

**OFFICIAL AGENDA**  
**TUESDAY November 28, 2023**  
**Meeting Start Time: 9:30 a.m.**  
**Board of County Commissioners**  
**Yellowstone County, Montana**  
**Stillwater Building**  
**316 N. 26th Street, Room 3108**  
**Billings, MT**  
**9:15 a.m. Agenda Setting**

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Pledge to the Flag: Moment of Silence: Minutes

**REGULAR AGENDA**

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**9:30 a.m. RECOGNITION**

Andy Dean	Road	20 Years of Service
Michael Lechner	Youth Services Center	20 Years of Service

**9:30 a.m. BID OPENING**

- a. Open and Acknowledge RFQ for Architectural/Engineering Services for Youth Services Center Building
- b. Open and Acknowledge RFQ for Architectural/Engineering Services for the Yellowstone County Museum

**9:30 a.m. ZONE CHANGE PUBLIC HEARINGS**

County Special Review 335- 6200 S Frontage Rd.- A special review request to allow a 10-foot extension of an existing 110-ft tall Wireless Communication Facility (WCF) support structure, in a Heavy Commercial (CX) zone district, on leased area of 2,280 square feet in C.O.S. 2038, PARCEL 1A, AMD. Tax ID: D01913A (land) and I00168 (WCF)

**PUBLIC COMMENTS ON REGULAR, CONSENT AND FILED AGENDA ITEMS**

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**CONSENT AGENDA**

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**CLAIMS**

**1. CLERK AND RECORDER**

- a. Acceptance of Agricultural Covenant for Tracts 4 and 5, Unnumbered COS, Located in Section 6, Township 2 North, Range 30 East.
- b. Unnumbered Certificate of Survey Creating Tracts for Family Member Gifts, Roger S. and Shantel Oblander

**2. COMMISSIONERS**

- a. Board Reappointments - Woody Woods to City/County Planning/ Julie Hecker & Ken Woosley to Youth Services Center Board
- b. Board Openings - Updated List

**3. COUNTY ATTORNEY**

- a. Resolution 23-128 for the City of Laurel/Yellowstone County Planning Board to make a Recommendation on Zoning Regulations for the Area Around the City of Laurel
- b. Resolution 23-129 for the City of Laurel/Yellowstone County Planning Board to make a Recommendation on Subdivision Regulations for the Area Around the City of Laurel

**4. FINANCE**

- a. Resolution 23-127 to Invest in Warrants for RSID 890 54th Street West
- b. I.T. Contract with Tel-Net Systems to Relocated Data Services for Extension Office.
- c. Metra Contract with Tel-Net Services for Data Cabling in the Expo Building.
- d. Metra Contract with Tel-Net for Data Cabling for Pavilion Building

**5. PUBLIC WORKS**

Agreement with Finishing Touch Exteriors for the Road Department Door Replacement

**6. HUMAN RESOURCES**

**PERSONNEL ACTION REPORTS - IT** - 1 Appointment; **Sheriff's Office** - 1 Appointment; **MetraPark** - 1 Termination

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**FILE ITEMS**

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**B.O.C.C. Regular**

**Meeting Date:** 11/28/2023

**Title:** November Recognition

**Submitted By:** Charri Victory

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**TOPIC:**

Andy Dean	Road	20 Years of Service
Michael Lechner	Youth Services Center	20 Years of Service

**BACKGROUND:**

na

**RECOMMENDED ACTION:**

na

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**B.O.C.C. Regular**

**a.**

**Meeting Date:** 11/28/2023

**Title:** Open and Acknowledge RFQ for Architectural and Engineering Services for Youth  
Services Center Building

**Submitted By:** Teri Reitz, Board Clerk

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**TOPIC:**

Open and Acknowledge RFQ for Architectural/Engineering Services for Youth Services Center Building

**BACKGROUND:**

N/A

**RECOMMENDED ACTION:**

Refer to staff for recommendation.

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**B.O.C.C. Regular**

**b.**

**Meeting Date:** 11/28/2023

**Title:** Open and Acknowledge RFQ for Architectural and Engineering Services for the  
Yellowstone County Museum

**Submitted By:** Teri Reitz, Board Clerk

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**TOPIC:**

Open and Acknowledge RFQ for Architectural/Engineering Services for the Yellowstone County  
Museum

**BACKGROUND:**

N/A

**RECOMMENDED ACTION:**

Refer to staff for recommendation.

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**B.O.C.C. Regular****Meeting Date:** 11/28/2023**SUBJECT:** County Special Review 335-Cell Tower extension**THROUGH:** Karen Husman**FROM:** Karen Husman

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**TOPIC**

County Special Review 335- 6200 S Frontage Rd.- A special review request to allow a 10-foot extension of an existing 110-ft tall Wireless Communication Facility (WCF) support structure, in a Heavy Commercial (CX) zone district, on leased area of 2,280 square feet in C.O.S. 2038, PARCEL 1A, AMD. Tax ID: D01913A (land) and I00168 (WCF)

**REQUEST**

This is a special review request to allow a 10-foot extension of an existing 110-ft tall Wireless Communication Facility (WCF) support structure, in a Heavy Commercial (CX) zone district, on leased area of 2,280 square feet in C.O.S. 2038, PARCEL 1A, AMD. To add to the height of this tower as proposed, a Special Review is required. Crown Castle has been informed of the Special Review process previously for this location in 2021 for adding height to the tower that would have exceeded 10% and would have required a Special Review. The tower was extended only 10' at the time to avoid a Special Review and submitted as a minor modification. Now, given the cumulative language in our regulations, it can't be done again so, the Special Review is required under our County Zoning regulations for wireless communication facilities and how that governs tower height.

**APPLICATION DATA****PROPERTY OWNERS:** Sharon Ingraham**AGENT:** Zach Phillips, Crown Castle**LEGAL DESCRIPTION:** C.O.S. 2038, PARCEL 1A, AMD**ADDRESS:** 6200 S Frontage Rd**CURRENT ZONING:** Heavy Commercial (CX)**EXISTING LAND USE:** Wireless Communication Facility (Cell Tower)**PROPOSED LAND USE:** Wireless Communication Facility (Cell Tower extension in height)**SIZE OF PARCEL:** Leased area 2,280 square feet**CONCURRENT APPLICATIONS**

None.

**APPLICABLE ZONING HISTORY**

See attached.

**SURROUNDING LAND USE & ZONING**

NORTH:	Zoning:	CX & RR1
	Land Use:	Residential/Agriculture
SOUTH:	Zoning:	CX
	Land Use:	Trucking company
EAST:	Zoning:	CX
	Land Use:	Agricultural/Vacant
WEST:	Zoning:	CX
	Land Use:	Trucking company

## **REASONS**

### **BACKGROUND**

This is a special review request to allow a 10-foot extension of an existing 110-ft tall Wireless Communication Facility (WCF) support structure, in a Heavy Commercial (CX) zone district, on leased area of 2,280 square feet in C.O.S. 2038, PARCEL 1A, AMD. To add to the height of this tower as proposed, a Special Review is required. Crown Castle has been informed of the Special Review process previously for this location in 2021 for adding height to the tower that would have exceeded 10% and would have required a Special Review. The tower was extended only 10' at the time to avoid a Special Review and submitted as a minor modification. Now, given the cumulative language in our regulations, it can't be done again so, the Special Review is required under our County Zoning regulations for wireless communication facilities and how that governs tower height. Modifications of existing broadcast facilities that meet the requirements of the Minor Modification regulations can be approved, so long as the addition of the antenna arrays add no more than 20 feet in height to the facility and the increase in height of the support structure is no greater than 10 percent. The existing site was granted an extension on February 25, 2022, under the minor modification requirement allowance approved under Zoning Compliance Permit PLN-21-04851. This approval triggers the requirement for the request for an additional extension to have an approved Special Review under Section 27-1007.A.7(b) "Major modification". 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.

### **RECOMMENDATION**

The Zoning Commission recommends conditional approval, based on the nine review criteria detailed in the summary section of this memo.

### **SUMMARY DECISION CRITERIA**

Per Section 27-1622.D; The County Commission shall only approve or conditionally approve a special review request if:

1. The special review use is consistent with the County's growth policy and applicable neighborhood plans, if any;
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:
  - a. Regulation of the use;
  - b. Special setbacks, buffers, or screening;
  - c. Surfacing of parking areas;
  - d. Street, alley, or service road dedications, improvements, or bonds;
  - e. Regulation of points of vehicular ingress and egress;
  - f. Regulation of signs;
  - g. Regulation on the performance of the site, including noise, vibration, and odors;
  - h. Regulation of the hours of activities;
  - a. Timeframe for development
  - j. Duration of use; and
  - k. Other relevant conditions that will ensure the orderly development of the site.

7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and
9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commission.

Some of the criteria above are not particularly applicable to the proposed project to increase the height of the existing WCF tower. For example, traffic management and hours of business may not have any relevance to the application. The proposed project will include installation of the tower extension. Each decision criteria must be given due consideration and a finding is proposed for each one. Planning staff is including a set of recommended conditions of approval based on submitted site plan, applicant letter, and findings of the criteria.

## **ZONING COMMISSION PUBLIC HEARING AND DISCUSSION**

### **STAKEHOLDERS**

The pre application neighborhood meeting was held on September 6, 2023, at 5pm, at the Surestay Best Western conference room. Of the five notified property owners only Sharon Ingraham, the ground landlord attended the meeting. Construction Plans and Photo-simulations were provided. Zach Phillips, with Crown Castle spoke with Sharon about some of the concerns she had with the recent Dish installation and how the previous tower extension was staged. Zach assured Sharon there would be additional construction notes telling the General Contractor to talk with Sharon before construction starts and plan out where equipment would go, for minimal impacts on the site and the residents during installation. Additionally, staff has prepared proposed conditions limiting hours of construction activity. As of the date of this memo, there were no other comments or correspondence received from any County department staff.

Planning staff prepared and mailed the public hearing notice to surrounding property owners, published a legal ad and posted the property with the Zoning Request sign. Planning staff receive no communication on the application from the surrounding owners or the public.

The Yellowstone County Zoning Commission held a public hearing on November 13, 2023. Staff gave a brief presentation and findings with the recommendation of conditional approval. The commissioners asked for clarification from staff if the height of the tower could be increased continually. Staff confirmed they would be able to add height to the tower in the future under section 27-1007.A.7 with a minor or major modification. There were no members of the public in attendance and there were no comments in favor or in opposition to the proposed Special Review. A motion was made by Commissioner Poplar to forward a recommendation of conditional approval along with staff's recommended findings of the review criteria to the Board of County Commissioners. The motion was seconded by Commissioner Gentry and approved by a 3-0 voice vote.

## **PROPOSED COUNTY COMMISSION DETERMINATIONS**

1. The special review use is consistent with the growth policy and applicable neighborhood plans, if any.

**Applicant:** The proposed cell tower modifications are intended to provide better coverage and coverage options to nearby residents that use wireless communication. New developments that are sensitive to and compatible with the character of existing neighborhoods.

**Staff:** There are guidelines in the Growth Policy that include desirable development on an existing property and the plan for extending the tower height by an additional ten feet. The Growth Policy Guidelines supports the proposed use in some respects.

*Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns.*

Approval of this special review is consistent with neighboring properties. The existing tower is in compliance with applicable codes, and an increase in height would be consistent with the surrounding commercial neighborhood adjacent to an arterial as well as proximity to the I 90 interstate corridor.

*Goal: New developments that are sensitive to and compatible with the character of existing neighborhoods.*

As stated in Goal 1 above; The existing tower is in compliance with applicable codes, and an increase in height would be consistent with the surrounding commercial neighborhood adjacent to an arterial as well as proximity to the I 90 interstate corridor.

2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

**Applicant:** This is an unmanned facility that is already being used for wireless communication. There will not be an increase in the footprint of the equipment compound, which is surrounded by a landscape buffer. The facility is located on land that is zoned CX -- Heavy Industrial and is surrounded by properties that are similarly zoned.

**Staff:** The leased site is not large, and the area has limited activity. Vehicle access will be from South Frontage Road. Staff concurs with the applicant, there will not be an increase in the footprint of the equipment compound. The facility is located on land that is zoned CX -- Heavy Industrial and is surrounded by properties that are similarly zoned.

3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.

**Applicant :** This is an existing 110' cell tower in a Heavy Industrial zone. The siting of T-Mobile onto the exiting tower versus building a new tower mitigates the impacts of a new facility. The ground footprint doesn't increase, and the existing facility already has an existing landscape screen. It is also located away from residential zones in a Heavy Industrial zone near I-90.

**Staff :** Staff agrees with the applicant for this is an existing site and will have minimal changes. The ground footprint doesn't increase, and the facility has an existing landscape screen. It is also located away from residential zones in a Heavy Industrial zone near I-90.

4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

**Applicant :** This is an unmanned facility and once it is constructed will have no impacts to surrounding property. Cell facilities typically average about one tech visit per month. That work usually is with the equipment in the support cabinets. **Staff :** Staff concurs with the applicant it is an unmanned facility and once it is constructed will have no impacts to surrounding property because it is an existing tower in place and in use. There is no evidence to support potential changes in property values. This location has an existing tower and this type of development is not out of character for this area and should not diminish or impair property values in the area.

5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

**Applicant:** The proposed facility and use will not impede the normal improvement of the surrounding properties. This project will upgrade an existing facility and would not affect the aesthetics of the area. It will continue to offer the current service with an additional height for a broader service area.

**Staff:** Planning staff believes the upgraded tower will allow expansion of service to the Yellowstone

County and surrounding areas for increased cellular services. This ten foot extension in height should not impact the development of surrounding property and uses because it is an existing tower already in place and in use.

6. Conditions necessary to protect the public health, safety, and general welfare can be established.

Staff recommends the following conditions of approval based on the above findings and the applicant's stated intent to bring the property into compliance with current regulations. These conditions will be related to the listed categories above, but may include other issues specific to the use for a bar and casino.

1. This special review approval is for the proposed ten foot extension of the wireless communications facility located COS 2038, Parcel 1A, AMD, a leased area of 2,280 square feet, generally located at 6200 South Frontage Rd.
2. The site improvements will be as shown on the submitted site plans and architectural drawings as prepared and attached to these conditions of approval.
3. All landscaping shall be maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible.
4. There will be no construction activity, including staging of operating equipment producing noise, prior to 7:00 am or after 8:00 pm daily.
5. These conditions run with the land use and are binding upon and must be adhered to by the property owner/ lessee and any successors, transferees or assigns, with the exception of these conditions.
7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

**Applicant :** The proposed facility will go through a full permitting review from Planning and Public Works for site layout and utility conformance.

**Staff :** Staff concurs with the applicant's statements. There are no site-specific conditions that would hamper the applicant's ability to fulfill the local and state regulations for access, utilities, drainage or other necessary facilities.

8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets.

**Applicant:** There are no special considerations for this lot.

**Staff:** Staff Concurs with the applicant. There will be no changes to the existing access.

9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the BOCC.

**Applicant:** No request to modify the regulations have been made.

**Staff:** Planning staff has not identified any detail of the site plan or narrative of the project that would require modification of the requirements for this application. The site appears to meet all of the requirements for structure height, setbacks, separations, lot coverage, and yard treatments. Staff has recommended specific conditions related to the construction of the additional ten feet as well as time requirements for completion.

