a structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

"Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a building no more than twelve inches. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.

"Roof sign, above-peak" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

"Roof sign, integral" means any sign erected or constructed as an integral or essentially integral pan of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

"Setback" means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

"Sign" means any identification, descriptions, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

"Snipe sign" means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

"Street" means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use, and which extends the full width between right-of-way lines.

"Street frontage" means the length of the property line of any one premises along each public right-of-way it borders excluding alleys, government easement accesses, and the interstate highway.

"Suspended sign" means a sign that is suspended from the underside of a horizontal place surface and is supported by such surface.

"Temporary sign" means a nonpermanent sign erected and maintained for a specific limited period of time.

"Wall sign" means any sign attached parallel to, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Wall signs shall not exceed twelve inches in depth measured from the face on the wall on which the sign is mounted.

"Wind-driven sign, allowable" means any sign consisting of one or two banners, flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

"Wind-driven sign, conditional" means any ribbons, spinners, streamers, pennants, balloons, inflatable or other wind driven signs subjected to pressure by wind, fan, or breeze.

"Window sign" means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

**17.42.050 Signs prohibited.**

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

- A. Beacons;
- B. Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;
- C. Animated signs;
- D. Above-peak roof signs;
- E. Abandoned signs;
- F. Pictographic changeable copy signs which depict motion of any kind, including flashing, blinking and scrolling text or other special effects;
- G. Snipe signs or bandit signs;
- H. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying, said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

(Ord. 02-32 (part), 2003)

**Table - Signs by Zoning District**

Type of Sign	AG	RP	NC	CBD	CC	HC	LI	HI	P	EZD	Overlay District	All Residential Districts
Animated Sign (Including Flashing, Blinking, Scrolling)												
Bandit Sign												
Banner Sign		A	A	A	A	A	A	A	A	A	A	
Beacon												
Billboard - On Premise	SR					SR						
Billboard - Off Premise	SR					SR						
Building Marker	A	A	A	A	A	A	A	A	A	A	A	
Canopy Sign		A	A	A	A	A	A	A		A	A	
Fixed Message Electronic Variable Message Sign				SR	SR	SR	SR	SR		SR	SR	
Computer Controlled Variable Message Sign				SR	SR	SR	SR	SR		SR	SR	
Pictographic Changeable Copy Signs which depict						SR	SR	SR				

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only still frames and change not less than 60 seconds												
Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind												
Direction/Information Sign	A	A	A	A	A	A	A	A	A	A	A	
Flag	A	A	A	A	A	A	A	A	A	A	A	A
Freestanding Sign				A	A	A	A	A		A	A	
Government Sign	A	A	A	A	A	A	A	A	A	A	A	A
Monument Sign		A	A	A	A	A	A	A	A	A	A	*
On Premise Sign	A	A	A	A	A	A	A	A	A	A	A	
Off Premise Sign												
Portable Sign												
Projecting Sign		A	A	A	A	A	A	A	A	A	A	
Roof Sign, Integral	A	A	A	A	A	A	A	A		A	A	
Roof Sign - Above Peak												
Snipe Sign												
Temporary Sign	A	A	A	A	A	A	A	A	A	A	A	
Wall Sign	A			A		A	A	A		A	A	
Wind-driven Sign, allowable						A	A	A		A	A	
Wind-driven Sign, conditional						SR	SR	SR		SR	SR	
Window Sign				A	A	A	A	A		A	A	

\*As allowable by subdivision regulations

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

**17.42.060 Portable and banner signs.**

Permits required. It shall be unlawful for any owner or person entitled to possession of any property or business, or their authorized representatives, to erect, construct, move, or display a temporary sign or cause the same to be done, without first obtaining a temporary sign permit from the sign administrator. A temporary sign permit may be issued.

- A. To new businesses or to existing businesses which are relocating and shall be limited in use to one time for no longer than sixty days; or

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- B. To existing businesses for the purpose of advertising and shall be limited to a maximum of thirty consecutive days per calendar year. Such thirty-day period may be split into no more than two separate periods of fifteen consecutive days each.

(Ord.02-32 (part), 2003) (Laurel Supp. No. 3, 12-04)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

#### **17.42.070 Signs not requiring permits.**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this section:

- A. Construction signs of sixteen square feet or less;
- B. Special event or holiday lights or decorations;
- C. Nameplates of two square feet or less;
- D. Public signs or notices, or any sign relating to an emergency;
- E. Real estate signs; (see signs permitted, Section 17.42.130(B));
- F. Political signs; (see signs permitted, Section 17.42.130(D));
- G. Interior signs not visible from the exterior of the building;
- H. Directional signs not to exceed twelve square feet in area or six feet in height.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

#### **17.42.080 Overlay zoning districts.**

The provisions of the Entryway Zoning district, SE 4th Overlay District, or Downtown Overlay District pertaining to signs shall apply to all signs in that district and are in addition to the provisions of this section.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

#### **17.42.090 Calculation of sign area.**

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

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### **17.42.100 Maintenance.**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be re placed.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

### **17.42.110 Lighting.**

Unless otherwise prohibited by this code, all signs may be illuminated provided they do not cause or contribute to a public nuisance. Lighting restricted to the sign face.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

### **17.42.120 Changeable copy.**

Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign.

Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

### **17.42.130 Signs permitted (exceptions to this section are noted in the overlay zoning district).**

- A. One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight square feet in sign area. Such signs may be erected thirty days prior to beginning of construction and shall be removed thirty days following completion of construction.
- B. One non-illuminated real estate sign per lot or premises not to exceed sixteen square feet in sign area for residential properties and thirty-two square feet for commercial properties. Such signs must be removed fifteen days following sale, rental, or lease of the real estate involved.
- C. One non-illuminated attached building nameplate per occupancy, not to exceed two square feet in sign area.
- D. Non-illuminated political signs not to exceed sixteen square feet in sign area each. Such signs shall not be erected more than forty-five days prior to the election or referendum concerned and shall be removed ten days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- E. One subdivision sign per street frontage not to exceed forty-eight square feet in sign area in each location.
- F. One identification sign per entrance to an apartment or condominium complex, not to exceed thirty-six square feet in sign area.

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- G. The total square footage of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, and directional signs, shall not exceed two square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets (not the interstate highway).
  - H. One on-premise, freestanding sign may be installed to a height of forty feet and may be a maximum of three hundred fifty square feet if the principal purpose of such signs is to address interstate traffic as determined by the director. The sign must be oriented perpendicularly to the interstate so the sign is visible to the interstate traveler.
  - I. Freestanding signs which are not on-premise and which do not address interstate traffic as determined by the director may be installed to a maximum height of twenty-four feet and may have a maximum size of one hundred fifty square feet. Exceptions to this are noted in the entryway zoning district.
  - J. The setback for the leading edge of freestanding signs shall be a minimum of ten feet.
  - K. No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.
  - L. Wall signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. Electric awning and canopy signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. The combination of wall signs, electric awning, canopy signs and projecting signs shall not exceed twenty percent of the allowed wall sign area.
  - M. Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.
  - N. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten feet over the sidewalk and fourteen feet over any parking lot, driveway or crown of the street, whichever is higher. Where zoning allows for one hundred percent lot coverage or zero setbacks, projecting signs shall never extend beyond the sidewalk and must be ten feet over the sidewalk. Projecting sign size shall not exceed the allowable size for a wall sign.
  - O. Window signs shall not cover more than thirty percent of the window area.
  - P. On-site directional signs as required.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

**17.42.140 Shopping center signs (exceptions to this section may be noted in the Entryway Zoning, SE 4th Street or Downtown Overlay District).**

- A. Shopping centers shall be allowed one freestanding sign directory sign per frontage. The sign shall not exceed one hundred fifty square feet plus five percent of the one hundred fifty square feet per tenant. Maximum sign size shall not exceed three hundred fifty square feet.
- B. Shopping centers signs shall not exceed the maximum allowable freestanding signage.
- C. Shopping center signs cannot be used if the common signage plan is used.

(Ord. 02-32 (part), 2003)

**Table - Sign Requirements**

Type of Sign	Requires Permit**	Illumination	Maximum Height	Maximum Sign Area	Setbacks	Maximum Number of Signs*	Maximum Permitted Sign Use
Banner Sign	Y						60 days/30 days see 17.42.060
Billboard - On Premises	Y						
Billboard - Off Premises	Y						
Building Marker	Y						
Building Nameplate				2 sq. ft			
Canopy Sign	Y			20% of wall area			
Changeable Copy Sign	Y						
Construction sign		N		48 sq. ft.			30 days before and after construction
Fixed Message Electronic Variable Message Sign	Y						
Computer Controlled Variable Message Sign	Y						
Pictographic Changeable Copy Sign	Y						
Directional/ Informational Sign	As required per Ordinance 02-32						
Flag							
Freestanding Sign	Y		40'/24' See LMC. 17.42.130.H, I.		10'		
Government Sign							
Monument Sign	Y						

On Premises Sign	Y						
Political Signs		N		16 sq. ft.	Prohibited in ROW		No more than 45 days prior to election and removed immediately following
Portable Sign	Y				In CBD may extend over sidewalk with 10' clearance. Prohibited encroachment into right of way in all other zoning districts		60 days/30 days see 17.42.060
Real Estate Sign		N		32 sq.ft.	Prohibited in ROW	1 per lot	15 days after the sale, rental or lease
Projecting Sign	Y						
Roof Sign, Integral	Y		Cannot exceed roofline	20% of wall area			
Shopping Center Signs (cannot be used if common signage plan is used.)	Y			150 sq.ft. plus 5% per tenant. Maximum sign not to exceed 350 sq.ft.		1 Freestanding Pole per frontage	
Temporary Sign	Y						
Wall Sign	Y			20% of wall area			
Window Sign	Y			Up to 30% of window area			
*The total square footage of all signs located on the property shall not exceed 2 square feet in sign area for each lineal foot of local street frontage (Does not include interstates).							
**See 17.42.040							

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(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

### **17.42.150 Common signage plan.**

- A. If the owners of two or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings file with the director for such lot(s) a common signage plan conforming with the provisions of this section, a twenty-five percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.
- B. Provisions of Common Signage Plan. The common signage plan shall contain all of the following information:
1. An accurate plot plan of the lot, at such scale as the director may reasonably require;
  2. Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
  3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this chapter;
  4. An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not;
  5. Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

The common signage plan shall also specify standards of consistency among all signs on the lots affected by the plan with regard to:

1. Color scheme;
  2. Letter or graphic style;
  3. Lighting;
  4. Location of each sign on the building(s);
  5. Material; and
  6. Sign proportions.
- C. Limit on Number of Freestanding Signs Under Common Signage Plan. The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Where street frontage exceeds five hundred feet, one additional freestanding sign may be allowed per five hundred-foot increment.
- D. Other Provisions of the Common Signage Plan. The common signage plan may contain other restrictions as the owners of the lots may reasonably determine.
- E. Consent. Common signage plan shall be signed by all owners or their authorized agents in such form as the director shall require.

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- F. Procedures. Common signage plan shall be included in any development plan, site plan, planned development or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.
  - G. Amendment. Common signage plan may be amended by filing a new common signage plan that conforms with all requirements of the code in effect.
  - H. Existing Signs Not Conforming to Common Signage Plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, all signs not conforming to the proposed amended plan or to the requirements of this section effective on the date of submission.
  - I. Binding Effect. After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this section and common signage plan, the section shall control.
  - J. Dissolution of Common Signage Plan. If the signatories of a common signage plan wish to dissolve the common signage plan, written notice must be submitted to the director. All signs on the property for which the common signage plan was dissolved must bring all signs into conformance with this section within thirty days of the date written notice was submitted to the director.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

#### **17.42.160 Nonconforming signs.**

- A. Existing signs which do not conform to the specific provisions of this section may be eligible for the designation "legal nonconforming" provided that:
  - 1. The director determines such signs are properly maintained and do not in any way endanger the public;
  - 2. The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on the date of adoption of this section.
- B. A legal nonconforming sign may lose this designation if:
  - 1. The sign is relocated or replaced; or
  - 2. The structure or size of this sign is altered in any way except toward compliance with this section. This does not refer to change of copy or normal maintenance.
- C. The legal nonconforming sign is subject to all requirements of this section regarding, safety, maintenance, and repair. However, if the sign suffers more than fifty percent damage or deterioration, as based on appraisal, it must be brought into conformance with this section or removed.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)



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### **17.42.170 Construction specifications.**

- A. Plans and specifications and the required review fee for all signs, including those in the entryway zoning district, must be submitted to the city of Laurel building department prior to the start of construction. The building department must grant a construction permit prior to any construction activity.
- B. All signs shall be installed in compliance with the International Building Code (IBC) and applicable electrical codes required, permitted and enforced by the State of Montana.
- C. All signs shall be inspected by the city of Laurel building department for compliance with all applicable codes. (including, but not limited to structure, wind load, and electrical hook-up).
- D. All electrical freestanding signs must have underground electrical service to such signs.
- E. Any change in sign construction or face, excluding changeable copy as defined in this chapter, shall require a new construction permit and fee.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

### **17.42.180 City fees and/or charges for signs.**

The city council shall establish reasonable fees and/or charges for all signage within the jurisdiction of the city by annual resolution after a public hearing.

(Ord. 07-06 (part), 2007)

(Ord. No. O16-01, 2-2-2016)

## **Chapter 17.44 GENERAL REGULATIONS**

### **Sections:**

### **17.44.010 Authority of provisions.**

In interpreting and applying the provisions contained in this chapter, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of this title. The provisions of this chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties so long as those agreements are not contrary to any laws or ordinances of the United States, the state of Montana, and the city of Laurel; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other articles, rules, regulations, or permits, or by easements, covenants or agreements, the provisions of this chapter shall prevail. Except as provided elsewhere in this title, the general regulations set out in Sections 17.44.020 through 17.44.050 shall apply.

(Prior code § 17.36.010 (part))

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#### **17.44.020 Permitted uses.**

No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged; nor shall any land, building or structure be used, designed or arranged for use for any purpose or in any manner not included among the uses listed elsewhere in this title as permitted in the district in which such building, structure or land be located.

(Prior code § 17.36.010 (A))

#### **17.44.030 Zoning lot.**

Every building hereafter erected shall be located on a zoning lot as defined in this title; and, except as provided elsewhere in this title, there shall be no more than one principal building on one lot.

(Prior code § 17.36.010 (B))

#### **17.44.040 Height limitations.**

No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the district in which such building or structure is located.

(Prior code § 17.36.010 (C))

#### **17.44.050 Area and yards.**

- A. No building or structure shall be erected; nor shall any existing building or structure be altered, enlarged or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area, and building location regulations designated in this title for the district in which such building or open space is located.
- B. No yard or other open space provided about any building, for the purpose of complying with the provisions of these regulations, shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- C. All other yards required by these regulations shall be open and unobstructed to the sky, except as provided in this title.

(Prior code § 17.36.010 (D))

## **Chapter 17.48 SUPPLEMENTARY REGULATIONS**

Sections:

### ***Article I. In General***

#### **17.48.010 Applicability.**

The regulations specified in this title shall be subject to the supplementary provisions and regulations set out in Sections 17.48.020 through 17.48.080.