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## Attachments

Zoning Map & Site Photos

Application & Applicant Letter

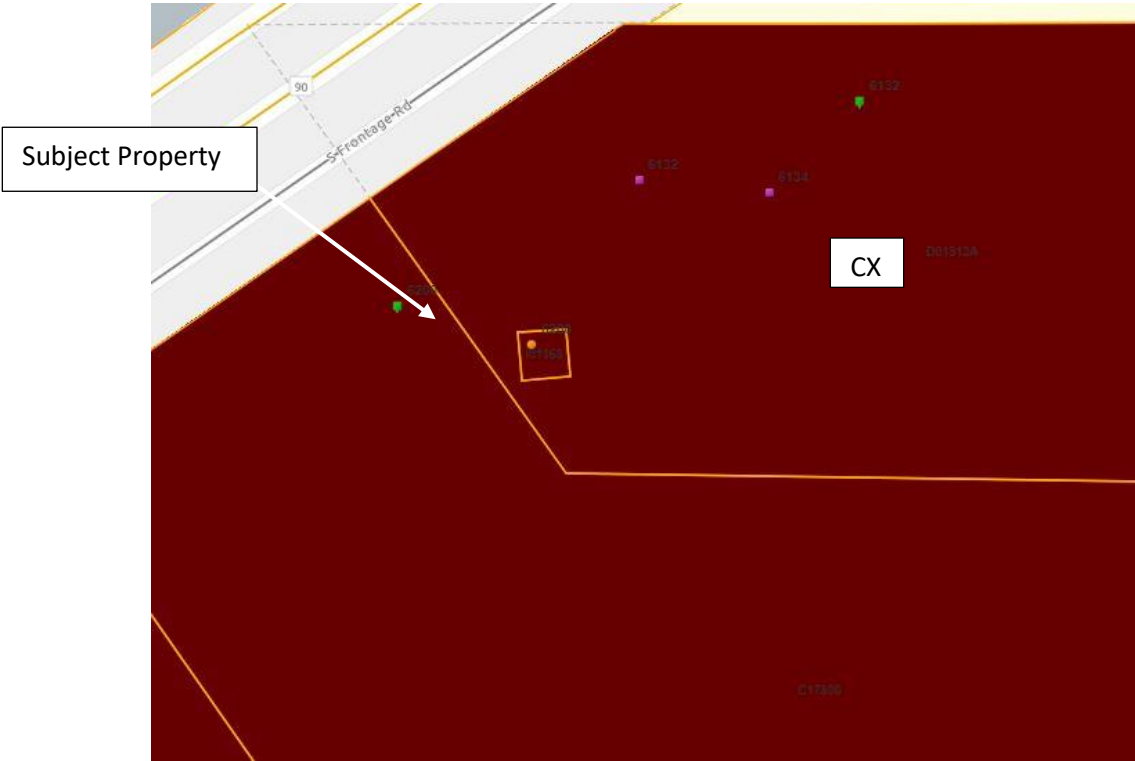
Neighborhood Meeting Info

Site Plan

## History

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Zoning Map & site photos





Zoning Map & site photos





## Zoning Map & site photos



## Zoning Map & site photos



## Attachments

### APPLICATION FORM

#### COUNTY Special Review

COUNTY Special Review # 335 - Project # PZX-23-00182

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: CX - Heavy Commercial

Special Review Requested: Add a 10' extension onto an existing 110' cell tower and support equipment to be located inside of an existing support compound. This proposal is covered under the Code of Federal Regulations; Title 47; Section 1.6100 Wireless Facility Modifications.

PROPERTY TAX ID# 03-0927-18-3-01-01-4001 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S18, T01 S, R26 E, SD 23UF, CELL TOWER @ D1913 \*\*CENTRALLY ASSESSED\*\*  
I00168 - WCF at 6132 S Frontage Rd D01913A- Land at 6134 S Frontage Rd

Address or General Location (If unknown, contact County Public Works): \_\_\_\_\_  
6132 South Frontage Rd., Billings, MT 59101

Size of Parcel (Area & Dimensions): .05 acres, 2,280 sq.ft.

Present Land-Use: Wireless Communication Facility

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Sharon Ingraham  
(Recorded Owner)  
6132 S FRONTAGE RD, BILLINGS MT 59101-6381  
(Address)  
406/656-3955  
(Phone Number) (email)

Agent(s): Zach Phillips with Crown Castle (CCATT LLC)  
(Name)  
1842 SW Lobelia St., Portland, OR 97219  
(Address)  
503/708-9200 zach.phillips@crowncastle.com  
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: See attached redacted lease. Zach Phillips for CCATT LLC 9/15/23  
(Recorded Owner) Date: \_\_\_\_\_



Date Stamp

County Special Review 2023-24



## Attachments



1505 Westlake Ave N  
Seattle, WA 98109

Phone: (503) 708-9200  
www.crowncastle.com

September 17, 2023

STATE OF MONTANA DEPARTMENT OF LABOR & INDUSTRY  
Building Codes Program  
301 SOUTH PARK, 4TH FLOOR/PO BOX 200513  
HELENA, MT 59620-0513

Via Electronic Delivery

\*\*\*\*\*NOTICE OF ELIGIBLE FACILITIES REQUEST\*\*\*\*\*

RE: Request for Minor Modification to Existing Wireless Facility – Section 6409  
Site Address: 6132 SOUTH FRONTAGE ROAD, BILLINGS, MT 59101  
Crown Site Number: 858415 / Crown Site Name: ZOD\_ALLTEL\_MTBL\_FUDDS  
Customer Site Number: MT06024A / Application Number: 616533

Attention Building Codes Program:

On behalf of T-Mobile West LLC (“T-Mobile” or “Applicant”), Crown Castle USA Inc. (“Crown Castle”) is pleased to submit this request to modify the existing wireless facility noted above through the collocation, replacement and/or removal of the Applicant’s equipment as an Eligible Facilities Request for a minor modification under Section 6409<sup>1</sup> and the rules of the Federal Communications Commission (“FCC”).<sup>2</sup>

Section 6409 mandates that state and local governments must approve any eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. Under Section 6409, to toll the review period, if the reviewing authority determines that the application is incomplete, it must provide written notice to the applicant within 30 days, which clearly and specifically delineates all missing documents or information reasonably related to whether the request meets the federal requirements.<sup>3</sup> Additionally, if a state or local government, fails to issue any approvals required for this request within 60 days, these approvals are deemed granted. The FCC has clarified that the 30-day and 60-day deadlines begins when an applicant: (1) takes the first step required under state or local law; and (2) submits information sufficient to inform the jurisdiction that this modification qualifies under the federal law<sup>4</sup>. Please note that with the submission of this letter and enclosed items, the thirty and sixty-day review periods have started. Based on this filing, the deadline for written notice of incomplete application is October 17, 2023, and the deadline for issuance of approval is November 16, 2023.

<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

<sup>2</sup> *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); and *Implementation of State & Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020).

<sup>3</sup> See 47 CFR § 1.6100 (c)(3). <sup>4</sup> See 2020 Upgrade Order at paragraph 16.

The Foundation for a Wireless World

CrownCastle.com

## Attachments



1505 Westlake Ave N  
Seattle, WA 98109

Phone: (503) 708-9200  
[www.crowncastle.com](http://www.crowncastle.com)

The proposed scope of work for this project includes:

Add or replace antennas, ancillary equipment and ground equipment as per plans for an existing carrier on an existing wireless communication facility.

At the end of this letter is a checklist of the applicable substantial change criteria under Section 6409. Additionally, please find enclosed the following information in support of this request:

- (1) County Special Review Application;
- (2) Construction Drawings;
- (3) Structural Analysis; and
- (4) Section 6409 Substantial Change Checklist.

As these documents indicate, (i) the modification involves the collocation, removal or replacement of transmission equipment; and (ii) such modification will not substantially change the physical dimensions of such tower or base station. As such, it is an "eligible facilities request" as defined in the FCC's rules to which the 60-day deadline for approval applies. Accordingly, Applicant requests all authorization necessary for this proposed minor modification under Section 6409.

Our goal is to work with you to obtain approvals earlier than the deadline. We will respond promptly to any request for related information you may have in connection with this request. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will improve wireless telecommunication services in your community using collocation on existing infrastructure. If you have any questions, please do not hesitate to contact me.

Regards,

***Zach Phillips***

Zach Phillips  
Site Acquisition Specialist  
Crown Castle, Agent for Applicant  
(503) 708-9200  
[Zach.Phillips@crowncastle.com](mailto:Zach.Phillips@crowncastle.com)

## Attachments



1505 Westlake Ave N  
Seattle, WA 98109

Phone: (503) 708-9200  
www.crowncastle.com

### Section 6409 Substantial Change Checklist Towers Outside of the Public Right of Way

The Federal Communications Commission has determined that a modification substantially changes the physical dimension of a wireless tower or base station under 47 U.S.C. § 1455(a) if it meets one of six enumerated criteria under 47 C.F.R. § 1.6100.

#### Criteria for Towers Outside the Public Rights of Way

YES/NO <b>NO</b>	Does the modification increase the height of the tower by more than the greater of: (a) 10% (b) or, the height of an additional antenna array plus separation of up to 20 feet from the top of the nearest existing antenna?
YES/NO <b>NO</b>	Does the modification add an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater?
YES/NO <b>NO</b>	Does the modification involve the installation of more than the standard number of new equipment cabinets for the technology involved or add more than four new equipment cabinets?
YES/NO <b>NO</b>	Does the modification entail any excavation or deployment outside the current site by more than 30 feet in any direction, not including any access or utility easements?
YES/NO <b>NO</b>	Does the modification defeat the concealment elements of the eligible support structure?
YES/NO <b>NO</b>	Does the modification violate conditions associated with the siting approval with the prior approval the tower or base station other than as specified in 47 C.F.R. § 1.6100(c)(7)(i) – (iv)?

If all questions in the above section are answered “NO,” then the modification does not constitute a substantial change to the existing tower under 47 C.F.R. § 1.6100.

## Attachments



## Attachments

### Checklist

1. Complete the application form at the back of this application packet.

**Response:** *The application has been filled out and attached. Crown Castle under its entity CCATT LLC has rights to modify the cell tower and equipment area. A redacted lease has been provided.*

2. Request a radius map, a surrounding owners list and mailing labels for the required pre-application neighborhood meeting. (See Page -2-)

**Response:** *Radius map from the City of Billings and reviewed and approved by Yellowstone County has been included.*

3. Conduct the pre-application neighborhood meeting (YC Zoning Section 27-1604) as required. Prepare copies pre-application meeting materials including the owner's statement affirming the meeting was held and the application is based on the material presented at the meeting.

**Response:** *Of the five notified property owners only Sharon Ingraham, the ground landlord attended the meeting. She signed the attached "Public Meeting Attendance." Construction Plans and Photo-simulations were provided. I spoke with Sharon about some of the concerns she had with the recent Dish installation and how the previous tower extension was staged. I let Sharon know that I would ensure there were construction notes added telling the General Contractor to talk with Sharon before construction starts and plan out where equipment would go.*

4. Prepare a brief synopsis of the pre-application meeting result, a roster of the persons who attended and audio or written minutes of the meeting.

**Response:** *Of the five notified property owners only Sharon Ingraham, the ground landlord attended the meeting. She signed the attached "Public Meeting Attendance." Construction Plans and Photo-simulations were provided. I spoke with Sharon about some of the concerns she had with the recent Dish installation and how the previous tower extension was staged. I let Sharon know that I would ensure there were construction notes added telling the General Contractor to talk with Sharon before construction starts and plan out where equipment would go.*

5. Submit the map and list to the MT Department of Revenue to obtain a certified list of the property owner names and mailing addresses.

**Response:** *See the attached "State Certified Mailing List" and "State Certified Mailing Radius."*

6. Place the certified names and mailing addresses on the blank mailing labels (provided by Planning Division).

## Attachments

**Response:** I did not receive blank mailing labels. I used Avery 5260 blank labels and exported the data from the approved mailing list, see attached "Mailing Labels."

7. Include the map, certified list, and completed mailing labels with the completed application.

**Response:** See answers to 2. and 6.

8. Prepare a written statement to the Board of Adjustment and include the following information:

**Response:** A narrative has been provided showing how this proposal meets federal law under the Code of Federal Regulations; Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications. The modifications are typical to a facility meeting these requirements, often referred to as 6409. Typically, this kind of review is done administratively.

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

**Response:** The proposed cell tower modifications are intended to provide better coverage and coverage options to nearby residents that use wireless communication.

B. How the site is adequate in size and location to accommodate the proposed use while still meeting all of the zone district requirements such as landscaping and parking.

**Response:** This is an unmanned facility that is already being used for wireless communication. There will not be an increase in the footprint of the equipment compound, which is surrounded by a landscape buffer. The facility is located on land that is zoned CX – Heavy Industrial and is surrounded by properties that are similarly zoned.

C. How the proposed use is compatible with nearby uses and how the applicant intends to mitigate any potential impacts.

**Response:** This is an existing 110' cell tower in a Heavy Industrial zone. The siting of T-Mobile onto the existing tower versus building a new tower mitigates the impacts of a new facility. The ground footprint doesn't increase, and the existing facility already has an existing landscape screen. It is also located away from residential zones in a Heavy Industrial zone near I-90.

D. How the proposed use will not impede the normal improvement of surrounding property.

**Response:** This is an unmanned facility and once it is constructed will have no impacts to surrounding property. Cell facilities typically average about one tech visit per month. That work usually is with the equipment in the support cabinets.