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(Prior code § 17.40.010 (part))

### **17.48.020 Structures exempt from height limits.**

A building height limit set forth in this title shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, spires, tanks, water towers, or similar structures; nor to bulkheads, elevators, water tanks or similar roof structures and mechanical appurtenances. No such structure shall have a total area of greater than twenty-five percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Nothing in this section nor in this chapter shall be interpreted to permit the erection of any structure in violation of any applicable provisions of Chapter 17.28 of this code.

(Prior code § 17.40.010(A))

### **17.48.030 Allowed projection into yards.**

Steps, terraces and uncovered porches may extend into the minimum front setback, but such feature shall not be less than five feet distant from any lot line; provided, the floor thereof is no higher than that of the first floor entrance to the building; and such feature on corner lots shall not impede the line of sight vision of traffic in the street. Fire escapes and outside open stairways may project not more than two feet into any minimum required yard. Chimneys may extend into any minimum yard not more than two feet. Civil defense shelters may extend into any required side yard to within two feet of the lot line; they may extend into a required front or rear yard not more than twelve feet. The roof of the shelter that extends into any required yard shall not extend over eight inches above outside grade or above existing basement height, whichever is the lesser.

(Ord. 06-12 (part), 2006: Ord. 06-06 (part), 2006: prior code § 17.40.010(B))

### **17.48.040 Front yard depths.**

When the majority of lots in a block have been lawfully occupied with the buildings having different front yard depth than required by regulations, no building hereafter erected or altered shall have a less front yard depth than the average depth of the existing front yards. This regulation shall apply also to side yards, adjacent to a street, of a corner lot, but shall not be construed as to reduce the buildable width of a corner lot to less than twenty-four feet. No portion of any alley shall be considered a part of any yard.

(Ord. 1083, 1993: prior code § 17.40.010(C))

### **17.48.050 Fence heights.**

- A. Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured as per Laurel Municipal Code Chapter 15.20. "Fence" for the purposes of this section means any fence, wall or hedge. No fence shall be erected or maintained in the public right-of-way, closer than one foot from a sidewalk. Fences shall be constructed on private property.
- B. Height. Height for the purposes of this section shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.
- C. Setbacks Required. Fences, walls and hedges of up to four feet may be erected or maintained in the required front yard and side yard adjacent to street setback. Fences, walls and hedges up to six feet may be erected or

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maintained in rear yard and side yard not adjacent to street, except as noted in section D. None of the above setback requirements shall apply to lands located in AG, CBD, CC, HC, LI, and HI zones.

- D. Side Yard Adjacent to Street Fences. If the property abuts an alley, a fence may be erected along the side yard adjacent to the street and maintained up to six feet from the rear of the dwelling to the alley as well as along the alley. Clear vision at alley shall apply.
- E. Setbacks for Clear Vision Areas. No fence, wall or hedge greater than thirty inches may be erected or maintained in any zoning district within a clear vision zone as defined by City of Laurel Resolution No. R03-63. Fences of chain link, woven wire or other similar type fence which provide no more than ten percent obstruction to visibility through the fence when constructed can extend to four feet in height may be constructed in this area.
- F. Material Permitted. All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing. Commonly used fence materials include wood, brick, stone, split railing, wire, vinyl, chain link and ornamental iron work. In HI and LI zones fences may be constructed of finished or coated steel or aluminum building panels. Fences shall not be constructed from railroad ties, wooden pallets, tires, rubble or salvaged material. Materials not listed are subject to special review by the city planning group.
- G. Material Exception—Barbed Wire and Electric fence. In the city limits no barbed wire or electrical fencing shall be permitted in residential zoning districts. Barbed wire and electrical fencing shall be allowed in AG and RT zoning districts. Electrically charged fencing along any public way shall be posted with warning signs or fluorescent marking at intervals not to exceed one hundred fifty feet.
- H. Security Fences. In AG, CBD, CC, HC, LI, and HI zones security fences may maintain a barbed wire fence on top of a non-barbed wire fence as long as the lowest strand of barbed wire is eight feet above grade.
- I. Miscellaneous Exceptions. These provisions shall not apply to fences required to surround and enclose existing junk yards and public utility installations or to enclose school ground and public playgrounds.
- J. Penalties. Any person violating a provision of this chapter may, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

(Ord. 892, 1986: prior code § 17.40.010(D))

(O14-01, 5-6-2014)

### **17.48.060 Accessory buildings.**

- A. In any residential district all accessory buildings shall be located in the rear yard and shall be not less than two feet from the rear or side lot line nor less than two feet from the alley line. In the case of a corner lot in a residential district, with a side lot line parallel to a side street and a rear lot line abutting the side lot line of a lot having frontage on such side street, an accessory building shall be located in the rear yard of such corner lot maintaining a setback of not less than twenty feet from the side street. The side yard of the accessory building shall be the same minimum width required for the principal building located on the lot fronting the side street. If such accessory building is set back at least ten feet behind the rear of the principal building on the lot fronting such side street, such accessory building may be located not less than two feet from the rear and side lot lines of the corner lot.
- B. In a residential district a detached garage on an inside lot may be located with the same setback from the street as required for the principal building; providing, that such detached garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building on the adjacent lots, having the greater

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setback from the front property line, such garage may be located not less than two feet from the side lot line. In all instances, the measurements shall be made from the eaves.

- C. An accessory building, or any enclosure, group or run, or any part thereof used for the housing, shelter, or sale of animals or fowl shall be located at least five feet from any rear or side lot line, and at least twenty feet from any building used for dwelling purposes on an adjoining lot.

(Prior code § 17.40.010(E))

### **17.48.070 Through lots.**

Any building constructed on any interior lot having a frontage on two streets shall be located so as to comply with the regulations governing front yards on both streets.

(Prior code § 17.40.010(F))

### **17.48.080 Mixed uses.**

Any building containing two or more dwelling units and space designed or used for commercial purposes shall comply with all requirements for multifamily dwellings in the district in which it is located. Provided, also, that no such building designed or used for mixed residential and other uses shall be permitted in any district in which a multifamily dwelling is not permitted.

(Prior code § 17.40.010(G))

## ***Article II Specific Uses***

### **17.48.090 Bars and taverns.**

- A. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure for use as a bar, tavern, or any commercial establishment which serves alcoholic beverages as a primary or accessory use shall first make application for special review as regulated.
- B. No building, structure or premises shall be used for retail alcoholic beverage sales unless:
1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;
  2. A distance of six hundred feet between property lines measured in a straight line is maintained from any building that is primarily used as a church or school, or from a public park that contains a children's playground or playfield.
    - a. Properties or establishments which are located in the Central Business District zoning district are exempt from [sub]section 2.
    - b. Properties may be granted a waiver from the six-hundred-foot separation required in subsection 2. if the governing body finds that a physical barrier exists between the proposed use requiring the 600-foot separation. These barriers include, but are not limited to, the following:
      - i. An arterial street with no existing or proposed signalized pedestrian crossing;
      - ii. A building or buildings that entirely obstruct the view between the separated uses; and
      - iii. No direct physical access exists between the separated uses.

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3. The applicant must provide the governing body with proof that the proposed property or establishment meets one of the above described physical barriers or that other types of physical barriers exist that warrant the waiving of the six-hundred-foot separation.
- C. Exceptions to the terms of this section may be granted by the city council when upon recommendation by the zoning commission it is found that the strict application of the provisions of this section may result in undue hardship, and that granting of such exception shall be in the public interest.

(Prior code § 17.80.010)

(Ord. No. 009-06, 6-2-09)

### **17.48.100 Automobile service stations.**

- A. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure for use as a service station shall first make application for special review as regulated in this chapter.
- B. No building, structure or premises shall be used for a service station unless:
1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;
  2. The walls of every building or structure are set back at least five feet from every adjoining property line and at least twenty-five feet from any street right-of-way line;
  3. There are adequate restroom facilities available in the premises;
  4. No portion of any new service station or any portion of the premises upon which the same is situated or any driveway entrance to or exit from the same, shall be located within twelve hundred feet in a straight line of any lot upon which there is located any other service station;
  5. On any premises upon which there is located a service station, all repairs to or for motor vehicles shall be conducted within the confines of a building. There is excepted from this provision the sale and supply of oil and gasoline, the inspection and filling of tires and batteries, and other services customarily incidental to the sale of gasoline, oil and automobile supplies and accessories, which do not include repairs, installations and replacements;
  6. Exceptions to the terms of this section may be granted by the city council when upon recommendation by the zoning commission it is found that the strict application of the provisions of this section may result in undue hardship, and that the granting of such exception shall be in the public interest.

(Prior code § 17.80.020)

## **Chapter 17.49 TEMPORARY USES AND STRUCTURES**

### **Sections:**

#### **17.49.010 Intent.**

The definitions found in this chapter for temporary uses and structures shall be used to regulate same, and all uses contained in temporary structures shall be considered temporary uses and must comply with this section. All temporary uses or structures must also comply with the Uniform Fire Code, Laurel requirements for ingress and

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egress, and other applicable codes in existence at the time of the adoption of this chapter. This chapter shall not apply to sidewalk vendors.

(Ord. 96-5 (part), 1996)

### **17.49.020 Temporary uses in nonresidential zoning districts.**

- A. Group 1 Temporary Uses. This group consists of temporary uses of property continuing for less than forty-eight hours. Such uses are exempt from this chapter.
- B. Group 2 Temporary Uses. This group consists of temporary uses of property continuing for longer than forty-eight hours but less than thirty days.
  - 1. The following are examples of Group 2 temporary uses: carnivals, circuses, Christmas tree sales, etc.
  - 2. Supplemental Standards.
    - a. Two signs not to exceed thirty-two square feet in area and eight feet in height shall be allowed, excluding A-frame signs, and be removed along with the temporary use/structure when the approved time limit or temporary use/structure permit has expired.
    - b. Clear sight vision for ingress and egress shall be provided as approved by the public works department.
    - c. Access to any public right-of-way must be approved by the public works department.
    - d. Application for a temporary use/structure permit shall be made at the city public works department to the planning board at least one month ahead of the planning board's regularly scheduled meeting.
- C. Group 3 Temporary Uses. This group consists of temporary uses of property continuing for longer than thirty days but less than one year.
  - 1. The following temporary uses may be allowed in this group:
    - a. Uses, such as carryout espresso stands, less than one hundred twenty square feet in floor area and bearing a certification of a factory built building from the state of Montana as allowed in the appropriate zoning districts.
  - 2. Location and Time Restrictions.
    - a. Any Group 3 temporary use/structure existing upon adoption of this chapter shall be deemed a legal nonconforming use. All existing legal Group 3 nonconforming temporary uses/structures, as of the effective date of this chapter or any amendment hereto, shall be removed or become a permanent use by complying with the currently adopted Commercial Building Code, site development standards, and any other federal, state or local requirements within two years from the date of the enactment of this chapter or any amendment hereto.
    - b. All Group 3 temporary use/structures shall be removed no later than one year unless reapplied for and approved.
  - 3. Supplemental Standards.
    - a. Two signs not to exceed thirty-two square feet in area and eight feet in height shall be allowed, excluding A-frame signs, and shall be removed along with the temporary use when the approved time limit or temporary use/structure permit has expired.

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- b. The temporary use must provide sufficient space to accommodate the structure and off-street parking for customer and use-related vehicles. The parking area, driving lanes, and egress/ingress shall be paved, drained and the site shall be approved by the public works department.
  - c. Clear sight vision for site ingress and egress shall be provided as per currently adopted applicable codes and as approved by the public works department.
  - d. Access to public right-of-way shall be approved by the public works department.
  - e. Application for a temporary use/structure permit shall be made at the city public works department to the planning board at least one month ahead of the planning board's regularly scheduled meeting.

(Ord. 07-10 (part), 2007; Ord. 03-1 (part), 2003; Ord. 96-5 (part), 1996)

#### **17.49.030 Christmas tree sales in residential and agricultural districts.**

In any residential district and in the agricultural district, the temporary use of land for Christmas tree sales may be allowed for a period not to exceed thirty days when all of the following restrictions are met:

- A. The sale must be conducted on property owned by a nonprofit organization unless otherwise approved by city staff. The lot must provide sufficient space to accommodate the Christmas trees and off-street parking for customer and other sale-related vehicles.
- B. One sign not to exceed thirty-two square feet in area shall be allowed for this temporary use, and such sign shall be removed along with the temporary use and structure when the approved time limit or temporary use/structure permit has expired.
- C. A business license must be obtained by the operator if located within the Laurel city limits.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

#### **17.49.040 Roadside stands.**

The sale of flowers or produce at temporary stands shall be allowed when all of the following restrictions are met:

- A. Only items produced on the premises may be sold on the premises;
- B. Any structure used must be portable and removed after the temporary use/structure ceases to operate;
- C. One sign not to exceed thirty-two square feet in area shall be allowed, and such sign shall be removed when the use ceases;
- D. The use must provide sufficient space to accommodate the stand and off-street parking for customer and other sale-related vehicles off the public right-of-way; and
- E. Clear vision ingress and egress to the area must be provided.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

#### **17.49.050 Fireworks stands.**

The erection of temporary fireworks stands may be permitted if such meet the following standards:



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- A. Located outside the city limits of Laurel and in nonresidential zones;
  - B. Two signs not to exceed thirty-two square feet in area each are allowed, and such signs must be removed along with the temporary use and structure when the approved time limit expires;
  - C. The stand must provide sufficient space to accommodate the stand and off-street parking for customer and sale-related vehicles off the public right-of-way; and
  - D. The appropriate permits are secured from and fees are paid to county departments and the local jurisdictional fire department.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

#### **17.49.060 Construction or construction equipment sheds.**

The temporary use of buildings or modular offices or equipment sheds during construction projects may be permitted in any zoning district. A temporary use/structure permit is not required if the structure is part of an approved construction project and used exclusively for the approved construction project it serves. Any such structure cannot be used for sleeping or living purposes and must be removed upon completion of the construction project.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

#### **17.49.070 Temporary use/structure permit required.**

All Group 2 and Group 3 temporary uses must conform to the currently adopted Sign Code. Before any Group 2 or Group 3 temporary use or structure is established, the property owner shall obtain a temporary use/structure permit, as delineated in this chapter. In addition, the property owner shall post a three thousand dollar money order or cashier's check or an equivalent bond with the city to ensure timely removal of the use and/or structure.

(Ord. 07-10 (part), 2007; Ord. 03-1 (part), 2003; Ord. 96-5 (part), 1996)

#### **17.49.080 Action by Laurel city council.**

After the planning board has reviewed an application for temporary use, it shall make a recommendation to the city council to approve, deny or approve with conditions. The city council shall approve, deny or approve with conditions the application. If approved or if approved with conditions, the application shall then obtain a city business license prior to operating the business.

(Ord. 03-1 (part), 2003)

## **Chapter 17.52 INCIDENTAL USES**

### **Sections:**

#### **17.52.010 Intent and purpose of provisions.**

The uses of land and buildings permitted in the several districts established by this title are designated by listing the principal uses permitted. In addition to such principal uses, it is the intent of this title and this section to permit in each district those uses customarily incidental to any principal use permitted in the district. Such

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permitted incidental uses are specifically listed as set out in Section 17.52.020, and any listed use is permitted on the same lot with the principal use to which it is incidental.