## Attachments

## Attachments

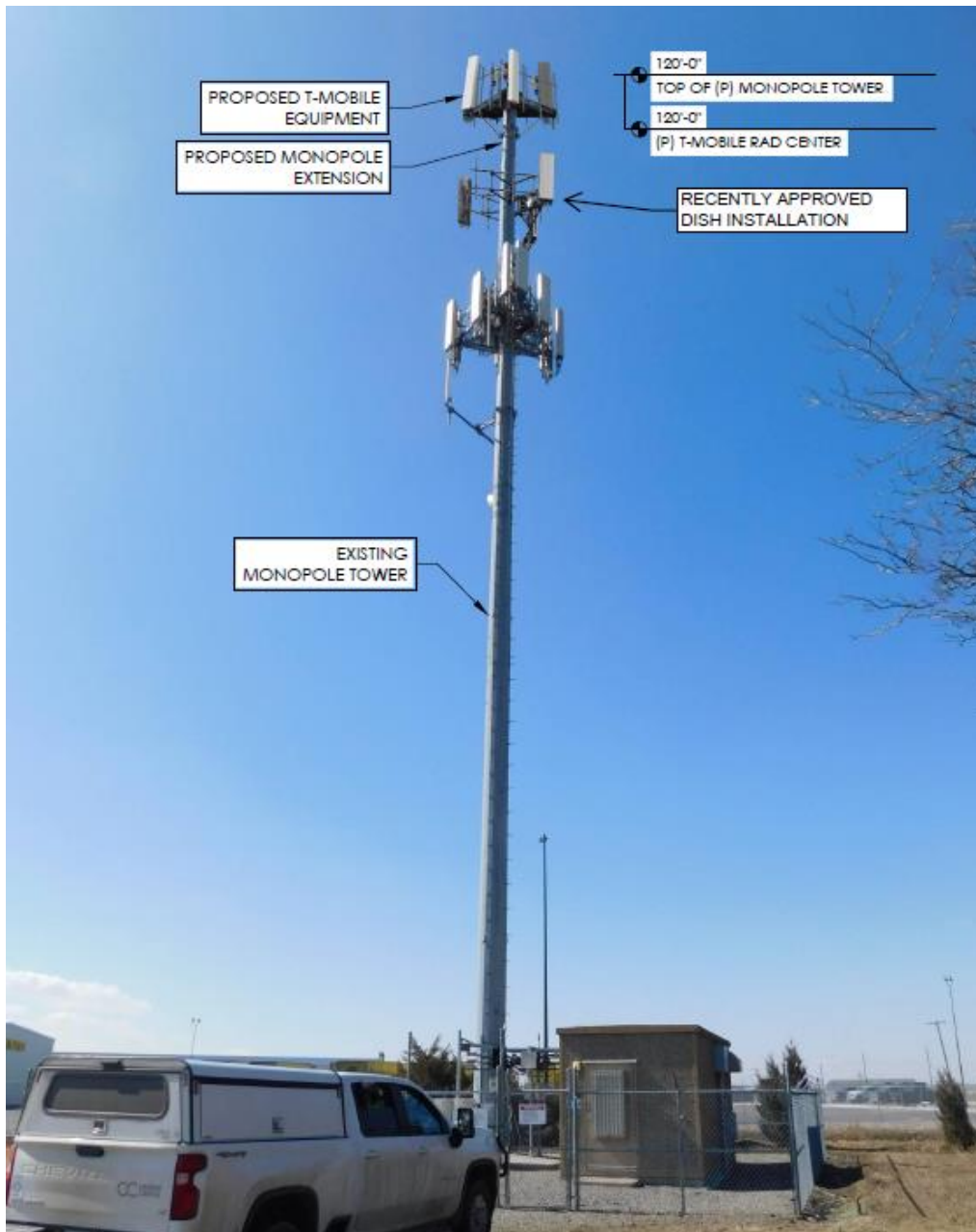
## Attachments

## Attachments

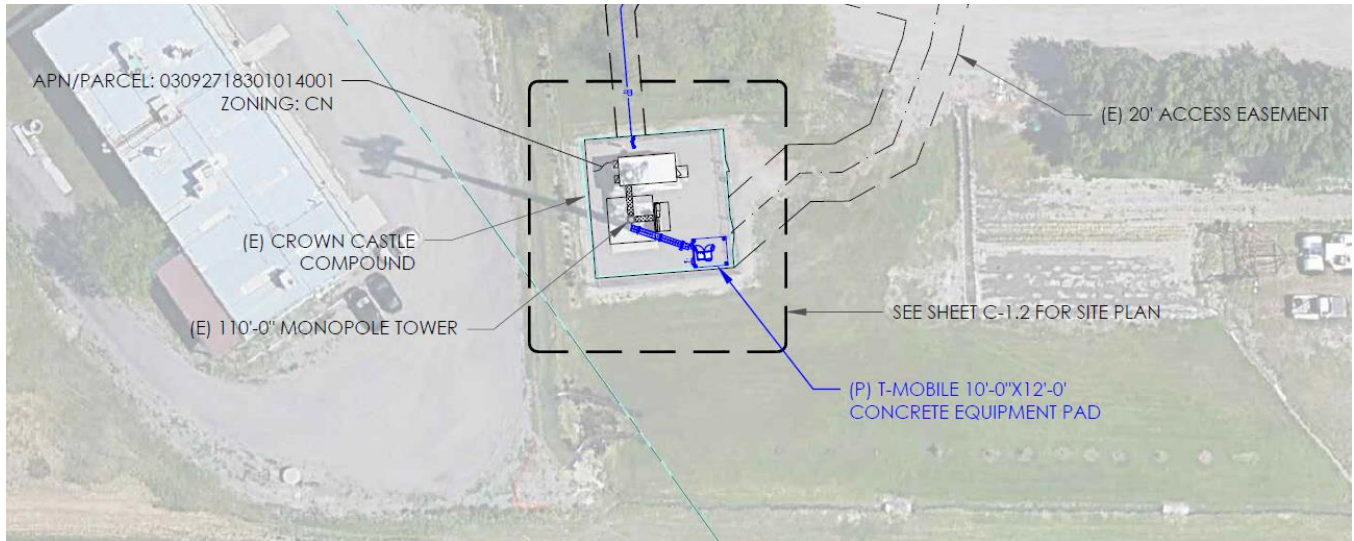
### **Neighborhood Meeting to Present T-Mobile Proposal**

T-Mobile is proposing to add a 10' tower extension onto an existing 110' Crown Castle cell tower and collocate four antennas and ancillary equipment onto the extension. It will also include ground mounted support equipment on a new 10' x 12' concrete slab inside of the existing equipment compound.

#### **Cell Tower-**



## Aerial View of Equipment Compound-



To meet Yellowstone County's permit submittal requirements, Crown Castle is hosting a meeting to explain what is being proposed and address questions for neighbors that are within 600 ft. of the cell tower facility.

### Meeting Details:

- Date: September 6, 2023
- Time: 5pm to 6:30pm
- Location: SURESTAY PLUS BY BEST WESTERN  
Conference Room  
3040 King Ave. West  
Billings, MT 59102

### Property Details:

- Address: 6132 South Frontage Rd  
Billings, MT 59101
- Owner: AT&T (Attorney in Fact: CCATT LLC, dba Crown Castle), Underlying Ground Owner, Sharon Ingraham
- Legal: S18, T01 S, R26 E, SD 23UF, CELL TOWER @ D1913
- Zone: CX-Heavy Commercial



If you have questions and cannot attend please call or email me. My information is in my signature block.

Thank you,

A handwritten signature in blue ink, appearing to read 'Zach Phillips', with a stylized flourish at the end.

Zach Phillips  
Site Acquisition Specialist  
Crown Castle  
[zach.phillips@crowncastle.com](mailto:zach.phillips@crowncastle.com)  
503.708.9200

## Sign in:

	Name	Email
1.	Zach Phillips	Zach.phillips@crowncastle.com
2.	Sharon Ingraham	sharoningraham6132@outlook.com
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

## Attachments

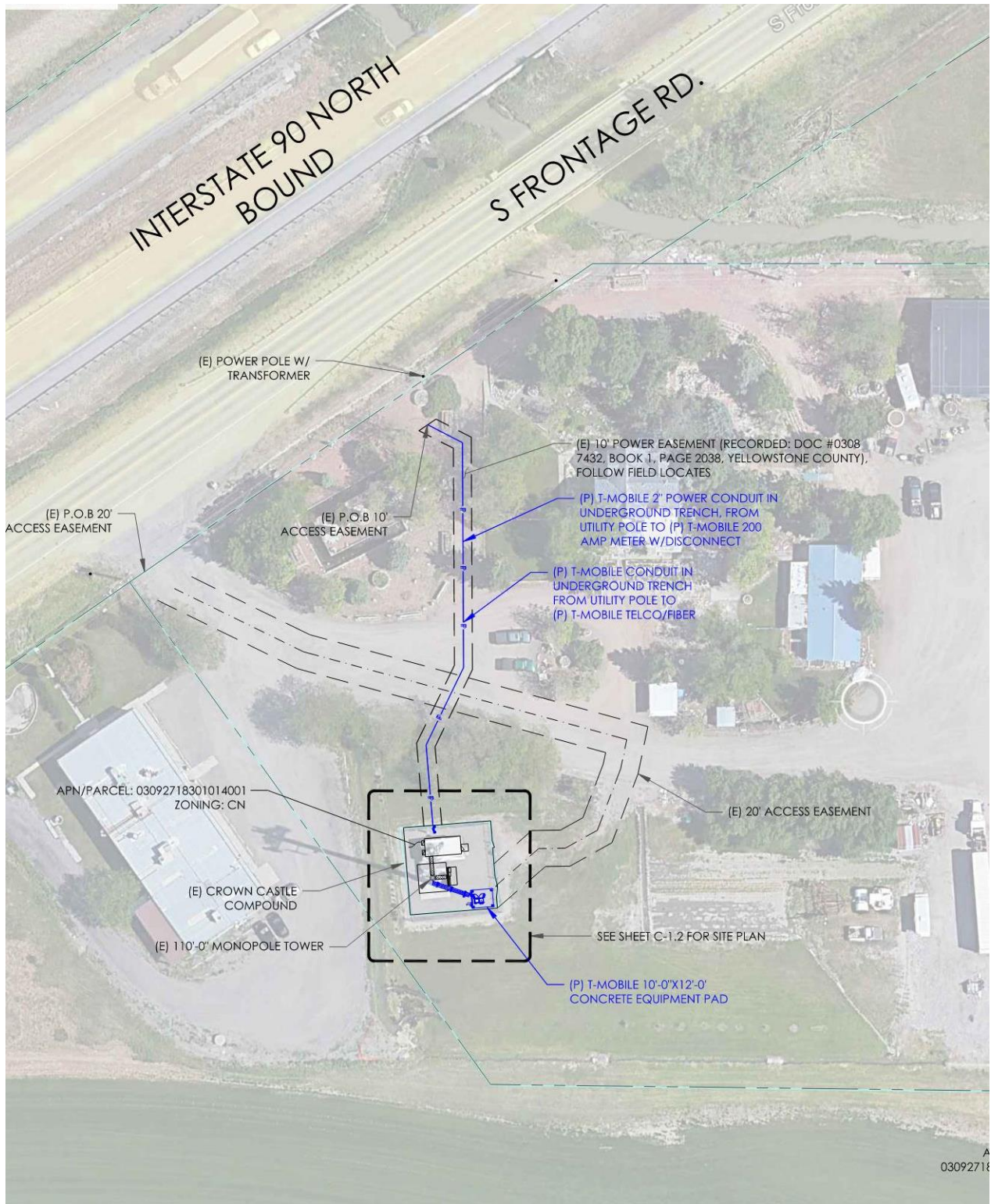


1505 Westlake Ave N  
Seattle, WA 98109

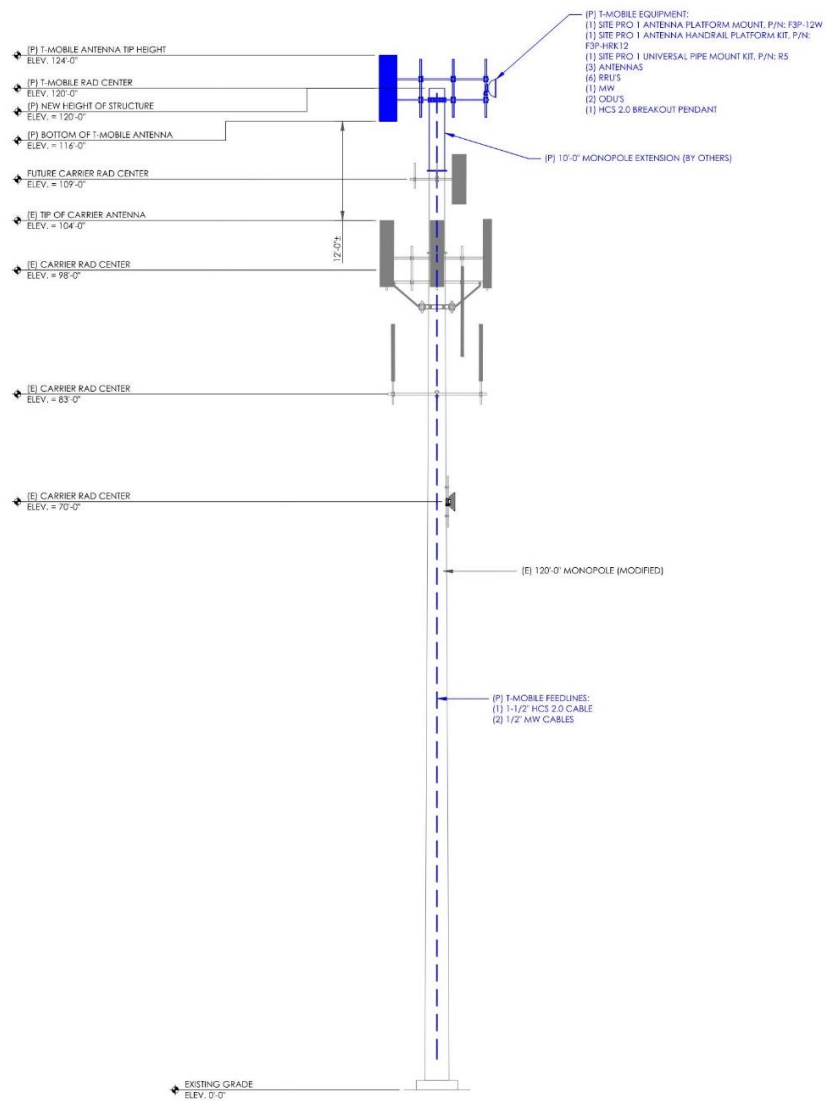
Phone: (503) 708-9200  
www.crowncastle.com

Project Data Sheet	
Business Unit (BU)	858415
Application/Order Number	616533
Crown Castle Site Name	ZOD_ALLTEL_MTBL_FUDDS
Customer Site Number	MT06024A
Site Address	6132 SOUTH FRONTAGE ROAD
Site City, State, Zip	BILLINGS, MT 59101
Parcel Tax ID	03-0927-18-3-01-01-4001
Applicant / Agent	T-Mobile West LLC by Crown Castle USA Inc.
Agent Address	1505 Westlake Ave N
Agent phone number	(503) 708-9200
Carrier	T-Mobile
Scope of work	Add or replace antennas, ancillary equipment and ground equipment as per plans for an existing carrier on an existing wireless communication facility.
Property Owner	INGRAHAM, SHARON L
Property Owner Address	6132 SOUTH FRONTAGE RD, BILLINGS, MT 59102
Structure Type	MONOPOLE
Structure Height	110 FT
Antenna Equipment Height	120
Size of Compound Sq. Ft.	2,352 sq ft
Latitude	45° 44' 49.65"
Longitude	-108° 34' 13.63"
Zoning Jurisdiction	COUNTY OF YELLOWSTONE, MT
Zoning Jurisdiction Address	2305 8TH AVE N., BILLINGS, MT 59101
Permitting Jurisdiction	STATE OF MONTANA DEPARTMENT OF LABOR & INDUSTRY
Permitting Jurisdiction Address	301 SOUTH PARK, 4TH FLOOR/PO BOX 200513, HELENA, MT 59620-0513

Attachments



Attachments



1 FINAL TOWER ELEVATION  
SCALE: 1/8"=1'-0" (FULL SIZE)  
1/16"=1'-0" (11x17)



## Attachments



<b>SUBJECT PROPERTY</b>	<b>Special Review</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
None					
<b>SURROUNDING PROPERTY</b>	<b>Special Review</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
1010 Grand Ave	996	4/4/23	30 ft WCF height increase	Y	Existing Tower height increase
1127 Alderson	668	1/22/2001	50 ft WCF on building	Y	Roof top antenna
1150 W Wicks Lane	243 (County)	4/29/1998	100 ft WCF	Y	
1202 & 1204 W Wicks Lane	270 (County)	1/9/2001	250 ft WCF and tower farm	Y	2 of 3 constructed
1150 W Wicks Lane – N.W.E.	960	1/18/2018	60 ft WCF	Y	For use by Northwestern Energy only
1235 W Wicks Lane	957	10/23/2017	Concealed rooftop	Y	
2132 Grand Ave	684	10/23/2000	160 ft WCF	Y	Constructed
1601 S Shiloh Rd	700	5/29/2001	250 ft WCF	Y	Constructed at 180 ft
704 Dunham Ave	979	10/28/2019	WCF height increase to 66 ft	Y	
286 Southview Dr (Airport)	922	2/23/2015	100 ft WCF	Y	Constructed

**B.O.C.C. Regular**

1. a.