(Prior code § 17.44.010 (part))

### **17.52.020 Accessory uses.**

A. Accessory uses for dwelling premises are as follows:

1. Private garages or off-street parking spaces incidental to a dwelling located in a residential district may not exceed the following capacity:
  - a. Single-family dwelling: Spaces or garages for four passenger vehicles,
  - b. Two-family dwelling: Spaces or garages for four passenger vehicles,
  - c. Multiple-family dwelling: Spaces or garages for three passenger vehicles per dwelling unit,
  - d. Group dwelling: Spaces or garages for one and one-half passenger vehicles per sleeping room;
2. Private greenhouse, vegetable, fruit, or flower garden from which no products are sold or offered for sale;
3. Children's playhouse, and playground equipment;
4. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chickenhouse, or other buildings to house agricultural livestock;
5. No more than two dogs or cats four months of age or older;
6. Private kennel;
7. Customary domestic use, but not including horses, poultry or agricultural livestock;
8. Private swimming pool and bathhouse;
9. Statuary, trellises, barbecue stove or similar ornamental or landscaping features;
10. Passenger vehicles as used herein shall mean and include automobiles, motorized campers, or pickup trucks licensed for a gross vehicle weight not to exceed ten thousand pounds;
11. Church:
  - a. Parish house, together with any use accessory to a dwelling as herein listed,
  - b. Religious education building,
  - c. Bulletin board not to exceed twenty square feet in area,
  - d. Off-street parking lot for the use without charge of members and visitors to the church.

(Prior code § 17.44.010(A))

### **17.52.030 Home occupation.**

A. Home occupation is permitted in a dwelling customarily incidental to the principal use as a dwelling subject to the following limitations:

1. No person other than a member of the immediate family occupying a dwelling is employed, except domestic help;

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2. No stock in trade is displayed or sold upon the premises;17.52.030
  3. No alteration of the dwelling unit or accessory buildings that change the character thereof as residential. If the activity for which a home occupation is requested is conducted at the residence, it shall be conducted wholly within the dwelling or an accessory building.
  4. No illuminated sign is used, and no sign other than one giving the name and occupation, and not more than one square foot in area, is displayed;
  5. No more than twenty-five percent of the area of one story of the building is devoted to the home occupation;
  6. No equipment shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;
  7. The home occupation shall be deemed to be both site specific and owner specific; thus, the use of a portion of a structure as a home occupation will not permit a subsequent owner an automatic home occupation designation. The new owner will be required to meet all of the criteria contained in this section.
- B. The following activities are prohibited from home occupation under this section:
1. Motor and motorized vehicle or boat repair of any kind, to include body and engine work, upholstery and glass repair, and audio system work;
  2. Prefabrication of building construction components such as, but not limited to, cabinets and heating and cooling systems;
  3. Furniture, electronics, and appliance sales, repair, renovation, and storage;
- C. An applicant may apply for a home occupation permit by filling out the application available at the city's public works department at city hall. If the applicant's home is within the city limits, the applicant must additionally apply for a city business license. The city's planning department shall approve/disapprove the applications within seven business days or receipt of the application(s) and payment of the required fee(s). An applicant may appeal an adverse decision or denial of his/her application(s) to the city council by delivering a written appeal to the city clerk within ten business days of the adverse decision. The city council's decision on the appeal is final.
- D. The city council shall establish or set the application fees for this section by resolution.
- E. Violation of the conditions and terms of the City's permit or approval for the home occupation by the applicant shall be grounds for cancellation or revocation of the permit or approval and, if within the city limits, revocation or non-renewal of the previously issued business license. An applicant may appeal the cancellation or revocation decision of the planning department to the city council. The city council's decision is final.

(Ord. 00-2, 2000; Ord. 1064, 1993; Ord. 886, 1986; prior code § 17.44.010(B))

(Ord. No. O12-06, 11-6-12)

## **Chapter 17.56 NONCONFORMING USES**

### **Sections:**

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### **17.56.010 Nonconforming use designated.**

Any lawful use of the land or buildings existing at the date of passage of the ordinance codified in this chapter, and located in a district in which it would not be permitted as a new use under the regulations of this chapter, is declared to be a nonconforming use, and not in violation of this title at the date of adoption of the ordinance codified in this chapter; provided, however, a nonconforming use shall be subject to, and the owner shall comply with the regulations set out in Sections 17.56.020 through 17.56.070.

(Prior code § 17.64.010 (part))

### **17.56.020 Extension of.**

The nonconforming use of a building may be extended throughout any part of a building clearly designated for such use but not so used at the date of the adoption of this chapter. No nonconforming use may be extended to occupy any land outside the building nor any additional building not used for such nonconforming use at the date of adoption of the ordinance codified in this chapter. The nonconforming use of land shall not be extended to any additional land not so used at the date of adoption of the ordinances codified in this title.

(Prior code § 17.64.010(A))

### **17.56.030 Additions, repairs and alteration allowed when.**

- A. No building used for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of this chapter; provided, however, permits may be issued for the reconstruction of an existing building to be continued as a nonconforming use if the following conditions are complied with:
1. If a single- or two-family dwelling is presently a nonconforming use, and is located in a residential area, and is destroyed, the dwelling may be rebuilt. However, qualifying dwelling units located on arterial streets or roads must conform to the applicable setback standard;
  2. New use would decrease the automobile parking congestion in the area;
  3. New use would not increase the cubical contents of the structure, floor area ratio, if such would violate provisions of this chapter;
  4. Such reconstruction would be one in accordance with the city building, plumbing, electrical codes and fire prevention code;
  5. The issuance of such permit would not violate the provisions of Section 17.56.040 of this chapter.

(Prior code § 17.64.010(B)(part))

(Ord. No. 008-05, 6-17-08)

### **17.56.040 Applicability when building damaged or destroyed.**

- A. If any building in which there is a nonconforming use is damaged by fire, flood, explosion, wind, war or other catastrophe, in an amount equal to or greater than fifty percent of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this title in which it is located. This subsection specifically does not apply to nonconforming, one and two-family dwelling units.

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- B. In addition, repairs and maintenance work may be carried out each year in an amount not to exceed twenty-five percent of the assessed value of the building for that year. Such repairs and maintenance work shall not increase the cubical content of the building, nor the floor area devoted to the nonconforming use. Nor shall it increase the number of dwelling units provided in a building.
  - C. Nothing in this chapter shall be deemed to prevent the strengthening nor repair of a building which may be necessary to restore the building to a safe condition or to improve the sanitary conditions of the building; provided, that such strengthening and repair may not be used to restore a building to the provisions of Section 17.56.040 of this chapter.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; prior code § 17.64.010(B) (part), (C))

#### **17.56.050 Restrictions on moving building.**

Any building in which there is a nonconforming use shall not be moved unless it is moved to a district in which the use for which the building was designed is permitted by this title. If any building in which there is a nonconforming use is moved any distance whatsoever, the building shall thereafter be used only in compliance with the provisions of this title for the district in which it is located.

(Prior code § 17.64.010(D))

#### **17.56.060 Continuance and change.**

A nonconforming use may be continued in accordance with the provisions of this chapter, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located.

(Prior code § 17.64.010(E))

#### **17.56.070 Discontinuance.**

If for any reason a nonconforming use ceases for a period of six months any new use must conform to the provisions of this title for the district in which the use occurs, and the nonconforming use no longer allowed.

(Ord. 04-5 (part), 2004; prior code § 17.64.010(F))

## **Chapter 17.60 ZONING COMMISSION**

### **Sections:**

#### **17.60.010 Powers and duties.**

The city-county planning board shall act as a zoning commission whose duty it shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

(Prior code § 17.08.010)

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### **17.60.020 Land use variances issuance and denial—Determination procedure.**

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
  2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
  3. Unless the basis is something more than a mere financial loss to the owner;
  4. Unless the hardship was created by someone other than the owner;
  5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
  6. Unless the variance would not affect adversely or injure or result in injustice to others; and
  7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

(Prior code § 17.08.015)

## **Chapter 17.62 CONDITIONAL LAND USES**

### **Sections:**

#### **17.62.010 Purpose.**

The purpose of conditional land uses is to provide for specific uses, other than those already allowed in each zoning district, which may be compatible uses in the district under certain safeguards or conditions. The conditional land use permitting process is intended to provide a detailed and comprehensive review of such proposed, compatible developments and to insure the interest of the public, the community, and the larger neighborhood area are protected. Conditional uses, once granted by the city, are sight specific and run with the land. Land use changes not specifically included in the approval of a conditional use are a violation of the city zoning ordinance.

(Ord. 03-4 (part), 2003)

#### **17.62.020 Requirements.**

No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for conditional use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:

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- A. Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;
  - B. Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;
  - C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;
  - D. Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and
  - E. Compatibility with adjacent and neighborhood land uses and Laurel's GMP.

(Ord. 03-4 (part), 2003)

### **17.62.030 Application process.**

Twelve copies of the conditional use application form and required review fee shall be submitted to the planning board secretary thirty working days prior to the regularly scheduled zoning commission/planning board meeting at which the application will be considered. The planning board secretary shall note the time of receipt, keep one copy, send one copy to the city planner, and forward the remainder to the members of the zoning commission.

- A. The zoning commission shall publish notice of public hearing in the local newspaper at least fifteen days prior to the zoning commission meeting at which the application will be considered; adjacent property owners of record within one hundred fifty feet of the application property shall also be notified by mail by the zoning commission. The applicant or the authorized agent must attend the public hearings before both the zoning commission and the city council.
- B. The conditional use application shall include twelve copies of:
  - 1. Conditional use application form;
  - 2. Legal description of the property;
  - 3. Address or general location of property;
  - 4. Existing zoning;
  - 5. Specific land use being requested;
  - 6. Reason for request;
  - 7. Scaled drawings of the subject property, proposed use, existing buildings and improvements, adjacent land use, fences, etc.;
  - 8. Other information as may be needed by the zoning commission;
  - 9. Name, address and telephone number of owner of record;
  - 10. Name, address and telephone number of agent of owner of record;
  - 11. List of current property owners adjacent to and within one hundred fifty feet of the parcel for which a conditional use permit is sought;
  - 12. Review fee.
- C. After the public hearing for the conditional use, the zoning commission shall delay its recommendation to city council no longer than thirty working days. The city council shall publish notice of and conduct a

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second public hearing before the council, consider the recommendation of the zoning commission and make its decision.

(Ord. 03-4 (part), 2003)

## Chapter 17.66 HISTORIC PRESERVATION

### Sections:

#### 17.66.010 Intent of chapter.

The intent of this is to promote the educational, cultural, economic and general welfare of the community by:

- A. Providing a mechanism to identify and preserve the distinctive historic architectural characteristics of the city that represent elements of the city's cultural, social, economic, political, military and architectural history;
- B. Fostering civic pride in the beauty and noble accomplishments of the past as represented in the city's prehistoric and historic sites and historic districts;
- C. Conserving and improving the value of property designated as historic sites or within historic districts;
- D. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors and shoppers, and thereby supporting and promoting business, commerce and industry and providing economic benefit to they city;
- E. Fostering and encouraging preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby preventing future urban blight.

(Ord. 1071 (part), 1993)

#### 17.66.020 Definitions.

As used in this chapter:

"Alteration" means any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

"Area" means a specific geographic division of the city.

"Construction" means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

"Council" means the city council of the city.

"Demolition" means any act or process that destroys in part or in whole a historic site or a structure within a historic district.

"Exterior architectural appearance" means the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

"Historic district" means an area designated as a historic district by ordinance of the city council which may contain within definable geographic boundaries one or more historic sites and which may have within its boundaries other properties or structures that, while are not of such historic and/or architectural significance to be

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designated as historic sites, nevertheless contribute to the overall visual characteristics of the historic site or historic sites located within the historic district.

"Historic site" means a property or structure designated as a historic site by ordinance of the city council pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the city.

"National Register" means National Register of Historic Places. A list, maintained by the U.S. Department of Interior, of sites, properties, objects and districts having local, state or national historical, architectural or cultural significance.

"Preservation board" means The Yellowstone historic preservation board.

"Removal" means any relocation of a structure on its site or to another site.

"Repair" means any change not otherwise construed as an alteration, as herein defined, that constitutes replacing broken, worn or damaged materials with like, not necessarily identical, materials and is insignificant to the size and condition of the structure or property. Repainting and reroofing shall be included under this definition of repair.

"Structure" means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting, the generality of the foregoing, building, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

(Ord. 1071 (part), 1993)

### **17.66.030 Historic preservation board—Membership and authority.**

#### **A. Members.**

1. The Yellowstone historic preservation board shall consist of nine members with a demonstrated interest, competence, and knowledge in historic preservation. The following five members shall be selected jointly by all signatories. In this selection process the simple majority vote will prevail. The board shall include at least three members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history or other historic preservation-related disciplines such as cultural geography or cultural anthropology. The board shall also include two additional members from the following:
  - a. One member of the Yellowstone County board of planning;
  - b. One member of the Laurel board of planning;
  - c. Property owner either residing or owning a business in a historic district or who owns property listed on the National Register of Historic Places;
  - d. One member of a city/county preservation society.
2. The four remaining board members shall be considered at-large and shall consist of:
  - a. City of Billings resident appointed by the Billings city council;
  - b. County resident appointed by the Yellowstone County commissioners;
  - c. City of Laurel resident appointed by the Laurel city council;
  - d. Crow Tribal member who lives within the Yellowstone County portion of the Crow Reservation or elsewhere within Yellowstone County appointed by the Crow tribal council.

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- B. Appointment and Terms. Terms of office for the historic preservation board members shall be for two-year terms and shall be staggered. Upon enactment of the ordinance codified in this chapter, three members shall be appointed to one-year terms. The following year, all terms shall be for two years.
- C. Absences and Removal.
1. Each member shall inform the preservation officer at least one day before the meeting of the inability to attend a board or committee meeting. Such an absence shall be considered an excused absence.
  2. If any member accrues three or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residences, or by announcement at a meeting attended by him/her, the president may call such absences to the attention of the board which may then recommend to the appointing authority that such member be asked to resign and then another person be appointed to serve out the unexpired term.
- D. Vacancies. Vacancies occurring on the board shall be filled within sixty days by the governing body having appointed them for the unexpired term.
- E. Meetings. The historic preservation board shall conduct a minimum of one regularly scheduled meeting each month, except that the chairperson may cancel any meeting or schedule special meetings when such meetings are necessary to carry out the provisions of this chapter.
2. Special meetings of the board may be called by the chairperson or by two members, upon request to the preservation officer. The preservation officer shall notify all members at least two days in advance of the special meeting.
  3. Meetings shall be open to the public in accordance with the state of Montana Open Meeting Use Law, and all written or taped minutes, reports and case decisions shall be available to the public.
  4. The historic preservation board shall establish by-laws conforming to the guidelines set forth in the "Certified Local Government Program in Montana."
- F. Powers and Duties. Yellowstone historic preservation board shall:
1. Maintain a system for the survey and inventory of historic and prehistoric properties. The information shall be available to the public;
  2. Review and participate in all proposed National Register nominations within the city of Laurel, the city of Billings, the Crow Reservation and/or Yellowstone County;
  3. Encourage public participation while assisting with the enforcement of appropriate and local legislation concerning historic preservation;
  4. Submit an annual report to the State Historic Preservation Office describing projects, activities, recommendations and decisions made, projects reviewed, recommendations to the National Register of Historic Places, revised resumes historic preservation board members and member attendance records, and indexed copies of typewritten or tape recorded minutes of all historic preservation board meetings. Copies of the following will be attached to the annual report: inventory forms, survey reports, maps, photographs and other survey materials or planning documents generated during the preceding year;
  5. At least one member shall attend at least one training session each year and review any orientation materials provided by the State Historic Preservation Office;
  6. Review and comment on land use proposals and planning programs related to historic resources, such as municipal improvements, housing and other public programs;
  7. Consult with city, county, tribal, state, and federal agencies on all applications, environmental assessment, environmental impact statements, and other similar documents pertaining to historic