**Meeting Date:** 11/28/2023

**Title:** Oblander Ag Covenant

**Submitted For:** Jeff Martin, Clerk And Recorder

**Submitted By:** Jeff Martin, Clerk And Recorder

---

**TOPIC:**

Acceptance of Agricultural Covenant for Tracts 4 and 5, Unnumbered COS, Located in Section 6, Township 2 North, Range 30 East.

**BACKGROUND:**

Reviewed.

**RECOMMENDED ACTION:**

Execute.

---

**Attachments**

Oblander Ag

---



Return to:  
WWC Engineering  
550 S 24<sup>th</sup> St W Ste 201  
Billings, MT 59102

## DECLARATION OF AGRICULTURAL COVENANTS

This Declaration made this 3<sup>RD</sup> day of NOVEMBER, 2023, by Roger S. Oblander and Shantel Oblander, hereinafter referred to as the "Declarant".

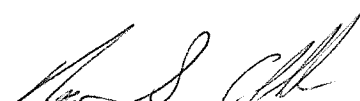
That whereas, Declarant is the owner of certain property described as TRACT 4 and TRACT 5 of Certificate of Survey No. \_\_\_\_\_ on file and of record in the office of the Clerk and Recorder, Yellowstone County, Montana, filed as Document No. \_\_\_\_\_.

Now, therefore, Declarant hereby declares that the parcels described above shall be held, sold, and conveyed in any matter subject to the following covenants, which shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof. This covenant may be revoked by mutual consent of the owners of the parcels in question and the governing body of Yellowstone County. The governing body is deemed to be a party to and may enforce this covenant. TO WIT:

The parcel described above shall be used exclusively for agricultural purposes and no building or structure requiring water or sewage facilities may be erected or utilized thereon.

Note: Any change in use of the land for anything other than agricultural purposes subjects the parcel to review and approval following the procedures established for 76-3-207(1)(c) and 76-3-211, MCA.

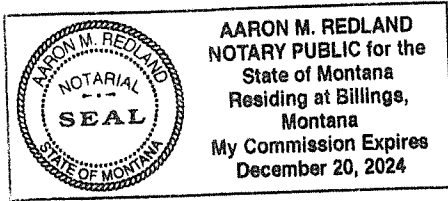
IN WITNESS WHEREOF, the undersigned, being the Declarant, herein, have hereunto set their hand.

  
\_\_\_\_\_  
Roger S. Oblander

  
\_\_\_\_\_  
Shantel Oblander

STATE OF MONTANA    )  
                              :SS  
County of Yellowstone )

On this 3<sup>RD</sup> day of NOVEMBER, 2023, before me a Notary Public for the State of Montana, personally appeared Roger S. Oblander and Shantel Oblander whose name is subscribed to the within instrument and acknowledged to me that they executed the same.



Aaron M. Redland  
Notary Public for the State of Montana

In Witness Whereof, we have set our hands and seal of Yellowstone County, Montana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS:

By: \_\_\_\_\_  
Commissioner, Chairman

YELLOWSTONE COUNTY, MONTANA

By: \_\_\_\_\_  
Commissioner, Member

Attest: \_\_\_\_\_  
Yellowstone County Clerk and Recorder

By: \_\_\_\_\_  
Commissioner, Member

**B.O.C.C. Regular**

1. b.

**Meeting Date:** 11/28/2023

**Title:** Oblander COS

**Submitted For:** Jeff Martin, Clerk And Recorder

**Submitted By:** Jeff Martin, Clerk And Recorder

---

**TOPIC:**

Unnumbered Certificate of Survey Creating Tracts for Family Member Gifts, Roger S. and Shantel Oblander

**BACKGROUND:**

The topic was discussed in detail at a recent discussion meeting.

**RECOMMENDED ACTION:**

Execute.

---

**B.O.C.C. Regular**

**2. a.**

**Meeting Date:** 11/28/2023

**Title:** Board Reappointments

**Submitted By:** Erika Guy

---

**TOPIC:**

Board Reappointments - Woody Woods to City/County Planning/ Julie Hecker & Ken Woosley to Youth Services Center Board

**BACKGROUND:**

See Attachments

**RECOMMENDED ACTION:**

Sign and Mail

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**Attachments**

Woody Woods

Ken Woosley

Julie Hecker

---

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

November 28, 2023

Mr. Woody Woods  
129 Rolling Meadow Drive  
Billings, MT 59101

RE: Re-appointment to City/County Planning Board

Dear Mr. Woods,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2025.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Brenda Berns, 2825 3<sup>rd</sup> Ave N, 4<sup>th</sup> Floor, Billings, MT 59101

NOV 20 2023

BOARD APPLICATION FORM  
YELLOWSTONE COUNTY, MONTANA

OCT 13 2023

1:44pm

Re-use app.  
11/20/23

NAME: Woody Woods HOME PHONE: (406) 794-7955 Re-use app. 11/16/21  
ADDRESS: 129 Rolling Meadow Drive WORK PHONE: \_\_\_\_\_  
CITY: Billings STATE: MT ZIP: 59101  
BUSINESS OR JOB: Retired  
E-MAIL ADDRESS: wwoods1945@gmail.com  
BOARD OR COMMISSION APPLIED FOR: City/County Planning Board District 5

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

Over 45 years of Engineering & Development experience in Billings & Yellowstone Co.. Retired Manager of Lockwood Water & Sewer District and helped bring the public sewer system to the Community of Lockwood. Preparation & management of yearly operating budgets for the Lockwood Water & Sewer District.

Why do you wish to serve on this Board or Commission?

Since retiring from Lockwood Water & Sewer District I have time available to get more involved. I would like to continue representing the Community of Lockwood, help with the orderly growth of our community, and make sure that the concerns of the community are heard.

Additional information that you feel is pertinent (attach additional sheets if needed):

Since 2014 I have served as Vice-Chair on the Lockwood Pedestrian Safety District Advisory Board. I represent Yellowstone County District 5 on the City/County Planning Board and serve as the Vice President. I serve as co-chairman on "Project Recode" which will simplify the Yellowstone County Zoning Regulations. I have been involved in the TEDD district located in the Community of Lockwood since it's inception and serve as the Chair of the current TEDD Advisory Board.

Woody Woods  
Signature

10/21/2019  
Date

Return application to: Board of County Commissioners  
P.O. Box 35000  
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/> DATE <u>11/28/23</u>
TERM EXPIRATION DATE: <u>12/31/25</u>		
(Circle one)		
ORIGINAL APPOINTMENT	<input checked="" type="radio"/> REAPPOINTMENT	TERM NO. <u>5</u>

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

November 28, 2023

Mr. Ken Woosley  
2532 Howard Ave.  
Billings, MT 59102

RE: Re-appointment to Youth Services Center Board

Dear Mr. Woosley,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2025.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Val Weber, 410 S. 26<sup>th</sup> St., Billings, MT 59101



NOV 20 2023

DEC 01 2021

BOARD APPLICATION FORM  
YELLOWSTONE COUNTY, MONTANA

\*Re-rec  
old App  
11/20/23

NAME: Ken Woosley HOME PHONE: 698-3024  
ADDRESS: 2532 Howard Ave. WORK PHONE: 698-3024  
CITY: Billings STATE: MT ZIP: 59102  
BUSINESS OR JOB: Retired  
E-MAIL ADDRESS: kenwoosley@bresnan.net  
BOARD OR COMMISSION APPLIED FOR: Youth Services Center

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

On Nov. 12, 2021, I completed three years of employment at Youth Services Center, worked every shift in shelter care and in detention, spoke with most youth to learn about their backgrounds, and worked with every staff member to assure the safety, security, and essential needs of all were met. The experience has given me a good understanding of the purpose of YSC and perspectives to share with the entire Advisory Board to factor into the decision making process.

Why do you wish to serve on this Board or Commission?

15 years ago, I made a vow to do everything possible to help change the trajectory of the lives of troubled youth. Since then, I have had the opportunity to work with several nonprofit organizations across the U.S., helping them become sustainable and to secure tools needed to deliver successful outcomes-based behavioral and mental health services to youth. Serving on this Advisory Board will provide a platform to share knowledge and information from a broad scope of perspectives and experience.

Additional information that you feel is pertinent (attach additional sheets if needed):

I have been a resident of Yellowstone County for more than 40 years with my home located in Billings. BA degree in Broadcast Journalism; Masters degree work in Management. Being retired, I have the time needed to serve on this board and have served on several community boards including: Tumbleweed; Billings West Rotary; Billings Chamber of Commerce. Professionally, MTN News Butte/Billings Bureau Chief; Director of University Relations at MSU-Billings; President of Woosley & Associates, Inc.

Ken Woosley  
Signature

11/29/2021  
Date

Return application to: Board of County Commissioners  
P.O. Box 35000  
Billings, MT 59107-5000

OFFICE USE ONLY:		
APPOINTED:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/> DATE <u>11/28/23</u>
TERM EXPIRATION DATE: <u>12/31/25</u>		
(Circle one)		
<u>ORIGINAL APPOINTMENT</u>	REAPPOINTMENT	TERM NO: <u>2</u>

# *Yellowstone County*

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COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

November 28, 2023

Ms. Julie Hecker  
1650 Roadrunner Pl.  
Billings, MT 59102

RE: Re-appointment to Youth Services Center Board

Dear Ms. Hecker,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to December 31, 2025.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

---

John Ostlund, Chair

---

Mark Morse, Member

---

Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Val Weber, 410 S. 26<sup>th</sup> St., Billings, MT 59101

NOV 20 2023

BOARD APPLICATION FORM  
YELLOWSTONE COUNTY, MONTANA

\* Re-use  
Old App.  
11/20/23

NAME: Julie Hecker HOME PHONE: (406) 671-3985  
ADDRESS: 1650 Roadrunner Place WORK PHONE: (406) 254-0125 M-Th  
CITY: Billings STATE: MT ZIP: 59102  
BUSINESS OR JOB: Marriage + Family Therapist  
E-MAIL ADDRESS: jhecker@allseasonsconsulting.com  
BOARD OR COMMISSION APPLIED FOR: Youth Services Center

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

Current YSC board member  
work in corrections for years  
Private Practice as a Marriage + Family Therapist  
Managed Youth Dynamics Inc.

Why do you wish to serve on this Board or Commission?

Continue to be an advocate for children +  
a resource for the director/staff.

Additional information that you feel is pertinent (attach additional sheets if needed):

Julie Hecker  
Signature

Date

11-21-17

re-use app 11/20/19

re-use app 10/29/21

Return application to: Board of County Commissioners  
P.O. Box 35000  
Billings, MT 59107-5000

OFFICE USE ONLY:

APPOINTED: YES ☒ NO ☐ DATE 11/28/23  
TERM EXPIRATION DATE: 12/31/25

(Circle one)

ORIGINAL APPOINTMENT REAPPOINTMENT

TERM NO: 11

**B.O.C.C. Regular**

2. b.

**Meeting Date:** 11/28/2023

**Title:** Board Openings

**Submitted By:** Erika Guy

---

**TOPIC:**

Board Openings - Updated List

**BACKGROUND:**

See Attachment

**RECOMMENDED ACTION:**

Post

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**Attachments**

Board Openings

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# YELLOWSTONE COUNTY BOARD OPENINGS

November 28, 2023

CITY/COUNTY PLANNING: DIST 3	2 year	1 partial to 12/31/24
CITY/COUNTY PLANNING: DIST 4	2 year	1 partial to 12/31/24

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **AND** own property within the boundaries of the district. To find which planning district you live in, please contact the City/County Planning Division at 247-8676.

LAUREL URBAN FIRE SERVICE AREA	3 year	1 partial to 6/30/25 1 full to 6/30/26
BROADVIEW CEMETERY	3 year	1 full to 6/30/26

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

HUNTLEY PROJECT FIRE SERVICE AREA	3 year	1 partial to 6/30/24
FUEGO FIRE SERVICE AREA	3 year	1 partial to 12/31/25

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

HISTORIC PRESERVATION BOARD	2 year	1 full to 12/31/25
-----------------------------	--------	--------------------

- ✚ NOTE: Eligible applicants for the above board must have professional expertise in history, planning, archaeology, architecture, or historic preservation-related disciplines.

LOCKWOOD TEDD ADVISORY BOARD	3 year	1 full to 3/31/26
LOCKWOOD PEDESTRIAN SAFETY DISTRICT ADV.	3 year	2 full to 12/31/26 1 partial to 12/31/24 1 partial to 12/31/25
PARK BOARD	3 year	1 full to 6/30/26 1 partial to 6/30/25 1 partial to 6/30/24
YOUTH SERVICES CENTER	2 year	2 full to 12/31/25

---

APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED  
UNTIL 5:00PM ON THURSDAY, December. 28, 2023

---

November 7, 2023

AREA II AGENCY ON AGING	1 year	1 full to 6/30/24
-------------------------	--------	-------------------

HUNTLEY PUBLIC CEMETERY	3 year	1 full to 6/30/26
-------------------------	--------	-------------------

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

---

APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED  
UNTIL 5:00PM ON THURSDAY, December 7, 2023

---

October 31, 2023

BIG SKY ECONOMIC DEVELOPMENT AUTHORITY	5 year	2 full to 12/31/28
--	--------	--------------------

---

APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED  
UNTIL 5:00PM ON THURSDAY, November 30, 2023

---

**B.O.C.C. Regular**

**3. a.**

**Meeting Date:** 11/28/2023

**Title:** Resolution re Laurel Zoning Recommendation

**Submitted By:** Steve Williams

---

**TOPIC:**

Resolution 23-128 for the City of Laurel/Yellowstone County Planning Board to make a Recommendation on Zoning Regulations for the Area Around the City of Laurel

**BACKGROUND:**

This is a resolution to set a timeline for the Laurel zoning recommendation.

**RECOMMENDED ACTION:**

Approve

---

**Attachments**

Map 1

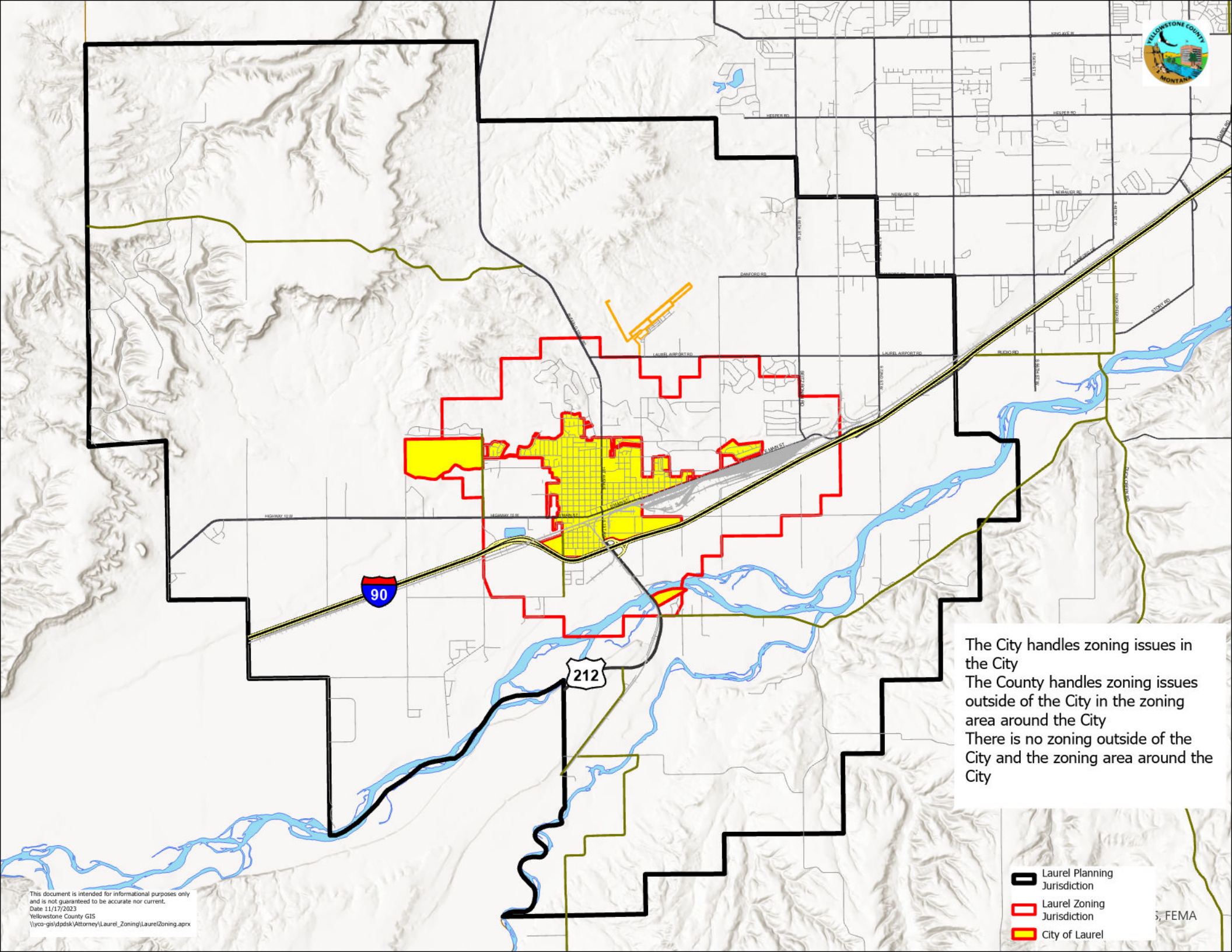
Map 2

Zoning Regulations

Laurel Zoning Resolution

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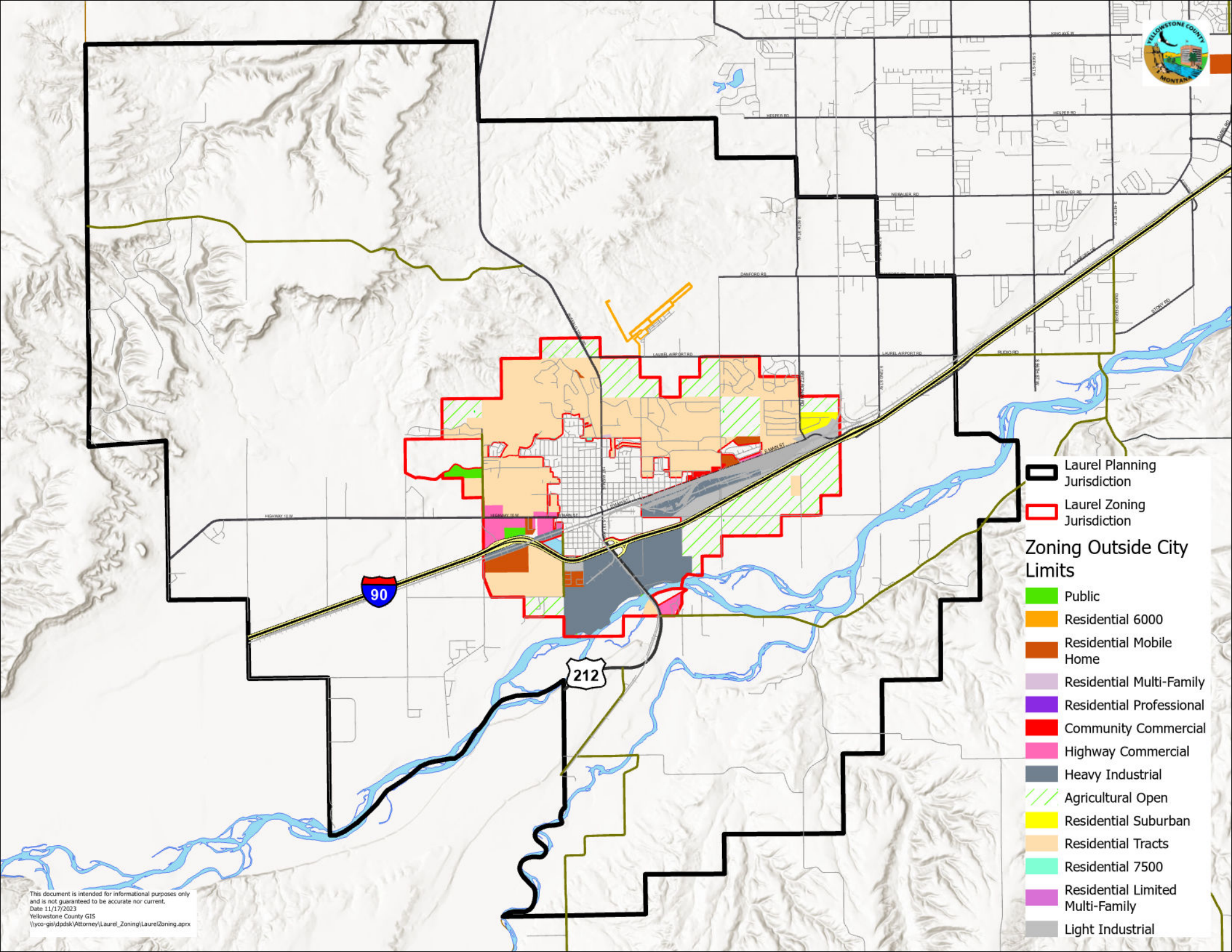




The City handles zoning issues in the City  
The County handles zoning issues outside of the City in the zoning area around the City  
There is no zoning outside of the City and the zoning area around the City

- Laurel Planning Jurisdiction
- Laurel Zoning Jurisdiction
- City of Laurel





- 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

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.

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(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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(Supp. No. 20)

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)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front <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.

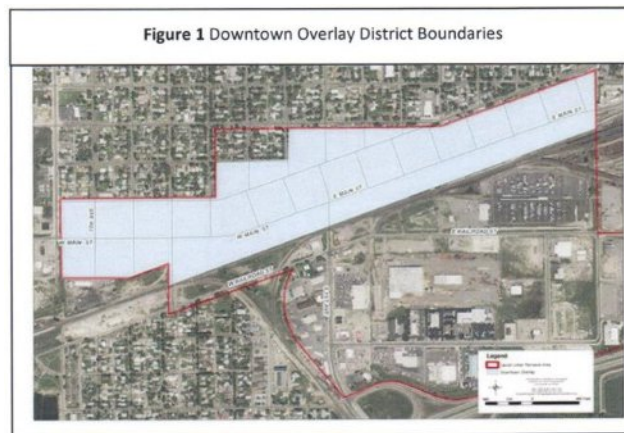
The intent of this section is to:

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- 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. 015-01, 3-17-2015)

#### **17.25.040 Nonconformance.**

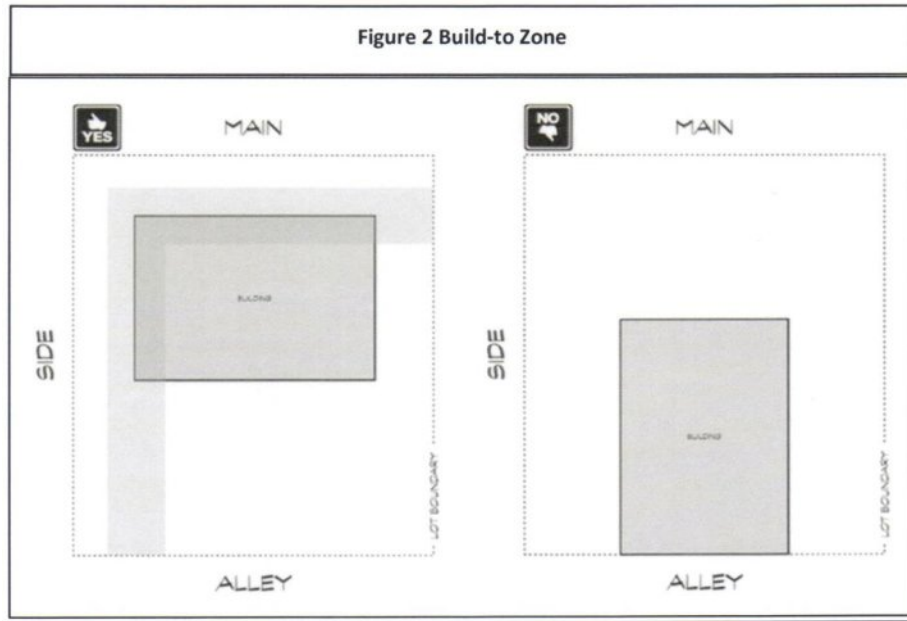
- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, 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. 015-01, 3-17-2015)

#### **17.25.050 Definitions.**

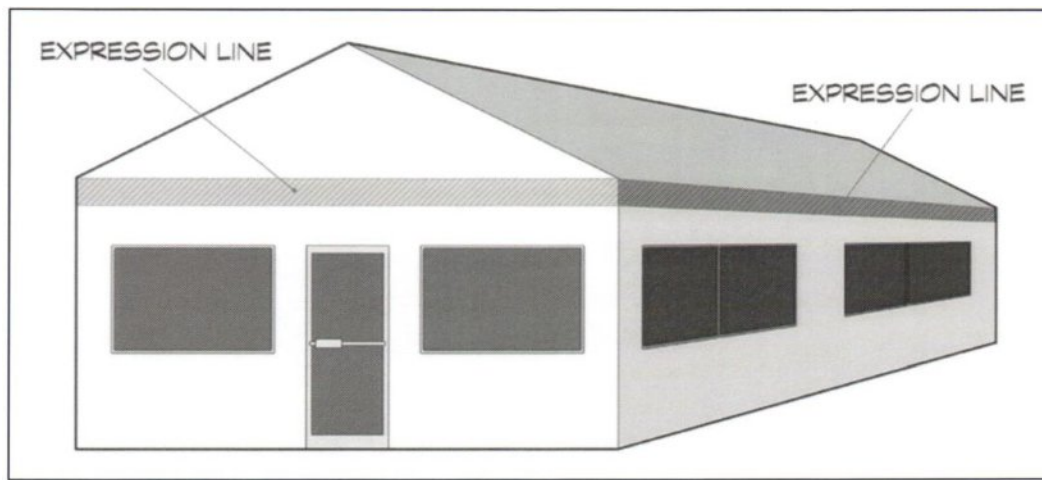
All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- 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**





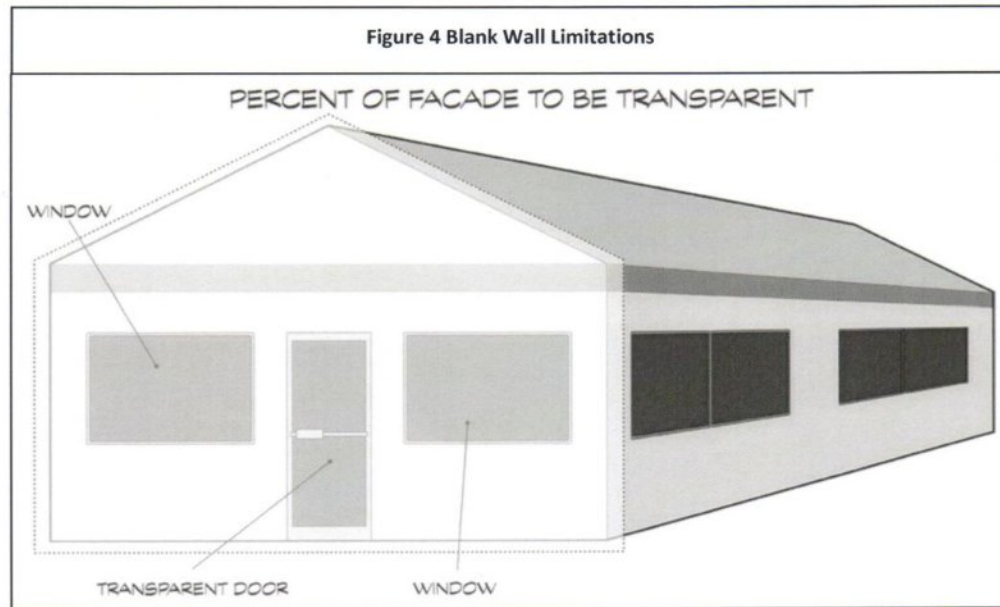
- D. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- E. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that 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.

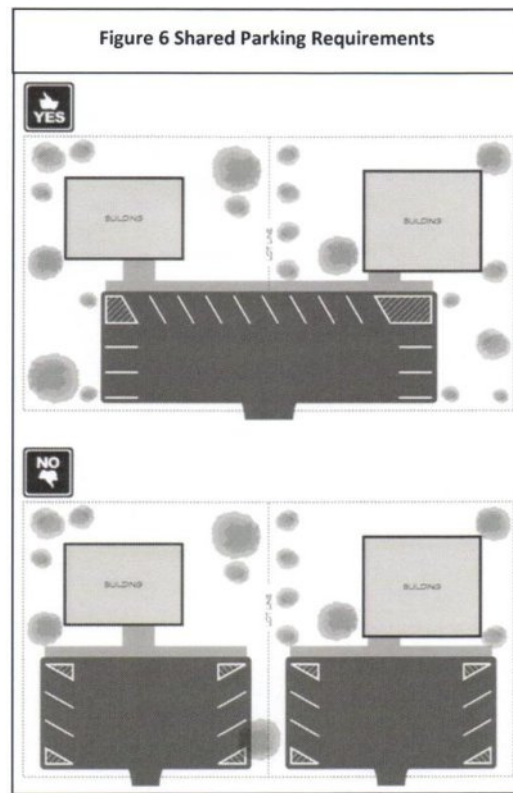
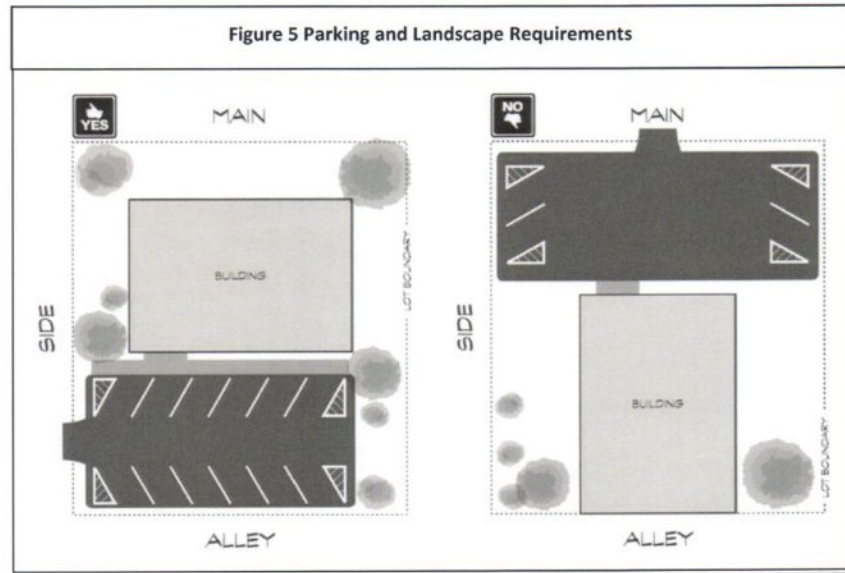


E. All front façades shall have a minimum of one entry door.

(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

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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.