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districts, historic sites and landmarks or neighboring properties within the city of Billings, the city of Laurel and/or Yellowstone County. Comments and recommendations by the historic preservation board will be sent to the Laurel city council and the Yellowstone commissioners;

8. Review the local zoning regulations for their applicability to the characteristics of the proposed historic districts, and make appropriate recommendations to the zoning commissions and the boards of adjustment concerning any changes or modifications to the zoning regulations, zoning boundaries, zone change applications, special review application or variance applications;
9. Make recommendations to the boards of adjustments regarding variance change applications within any historic district;
10. Assist with the preparation and adoption of a comprehensive historic preservation plan and assist with the annual updates of such plan;
11. Provide information, advice and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping or maintenance of potentially historic buildings or structures. The historic preservation board may recommend voluntary design guidelines which will be made available to the public for assistance in preservation projects;
12. Participate in, promote and conduct public information, education and interpretive programs pertaining to historic preservation, including potential tax incentives and federal and/or state grants that might be available;
13. The historic preservation board may provide quarterly reports to all governing bodies to discuss their activity for the past quarter. Minutes of board meetings and any other information deemed necessary may be appended to the quarterly reports. A copy of the annual report to the State Historic Preservation Office shall be provided to each of the governing bodies;
14. Undertake any actions necessary to assure compliance of the preservation board with certified local government requirements.

(Ord. 1071 (part), 1993)

#### **17.66.040 Historic preservation officer—Duties.**

Duties.

- A. The historic preservation officer shall serve as staff to the historic preservation board.
- B. The historic preservation officer must have demonstrated interest, competence or knowledge in historic preservation.
- C. The historic preservation officer will assist with coordinating the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the historic preservation board, government agencies and the public, and ensure, to the extent practicable, that the duties and responsibilities delegated by this chapter are carried out.
- D. The historic preservation officer shall be appointed by mutual agreement of the Laurel city council, the Billings city council, the Crow Tribal council and the Yellowstone County commissioners.

(Ord. 1071 (part), 1993)

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### 17.66.050 Surveys and research of sites and districts.

- A. The preservation board shall assist in developing an ongoing survey and research effort in the city to identify neighborhoods, areas, sites, structures and objects that have historic, community, architectural or aesthetic importance, interest or value. As part of the survey, the historic preservation board shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. Before the preservation board shall on its own initiative nominate any landmark for historic designation, it shall first develop a plan and schedule for completion of a survey of the city to identify potential landmarks. The preservation board shall then systematically identify potential landmarks and adopt procedures to nominate based upon the following criteria.
- B. To qualify as a historic site or historic district, the individual properties, structures, sites or buildings or groups of properties, structures, sites or buildings must have significant character, interest or value as part of the historical, cultural, aesthetic and architectural heritage of the city, county, state or nation. To qualify as a historic site or district, the property or properties must fulfill one or more of the criteria set forth in subsection (B)(1) below and meet the criteria set forth in subsections (B)(2)(a) and (B)(2)(d) below.
  - 1. A building, structure, site, interior or district will be deemed to have historical or cultural significance if it meets one or more of the following criteria:
    - a. Is associated in a significant way with the life or activities of a major person important in city, county, state or national history (for example, the homestead of a local founding family);
    - b. Is the site of a historic event with significant effect upon the city, county, state or nation;
- C. Is associated in a significant way with a major historic event, whether cultural, economic, social, military or political;
  - d. Exemplifies the historical, political, cultural, economic or social trends of the community in history; or
  - e. Is associated in a significant way with a past or a continuing institution which has contributed substantially to the life of the city and/or county.
- 2. A building, structure, site or district is deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria; except that to qualify as a historic interior, the interior must meet the criteria contained within subsections (B)(2)(b) and (B)(2)(d):
  - a. Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
  - b. Embodies those distinguishing characteristics of an architectural style, period or method of construction;
  - c. Is a historic or outstanding work of a prominent architect, designer, landscape architect or builder; or
  - d. Contains elements of design, detail, material, or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adoption to the environment.
- 3. A building, structure, site, interior or district will be deemed to have historic significance if, in addition to or in the place of the previously mentioned criteria, the building, structure, site or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places as prepared by the United States Department of the Interior under the Historic Preservation Act of 1966, as amended. Said regulations, as amended from time to time, are made part of this chapter as if fully set forth herein.

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4. Classifications of Structures and Buildings. All historic buildings, structures, archaeological sites, districts, neighborhoods and the like, will be classified and designated on the city historic preservation survey, which will be approved by the city council and be made an overlay to the city and county zoning maps and land use plans. Such buildings, structures, districts, neighborhoods, and the like will be divided into two classes:
    - a. Contributing. Those buildings, structures, archaeological sites or districts classified as historic shall possess identified historical and architectural merit of a degree warranting their preservation. All buildings, structures, archaeological sites and the like, listed in the city historic survey, as adopted and approved by the city council and county commission, will be considered worthy of preservation and may be designated as a historic site or a historic district.
    - b. Noncontributing. Those buildings and structures within a historic district not listed in the city historic preservation survey, and those buildings and structures determined by the preservation board to be of no contributing value.

(Ord. 1071 (part), 1993)

#### **17.66.060 National Register of Historic Places—Nomination review standards.**

- A. The preservation board shall review proposed nominations to the National Register of Historic Places submitted by the State Historic Preservation Officer or other sponsor qualified pursuant to United States Department of the Interior regulations. The preservation board will develop or receive the documentation necessary to nominate properties to the National Register of Historic Places. The preservation board shall evaluate, in a timely manner, nomination proposals received for completeness. Should a nomination proposal not be technically complete, the preservation board shall notify the proposal's sponsor, identifying the technical deficiencies in writing, within thirty days of receipt of the nomination proposal. If the nomination proposal is technically complete, the preservation board shall place the item on its agenda for the earliest possible regular meeting after notification procedures are complete.
- B. The preservation board shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least thirty days but not more than seventy-five days prior to the preservation meeting at which the nomination proposal will be considered:
  1. Owner(s) of Record of the Property. The list of owners shall be obtained from official tax records and provided with the nomination application. Where there is more than one owner on the list, each separate owner shall be notified;
  2. The Mayor of the City of Laurel. Such officials shall have thirty days from receipt of notice within which to submit the preservation board a written recommendation supporting or opposing the nomination;
  3. The State Historic Preservation Officer.
- C. When the preservation board considers a nomination proposal that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the preservation board, the preservation board shall seek professional expertise in this area before rendering a decision, but failure to obtain such advice shall not invalidate its determination on the proposal.
- D. Nomination proposals shall be considered by the preservation board at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the preservation board meeting. All nomination proposals shall be forwarded, with a record of official action taken by the preservation board and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within thirty days of the preservation board meeting at which they were consider.