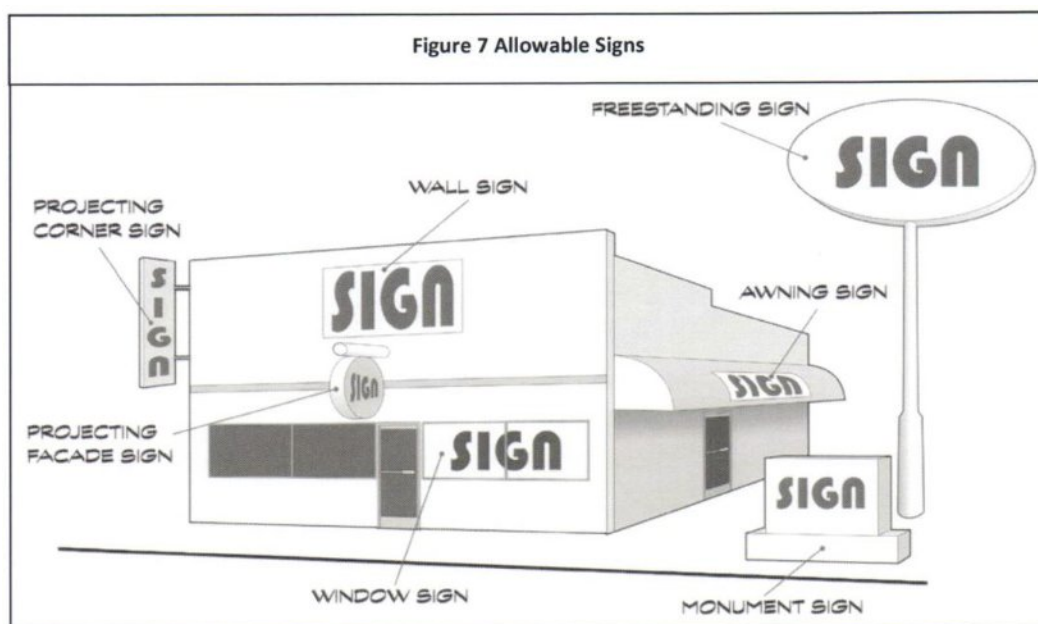
- A. Any site development where the building and parking area does not occupy one hundred percent of the parcel, the remaining property must be landscaped.
- B. Landscaping should be of an indigenous species or species that are acclimated to the city's climate.
- C. Landscaping shall include a mix of 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.





(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.



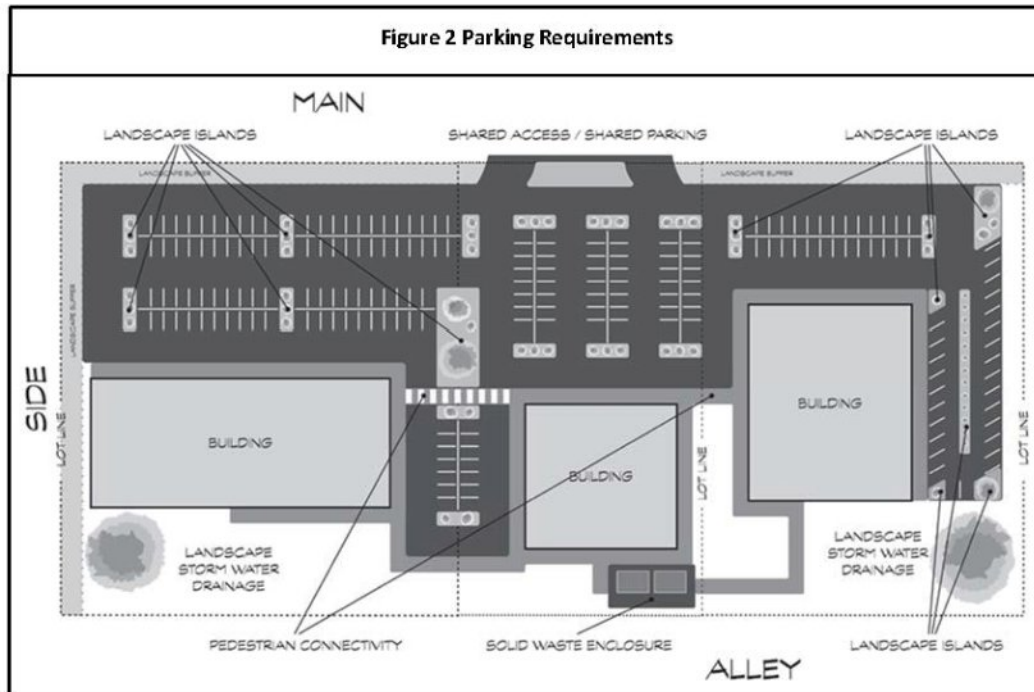
**Architectural Design Element:** The wooden timbers in front of the buildings are a prime *example of the required design element.*

(Ord. No. O15-04, 5-5-2015)

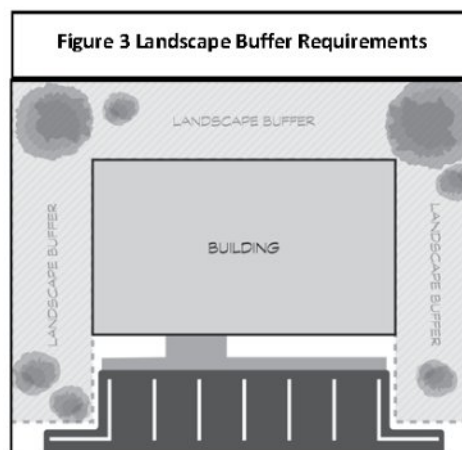
#### **17.27.070 Site design requirements.**

- 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.



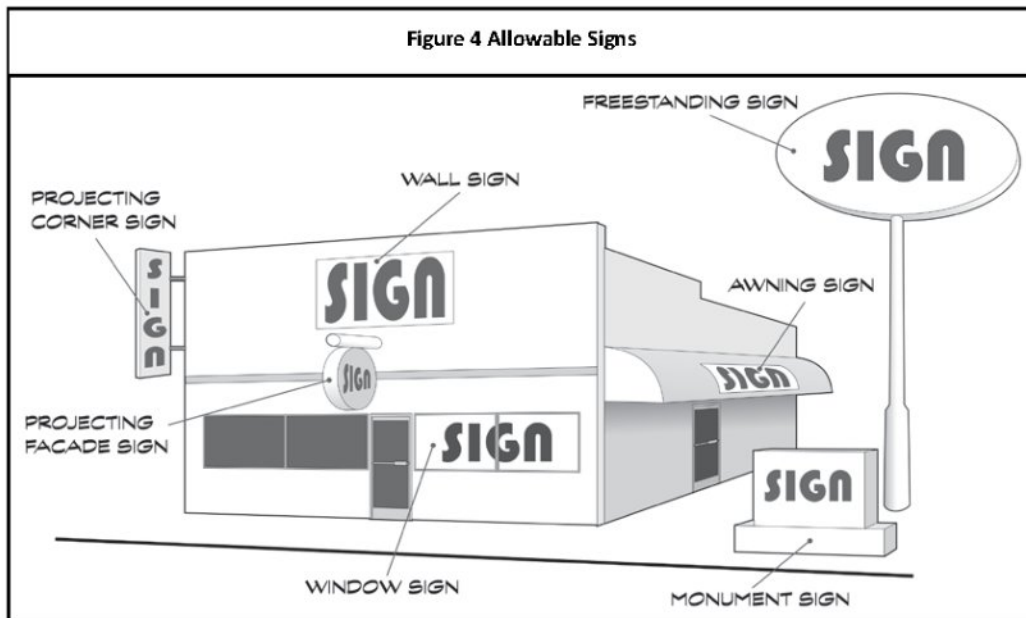
- G. Landscaping should be of an indigenous species or one that is acclimated to the city's climate.
- H. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- I. Landscaping shall not interfere with clear 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. 015-04, 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:

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- 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.

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(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 replaced.

(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. 012-06, 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- 128

## **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

**B.O.C.C. Regular**

3. b.

**Meeting Date:** 11/28/2023

**Title:** Resolution re Laurel Subdivision Plan

**Submitted By:** Steve Williams

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**TOPIC:**

Resolution 23-129 for the City of Laurel/Yellowstone County Planning Board to make a Recommendation on Subdivision Regulations for the Area Around the City of Laurel

**BACKGROUND:**

This is a resolution to set a timeline for the Laurel subdivision recommendation.

**RECOMMENDED ACTION:**

Approve

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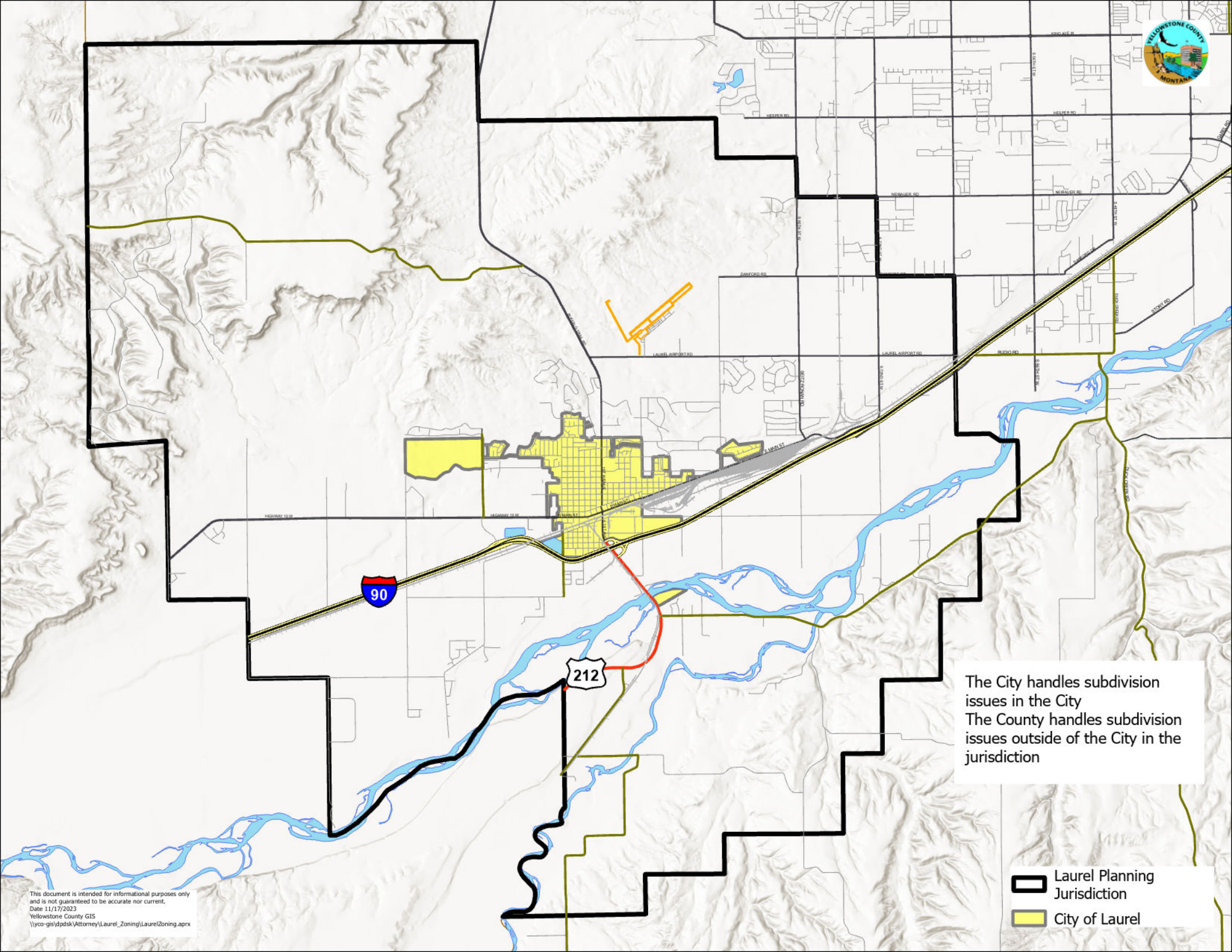
**Attachments**

Map 1



Subdivision Regulations

Laurel Subdivision Resolution

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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

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.



- 
- 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.

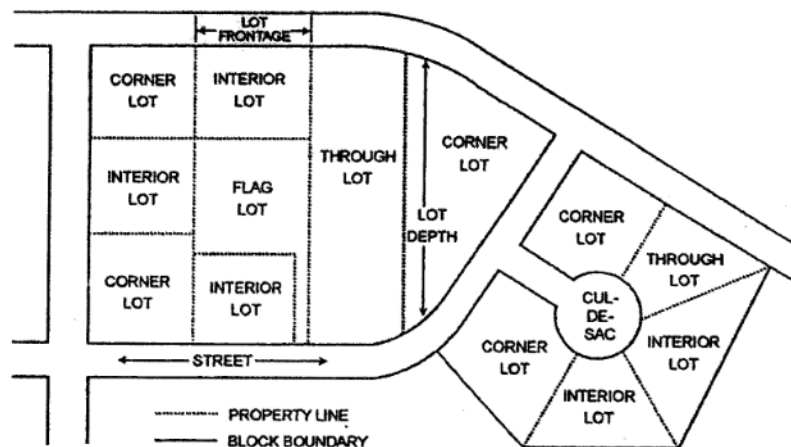
"Lot measurements":

- 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 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 ® or ArcGIS ® 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.

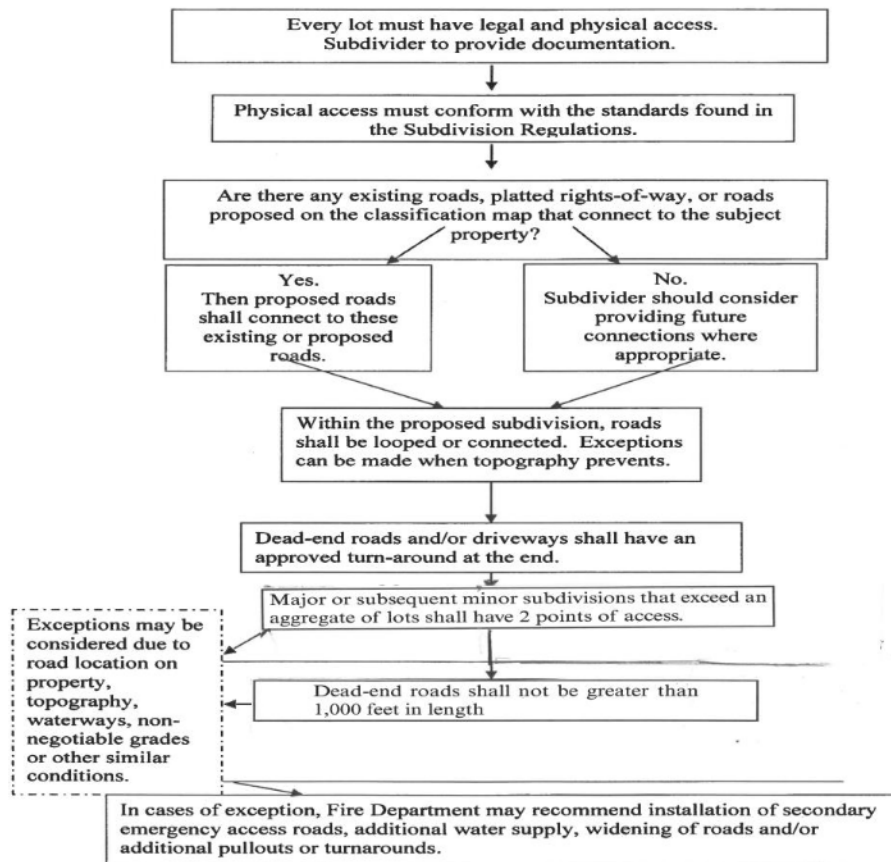
(Ord. No. O17-01, § 16.4.5, 3-7-2017)

#### **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.

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 Subsection 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

$$\frac{P * (100)}{(P-E)} = I$$

(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'



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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.

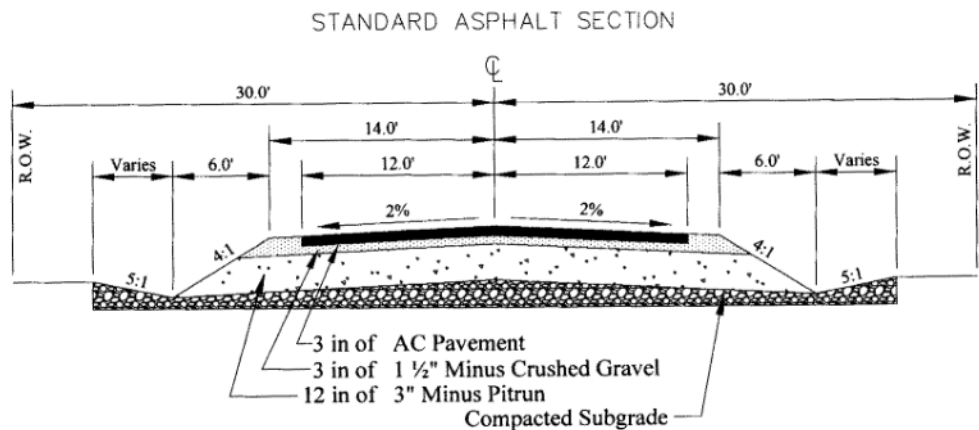
\*\* Interior lane(s) is twelve feet and the outside lane is fourteen feet.

\*\*\* 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).

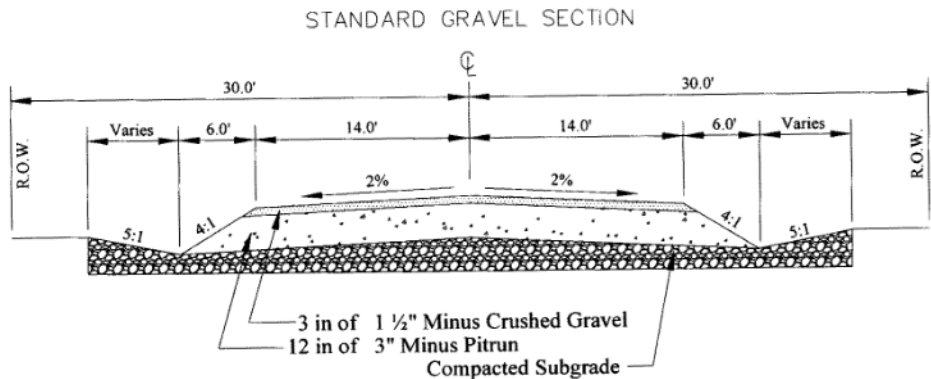
n/s No width is specified.

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

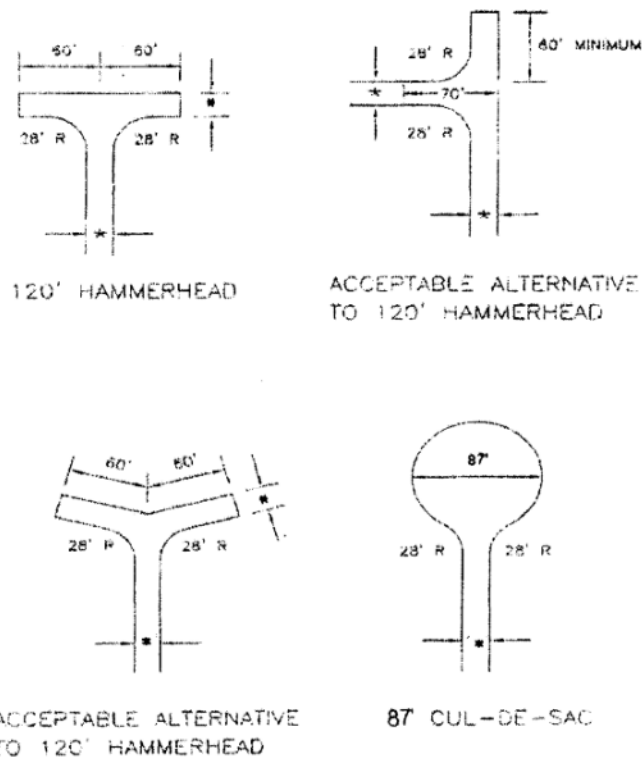
In commercial and industrial subdivisions, the maximum driveway width may be up to fifty feet when approved by the AGB. The minimum distance between driveways shall be twenty-five feet.

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.

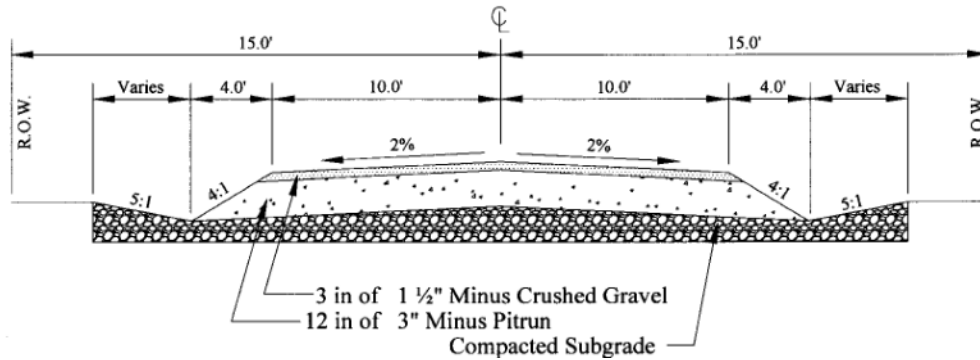
- F. Emergency Secondary Access Roads: In the event that an emergency secondary access road is approved as a means of providing a second access to a subdivision, as required by Section 16.04.060 of these regulations, it shall be built to the following standards:
  1. Emergency access roads shall be designed 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 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.

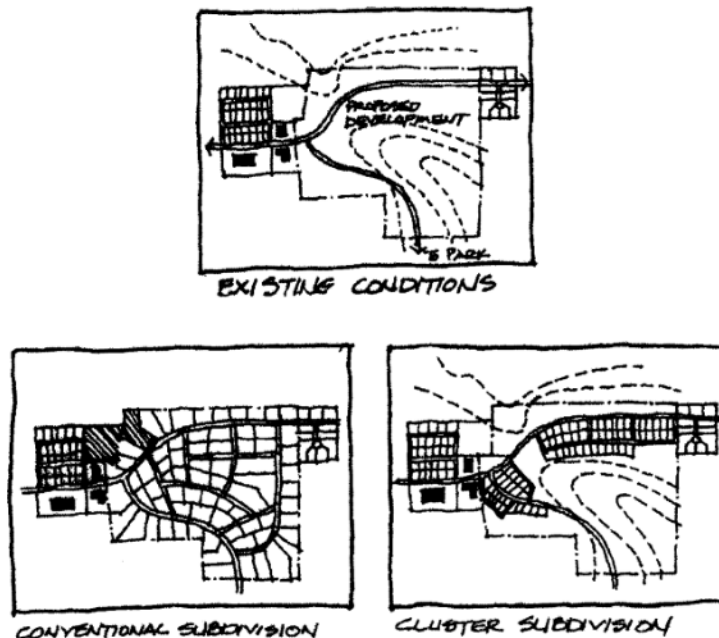
### 16.07.050 Design standards and applications for planned neighborhood developments.

- 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).

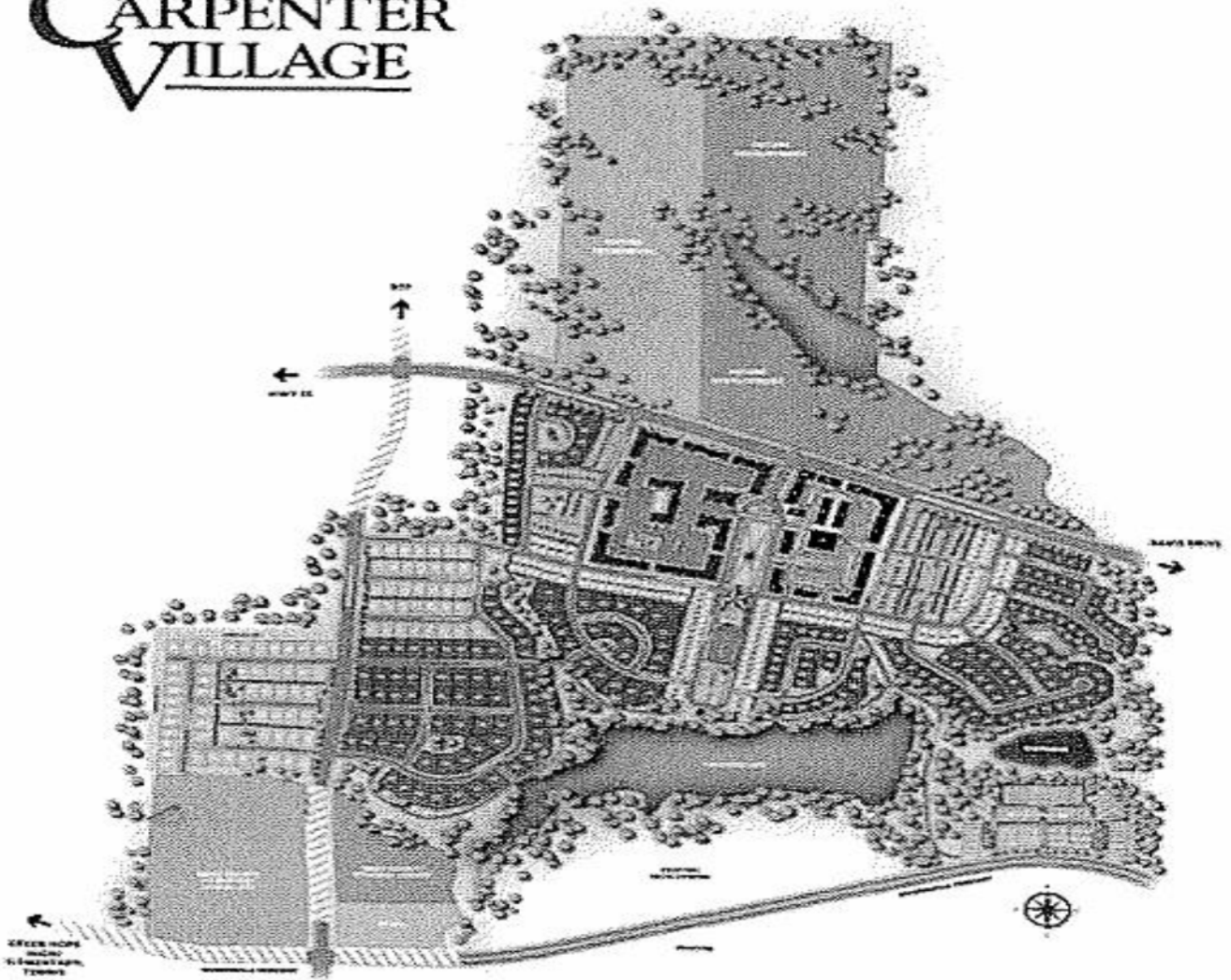
The master plan must also show development phasing and construction timing for each phase of the subdivision including any construction or improvements for public parks, trails, community centers, fire and police stations, schools, or other public facilities that will serve the PND. Each development 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.



(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.

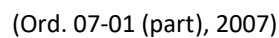
Each sale, lease or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these Regulations shall be deemed a separate and distinct offense.

- 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**



### Evasion Criteria

The State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval unless the development is an attempt to evade the Montana Subdivision and Platting Act (MSPA), MCA §76-3-101, et seq. The following procedures, criteria, and requirements shall be used to review an exemption from subdivision review and to determine whether the division of land is for the purpose of evading the MSPA.

Laurel, Montana, Code of Ordinances  
(Supp. No. 20)

Page 60 of 97

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).

Title 16 - SUBDIVISIONS  
APPENDIX B

---

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\***

Title 16 - SUBDIVISIONS  
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:**



Title 16 - SUBDIVISIONS  
APPENDIX D

---

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

Title 16 - SUBDIVISIONS  
APPENDIX D

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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:

Title 16 - SUBDIVISIONS  
APPENDIX E

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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;

- 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,

- 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

- 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:

Title 16 - SUBDIVISIONS  
APPENDIX H

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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).

Title 16 - SUBDIVISIONS  
APPENDIX J

---

- 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.

(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.

Title 16 - SUBDIVISIONS  
APPENDIX K

---

**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.

Title 16 - SUBDIVISIONS  
APPENDIX K

---

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"):

Title 16 - SUBDIVISIONS  
APPENDIX L

---

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.

Title 16 - SUBDIVISIONS  
APPENDIX L

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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



Title 16 - SUBDIVISIONS  
APPENDIX L

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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

Title 16 - SUBDIVISIONS  
APPENDIX L

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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

Title 16 - SUBDIVISIONS  
APPENDIX M

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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

Title 16 - SUBDIVISIONS  
APPENDIX N

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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.

Title 16 - SUBDIVISIONS  
APPENDIX N

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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

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# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 23- 129

## **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

**B.O.C.C. Regular**

4. a.

**Meeting Date:** 11/28/2023

**Title:** Resolution 23-127 to Invest in Warrants for RSID 890 54th Street West

**Submitted For:** Jennifer Jones, Finance Director      **Submitted By:** Lisa Sticka, Comptroller

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**TOPIC:**

Resolution 23-127 to Invest in Warrants for RSID 890 54th Street West

**BACKGROUND:**

Resolution to Invest in Warrants for RSID 890 54th Street West Paving Project

**RECOMMENDED ACTION:**

Approve

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**Attachments**

RSID 890 General Fund Loan

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**RESOLUTION NO. 23 - 127**

**BOARD OF COUNTY COMMISSIONERS, YELLOWSTONE  
COUNTY, MONTANA**

**RESOLUTION TO INVEST IN WARRANTS FOR RSID 890 – 54<sup>th</sup>  
Street West**

WHEREAS, the Board of County Commissioners has created RSID 890 54<sup>TH</sup> Street West to pave certain roads within the district; and

WHEREAS, road improvements in the amount of \$39,746.09 was incurred within the district and the costs of such improvements exceed the available funds of the district; and

WHEREAS, it was important for the road improvements to have been performed to pave the road; and

WHEREAS, MCA 7-12-2169 permits the use of warrants to pay for costs of the district for acquisition, construction, or maintenance of improvements of RSIDs, and

WHEREAS, MCA 7-6-2701 permits the County to invest money for which there is no immediate demand in registered warrants of the County; and

WHEREAS, the Yellowstone County Board of Commissioners has determined that the County General Fund has sufficient funds to make such financing of warrants available to RSID 890.