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- E. Any person or organization supporting or opposing the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. Such comments shall be notarized where they contain factual assertions. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the state historic preservation officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the state historic preservation officer.
- F. Nomination proposals to be considered by the preservation board shall be on file at the Yellowstone County offices for at least thirty days but not more than seventy-five, prior to the meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local access, such as a local library, courthouse or other public place.
- G. Any person may appeal the decision of the preservation board regarding a proposed nomination to the state historic preservation officer in writing within thirty days of the preservation board decision.
- H. In reviewing national register of historic places nomination proposals, the preservation board shall follow the regulations found in 36 C.F.R. Part 60, and as amended from time to time, promulgated by the National Park Service, Department of the Interior under the Historic Preservation Act of 1966, as amended.
- I. Standards for Review: In considering an application for a building or demolition permit, the preservation board shall be guided by the following general standards:
1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
  2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
  3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
  4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
  6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
  8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
  9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material,

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and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

(Ord. 1071 (part), 1993)

### **17.66.070 Demolitions—Allowed when.**

- A. The preservation board, upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for demolition of designated historic sites, or buildings, structures, or appurtenances within designated historic districts:
  - 1. Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register;
  - 2. Whether the structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty or economically nonviable expense;
  - 3. Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city;
  - 4. Whether retaining the structure would promote the general welfare of the city by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage;
  - 5. Whether there are definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the character of the surrounding area.
- B. Photographs by the City of Laurel Public Works Department prior to demolition.
  - 1. Upon application to the Public Works Department of the City of Laurel by any person, entity, business, corporation or property owner for a permit to demolish any building located within the City limits of the City of Laurel, the City of Laurel Public Works Department has three business days to photograph the building(s) prior to demolition. The public works department shall forward, via email or by United States Mail, a copy of the photographs to a representative of the Yellowstone Historic Preservation Board.
  - 2. Nothing herein shall preclude, hinder or delay the issuance of a demolition permit in accordance with its regulations and/or policies after the three-business-day waiting period has expired.

(Ord. 1071 (part), 1993)

(Ord. No. 008-04, 6-17-08)

## **Chapter 17.68 SPECIAL REVIEW PROCEDURE**

### **Sections:**

#### **17.68.010 Purpose of provisions.**

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such

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uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

### **17.68.020 Application requirements.**

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
  - 1. A legal and general description of the tract(s) upon the special review use is sought;
  - 2. A map showing the dimensions, acreage and location of the tract(s);
  - 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
  - 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
  - 5. A time schedule for development;
  - 6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

### **17.68.030 Evaluation responsibility—Consultation—Notification.**

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdictional of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;
- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing

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and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;

- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

#### **17.68.040 Zoning commission action.**

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
  - 1. Grant the application for special review;
  - 2. Deny the application;
  - 3. Delay action on the application for a period not to exceed thirty days; or
  - 4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
  - 1. Complies with all requirements of this section;
  - 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
  - 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
  - 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
    - a. Street and road capacity,
    - b. Ingress and egress to adjoining streets,
    - c. Off-street parking,
    - d. Fencing, screening and landscaping,
    - e. Building bulk and location,
    - f. Usable open space,
    - g. Signs and lighting,
    - h. Noise, vibration, air pollution and similar environmental influences.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

#### **17.68.050 City council action.**

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning

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commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

(Ord. 94-18, 1994; prior code § 17.88.050)

## **Chapter 17.72 AMENDMENTS**

### **Sections:**

#### **17.72.010 Purpose of provisions.**

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.

(Prior code § 17.84.010)

#### **17.72.020 Amendment procedure.**

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing thereon.

(Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

#### **17.72.025 Amendment by private property owner.**

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application.

(Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

#### **17.72.030 Preapplication conference required.**

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice.

(Prior code § 17.84.030)

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### **17.72.040 Application requirements.**

- A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The zoning change application shall contain the following information:
1. Name of applicant;
  2. Mailing address;
  3. Telephone number;
  4. Accurate legal description of location;
  5. Nature of zoning change requested;
  6. Description of present land uses;
  7. Description of adjacent land uses;
  8. Statement of intended land use;
  9. Statement concerning any expected effect upon the adjacent neighborhood;
  10. Date of preapplication conference;
  11. Names and addresses of adjacent property owners, within three hundred feet;
  12. Signature of applicant;
  13. Payment of all applicable fees.
- B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.
- C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted.

(Prior code § 17.84.040)

### **17.72.050 Planning department evaluation responsibility.**

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;

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- C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;
  - D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
  - E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;
  - F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;
  - G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record.

(Ord. 01-4 (part), 2001; prior code § 17.84.050)

#### **17.72.060 Zoning commission action.**

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
  - 1. Deny the application for amendment to the official map;
  - 2. Grant action on the application for a period not to exceed thirty days;
  - 3. Delay action on the application for a period not to exceed thirty days;
  - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

(Prior code § 17.84.060)

#### **17.72.070 Public hearing—Notice required.**

- A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.
- B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.

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- C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.
  - D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(Ord. 01-4 (part), 2001; prior code § 17.84.070)

## **Chapter 17.76 ENFORCEMENT**

### **Sections:**

#### **17.76.010 Purpose of provisions.**

The provisions of this title shall be enforced by the building inspector, subject to such variations or interpretations as may be made by the board of adjustment.

(Prior code § 17.92.010)

#### **17.76.020 Building official—Powers and duties.**

The building official shall:

- A. Issue building permits for all construction, alteration or movement of buildings or structures after first determining that all applicable provisions of this title are complied with.
- B. Conduct inspections as are necessary to ensure compliance with the provisions of this chapter.
- C. Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land.

(Prior code § 17.92.020)

#### **17.76.030 Planning director—Powers and duties.**

- A. The planning director shall supervise and facilitate the processing of applications for amendments to the official zoning map, special review applications, and requests for variances. Further, it shall be his responsibility to present any applications or requests to the appropriate board or commission.
- B. It shall further be the responsibility of the planning director to aid the various boards, commissions and departments in transmitting recommendations, records and reports to the city council and to otherwise promote procedural regularity in the administration of this title.
- C. The planning director shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate board, commission or department.

(Prior code § 17.92.030)

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### **17.76.040 Abatement procedure.**

If on any inspection the condition of a building or premises, or its use or occupancy is found not to conform to the provisions of this title, the building inspector shall issue written notice to the owner or tenant, specifying the manner in which the building or premises, or its use or occupancy fails to conform, and the owner or tenant shall take steps and make it conform as directed by the building inspector.

(Ord. 01-4 (part), 2001; prior code § 17.92.040)

### **17.76.050 Violation—Penalty.**

- A. Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this title.

(Prior code § 17.92.050)

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 23- (NUMBER)

**Resolution for the City of Laurel/Yellowstone County Planning Board  
to make a Recommendation on Zoning Regulations for the Area around the City of Laurel**

WHEREAS, pursuant to Section 76-2-201 of the Montana Code Annotated, a board of county commissioners may adopt zoning regulations. Pursuant to Section 76-2-205 of the Montana Code Annotated, a board must receive a recommendation on the adoption of the zoning regulations from the planning board.

WHEREAS, the Yellowstone County Board of County Commissioners would like to exercise zoning jurisdiction around the City of Laurel. There has been a controversy as to whether the City of Laurel or the County has zoning jurisdiction around the City. To resolve the dispute, the County has decided to exercise zoning jurisdiction in the area and adopt the existing zoning regulations in the area. To adopt the existing zoning regulations, the Board needs a recommendation from the City of Laurel / Yellowstone County Planning Board on the adoption of the regulations.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners orders the City of Laurel/Yellowstone County Planning Board to make a recommendation to the Board on the adoption of the zoning regulations in the area around the City of Laurel by January 17, 2024. Attached is a map of the area and the zoning regulations for the area. After the Board receives the recommendation from the Planning Board, it intends to adopt the regulations.

Passed and Adopted on the 28<sup>th</sup> day of November 2023.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Donald W. Jones, Member

\_\_\_\_\_  
Mark Morse, Member

ATTEST:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

**Attachments**

- Map 1
- Map 2
- Zoning Regulations