NOW, THEREFORE BE IT RESOLVED that the Yellowstone County Board of Commissioners the County General Fund shall invest in warrants of RSID 890 in the amount of \$39,746.09 to fund costs of the construction district at an annual interest rate of 5.5% to be repaid over the next seven years as collections on assessments are received.

DATED this 28<sup>th</sup> day of November, 2023.

(SEAL)  
ATTEST:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

\_\_\_\_\_  
John Ostlund, Chairman

\_\_\_\_\_  
Donald W. Jones, Member

\_\_\_\_\_  
Mark Morse, Member

**B.O.C.C. Regular**

4. b.

**Meeting Date:** 11/28/2023

**Title:** I.T. Contract with Tel-Net Systems to Relocate Data Services for Extension Office

**Submitted For:** James Matteson, Purchasing Agent

**Submitted By:** James Matteson, Purchasing Agent

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**TOPIC:**

I.T. Contract with Tel-Net Systems to Relocated Data Services for Extension Office.

**BACKGROUND:**

I.T. is requesting Commissioner's approval for a contract with Tel-Net Services to relocate data services. The work includes re-routing data cables to the third floor. The estimate for the work is \$9,129.25

**RECOMMENDED ACTION:**

Approve the request and return the signed contract

---

**Attachments**

Tel-Net Extension Office Conduit Relocate

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## **Standard Form of Agreement between Owner and Contractor on the Basis of A Stipulated Price**

This agreement is dated as of the 28th day of November, 2023 by and between Yellowstone County, Montana (hereinafter called Owner), and Tel-Net Systems, Inc. (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

Contractor shall provide all labor, materials and equipment to run new conduit on the East side of Cellular 301 Building located at 301 North 27<sup>th</sup> Street. Two wall penetrations for 2" conduit with weather tight fittings extending to the third floor level, per Contractors estimate #7123.

2. Contract Times

Project is expected to be completed before December 15<sup>th</sup>, 2023 or until terminated by any party with written notice to terminate with 30 days' notice.

3. Contract Price

Owner shall pay the Contractor's not to exceed proposal of \$9,129.25. Any change orders for the project must be approved in writing by the Owner prior to work being started. Payments are subject to a 5% retainage, payable upon acceptance of the project by the Owner.

4. Contractors Representation

4.1 Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Contractor's proposals
- 5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 Contractor, shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County is liable for any damages by reason of a non-delegable duty.

- 6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County Workers Compensation insurance or the exemption from the workers compensation obligation must be valid for the entire period.
- 6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.
- 6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of this work.
- 6.6 All work must be warranted for a period of one year from date of installation.
- 6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana
- 6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.
- 6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.
- 7.0 The Contractor must, in performance of work under this contract, fully

comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective November 28<sup>th</sup>, 2023

OWNER:  
Yellowstone County  
Billings, MT 59101

---

John Ostlund, Chair

CONTRACTOR:  
Tel-Net Systems, Inc  
Billings, Montana

  
\_\_\_\_\_  
Clay Jensen, COO

Attest:

---

Jeff Martin, Clerk and Recorder



**B.O.C.C. Regular**

4. c.

**Meeting Date:** 11/28/2023

**Title:** Metra Contract with Tel-Net Services for Data Cabling in Expo Building

**Submitted For:** James Matteson, Purchasing Agent

**Submitted By:** James Matteson, Purchasing Agent

---

**TOPIC:**

Metra Contract with Tel-Net Services for Data Cabling in the Expo Building.

**BACKGROUND:**

MetraPark is requesting Commissioner's approval for a contract with Tel-Net Services to run multiple new data lines in the Expo building. The project involves providing all materials and labor to install 133 new CAT6 cabling in the Expo building. The cost of the project is \$89,833.00. The purchase was anticipated and included in the FY24 Metra CIP budget.

**RECOMMENDED ACTION:**

Approve the Request and return a signed copy of the contract

---

**Attachments**

Metra; Contract Tel-Net EXPO CAT6 Cabling

---

## **Standard Form of Agreement between Owner and Contractor on the Basis of A Stipulated Price**

This agreement is dated as of the 28<sup>th</sup> day of November by and between Yellowstone County, Montana (hereinafter called Owner), and Tel-Net Systems, Inc. (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1.      **Scope of Work**

Contractor shall provide all labor, materials, and equipment necessary to install and certify new Cat 6 data cable in the Metra EXPO building per the details in Contractor's Estimate # 7029.

2.      **Contract Times**

Project is expected to be completed before June 30<sup>th</sup>, 2024 or until terminated by any party with written notice to terminate with 30 days' notice.

3.      **Contract Price**

Owner shall pay the Contractor's not to exceed proposal of \$89,833.00. Any change orders for the project must be approved in writing by the Owner prior to work being started. Payments are subject to a 5% retainage, payable upon acceptance of the project by the Owner. A 1% State of Montana Gross Receipts tax will be deducted from net funds after retainage, and paid directly to the State of Montana.

4.      **Contractors Representation**

4.1      Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2      Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3      Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4      Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Contractor's proposals
- 5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 Contractor, shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County are named as an additional

insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County is liable for any damages by reason of a non-delegable duty.

- 6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County Workers Compensation insurance or the exemption from the workers compensation obligation must be valid for the entire period.
- 6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.
- 6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of this work.
- 6.6 All work must be warranted for a period of one year from date of installation.
- 6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana
- 6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.
- 6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.



- 7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective November 28<sup>th</sup>, 2023

OWNER:  
Yellowstone County  
Billings, MT 59101

\_\_\_\_\_  
John Ostlund, Chair

CONTRACTOR:  
Tel-Net Systems, Inc  
Billings, Montana

  
\_\_\_\_\_  
Clay Jensen, COO

Attest:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

**B.O.C.C. Regular**

4. d.

**Meeting Date:** 11/28/2023

**Title:** Contract with Tel-Net Systems for Data Cabling for Pavilion Building

**Submitted For:** James Matteson, Purchasing Agent

**Submitted By:** James Matteson, Purchasing Agent

---

**TOPIC:**

Metra Contract with Tel-Net for Data Cabling for Pavilion Building

**BACKGROUND:**

MetraPark is requesting Commissioner's approval for a contract with Tel-Net Systems to run multiple new data lines in the Pavilion building. The project involves providing all materials and labor to install 90 new CAT6 data cabling in the Pavilion. The cost for the project is \$65,654.00. The purchase was anticipated and included in the FY24 Metra CIP budget.

**RECOMMENDED ACTION:**

Approve the request and return a signed copy to Finance

---

**Attachments**

Metra Contract - Tel-Net Pavilion CAT6 Cabline

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## **Standard Form of Agreement between Owner and Contractor on the Basis of A Stipulated Price**

This agreement is dated as of the 28<sup>th</sup> day of November by and between Yellowstone County, Montana (hereinafter called Owner), and Tel-Net Systems, Inc. (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

Contractor shall provide all labor, materials, and equipment necessary to install and certify new Cat 6 data cable in the Metra Pavilion building per the details in Contractor's Estimate # 7028.

2. Contract Times

Project is expected to be completed before June 30<sup>th</sup>, 2024 or until terminated by any party with written notice to terminate with 30 days' notice.

3. Contract Price

Owner shall pay the Contractor's not to exceed proposal of \$65,654.00. Any change orders for the project must be approved in writing by the Owner prior to work being started. Payments are subject to a 5% retainage, payable upon acceptance of the project by the Owner. A 1% State of Montana Gross Receipts tax will be deducted from net funds after retainage, and paid directly to the State of Montana.

4. Contractors Representation

4.1 Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Contractor's proposals
- 5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 Contractor, shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County are named as an additional



insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County is liable for any damages by reason of a non-delegable duty.

- 6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County Workers Compensation insurance or the exemption from the workers compensation obligation must be valid for the entire period.
- 6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.
- 6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of this work.
- 6.6 All work must be warranted for a period of one year from date of installation.
- 6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana
- 6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.
- 6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.

- 7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

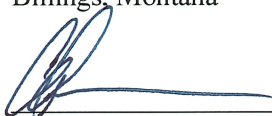
IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective November 28<sup>th</sup>, 2023

OWNER:  
Yellowstone County  
Billings, MT 59101

\_\_\_\_\_  
John Ostlund, Chair

CONTRACTOR:  
Tel-Net Systems, Inc  
Billings, Montana

  
\_\_\_\_\_  
Clay Jensen, COO

Attest:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

**B.O.C.C. Regular**

**Meeting Date:** 11/28/2023

**Title:** Road Dept. Door Replacement

**Submitted For:** Tim Miller, Public Works Director

**Submitted By:** Tim Miller, Public Works Director

---

**TOPIC:**

Agreement with Finishing Touch Exteriors for the Road Department Door Replacement

**BACKGROUND:**

Contract with Finishing Touch Exteriors for the replacement of 8 walk-through doors at the R&B Dept.

**RECOMMENDED ACTION:**

Approve the contract

---

**Attachments**

Contracts

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**Standard Form of Agreement between Owner  
and Contractor on the Basis of  
A Stipulated Price  
Road Department Door Replacement**

This agreement is dated as of the 20th day of November 2023, by and between Yellowstone County, Montana (hereinafter called Owner), and Finishing Touch Exteriors , Billings, Montana (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

Contractor shall provide all labor and equipment necessary for the replacement of 8 exterior doors as outlined in the quote supplied by the contractor dated 10-25-2023.

2. Contract Times

This contract will be in effect from November 20th, 2023 through December 30<sup>th</sup>, 2023. Projects will be as requested by the Public Works Department and will be performed as agreed by both parties.

3. Contract Price

The Owner shall pay the Contractor \$24,999.00 upon completion and acceptance of the project by the Owner as stated in the Price Quote date 10-25- 2023. Total project cost is \$24,999.00. Any change orders for the project must be approved in writing by the County prior to the work being started.

4. Contractors Representation

4.1 Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Contractor's proposal dated 10-25-2023.
- 5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 The successful bidder (herein after Contractor), shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County/ Public Works, as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County / Public Works, as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County / Public Works, are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy

endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County / Public Works from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/ Public Works, is liable for any damages by reason of a non-delegable duty.

6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County/Yellowstone County Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period.

6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.

6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of this work.

6.6 All work and materials must be warranted for a period of one year from date of installation.

6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana

6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.

6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.

7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination

Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

#### 8.0 Termination

This Agreement shall terminate in its entirety in accordance with the terms found in paragraph 2. However, either party may terminate this contract on thirty (30) calendar days written notice, or if prior to such action, the other party materially breaches any of its representations or obligations under this Agreement. Except as may be otherwise provided in this Agreement, such breach by either party will result in the other party being responsible to reimburse the non-defaulting party for all costs incurred directly as a result of the breach of this Agreement, and shall be subject to such damages as may be allowed by law including attorneys' fees and costs of enforcing this Agreement.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective November 20th, 2023

OWNER:  
Yellowstone County  
Billings, Montana 59101

\_\_\_\_\_  
John Ostlund, Chair

CONTRACTOR:  
Finishing Touch Exteriors  
PO Box 30556, Billings, MT 59107

Nathan D Weaver  
Authorized Signature

Nathan Weaver

Owner

Attest:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

**B.O.C.C. Regular**

**Meeting Date:** 11/28/2023

**Title:** PARS

**Submitted By:** Teri Reitz, Board Clerk

---

**TOPIC:**

**PERSONNEL ACTION REPORTS - IT - 1 Appointment; Sheriff's Office - 1 Appointment; MetraPark - 1 Termination**

**BACKGROUND:**

See attached.

**RECOMMENDED ACTION:**

Approve.

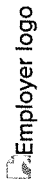
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**Attachments**

PARS

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NOV 20 2023

# Hire/Personnel Action Form

## Employee Information

Employee  
Jerrod Montelongo

## Hire Information

Position Details	Hire Req#	Job Type
IT Computer Support Specialist (E) (1080)	202300106	Full-Time Regular
Person ID	Job Class	Pay Rate
25747993	IT Computer Support Specialist (E)	\$21.03
Department	Job Class#	HireDate
Information Technology	1080	11/27/23
Division		
N/A		

## Comments

Jerrod is replacing Mike Hall, funding from account 1000.000.115.410580.111

## Approvals

HUMAN RESOURCES	CHARRI VICTORY	11/17/23 1:38 PM
FINANCE	JENNIFER JONES	11/18/23 9:32 AM

Commissioners Action  
Approve Disapprove

Chair

\_\_\_\_\_

Member

\_\_\_\_\_

Member

\_\_\_\_\_

NOV 20 2023

# Hire/Personnel Action Form

## Employee Information

Employee  
Kyle McClaren

## Hire Information

Position Details	Hire Req#	Job Type
Deputy Sheriff (Patrol) (MCA) (5045)	202300073	Full-Time Regular
Person ID 54578390	Job Class Deputy Sheriff (Patrol) (MCA)	Pay Rate \$30.18
Department Sheriff's Office	Job Class# 5045	HireDate 12/11/23
Division Sheriff Patrol		

## Comments

Funding: 2300.132.420150.111 at 100%  
replaces: new FTE

## Approvals

HUMAN RESOURCES	CHARRI VICTORY	11/17/23 1:36 PM
FINANCE	JENNIFER JONES	11/18/23 9:32 AM

Commissioners Action  
Approve Disapprove

Chair

Member

Member

NOV 21 2023

YELLOWSTONE COUNTY  
PERSONNEL ACTION REPORT

Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Brian P. Simpson Effective Date: 11/16/23  
Current Title: Custodian/Housekeeper Gr. CPD Salary \$ 19.07  
Title Change: \_\_\_\_\_ Gr. \_\_\_\_\_ Salary \$ \_\_\_\_\_

Check as Applicable:

Regular Full Time: \_\_\_\_\_ New Hire: \_\_\_\_\_

Regular Part Time: \_\_\_\_\_ Rehire: Vol. \_\_\_\_\_

Temp Full Time: \_\_\_\_\_ Termination: X \_\_\_\_\_

Temp Part Time: \_\_\_\_\_ Promotion: \_\_\_\_\_

Seasonal Hire: \_\_\_\_\_ Transfer: \_\_\_\_\_

Replaces position \_\_\_\_\_ Demotion: \_\_\_\_\_

Name \_\_\_\_\_

New Budgeted Position \_\_\_\_\_

Other: \_\_\_\_\_ Reclassification: \_\_\_\_\_

Funding 5810 - 552 - 4400442 - 111 Percent 100% New Account \_\_\_\_\_  
Percent \_\_\_\_\_ Split Account \_\_\_\_\_

Elected Official/Department Head \_\_\_\_\_  
Date 11/16/23

Section 2

Human Resources:

Finance:

Note: \_\_\_\_\_  
Director \_\_\_\_\_ Date 11-21-23

Note: \_\_\_\_\_  
Director \_\_\_\_\_ Date 11-21-23

H.R. Comments: \_\_\_\_\_

Commissioner's Action  
Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Chair JD \_\_\_\_\_

Member MM \_\_\_\_\_

Member LD \_\_\_\_\_

Date entered in payroll \_\_\_\_\_

Clerk & Recorder - original \_\_\_\_\_

Human Resources - canary \_\_\_\_\_

Auditor - pink \_\_\_\_\_

Department - goldenrod \_\_\_\_\_