

AN ORDINANCE OF THE TOWN OF FROMBERG TO CHANGE SET BACKS TO INCLUDE DETACHED TOOL SHED, REDEFINE MANUFACTURED HOME, AND ENFORCE ZONING PERMITS.

WHEREAS: The Town of Fromberg has approved to revise the current zoning ordinances of January 2001:

WHEREAS: It is necessary that the Town of Fromberg include additional language to the set back line as stated in 10-04-06 so it reads as follows:

No building shall be erected or altered so as to place its street wall nearer than fifteen (15) feet from the property line. No accessory building shall be erected nearer than fifteen (15) feet from the property line. Detached tool sheds shall be located not less than six (6) feet from the side or rear property lines.

WHEREAS: It is necessary that the Town of Fromberg revise the definition of modular and manufactured homes (10-02-44) to conform with the current State of Montana Code Annotated (76-2-302): Zoning Districts so it reads as follows:

Means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home shall be classified as "Real Property" with the Montana Department of Revenue. A manufactured home does not include trailer or mobile home as defined in 10-02-60.

WHEREAS: It is necessary that the Town of Fromberg to include in Chapter 11: Enforcement an additional section for issuance of zoning permits. The additional Section 10-11-01A shall read as follow:

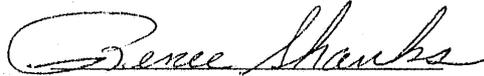
The police department, subject to such variations or interpretations as may be made by the city council, shall:

- A. Issue zoning permits for all additions to existing buildings, new construction, 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, additions to existing structures, movement of buildings or structures, or unlawful occupancy of buildings, structures or land.

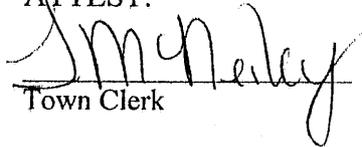
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fromberg to incorporate these additions and revisions to the current Zoning Code.

Passed and approved by 1<sup>st</sup> reading on 2<sup>nd</sup> day of Feb., 2004.

Passed and approved by 2<sup>nd</sup> reading on 1<sup>st</sup> day of March, 2004.

  
Mayor

ATTEST:

  
Town Clerk

ORDINANCE NO. 248

AN ORDINANCE TO AMEND THE EXISTING ZONING CODES AS PROVIDED IN THE FROMBERG MUNICIPAL CODES:

Be it ordained by the Town Council of the Town of Fromberg as follows:

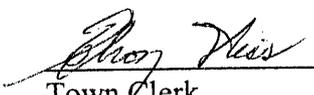
All existing zoning codes, Title 10 of the Fromberg Municipal Code Book, shall be replaced with new revised and updated zoning codes as reviewed and adopted by the Town with this ordinance.

Title 10, Chapters 1 - 11 shall read as annexed hereto.

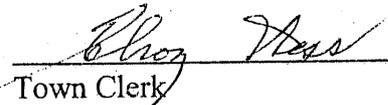
Dated this 4 day of December, 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

I hereby certify that the above ordinance was duly read and posted as required by law.

  
\_\_\_\_\_  
Town Clerk

# Zoning

Chapters: Effective 1-01-01

- Chapter 1: Title, Purpose and Scope
- Chapter 2: Definitions
- Chapter 3: Zoning Districts Established
- Chapter 4: Residential Districts; "A District"
- Chapter 5: Residential Mobile Home Districts; "B District"
- Chapter 6: Commercial - Industrial Use Regulations; "C District"
- Chapter 7: General Regulations
- Chapter 8: Nonconforming Uses
- Chapter 9: Special Review Procedure
- Chapter 10: Amendments
- Chapter 11: Enforcement

*Amended  
1-1-01*

## Zoning

### Chapter 1: Title, Purpose and Scope

#### 10-1-01 Title Cite.

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

#### 10-1-02 Purpose of Provisions.

A. The zoning regulations, classifications and districts as herein set forth are in accordance with S 76-2-301 to S 76-2-328, MCA 1995.

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 of 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 Fromberg City Council further declares the zoning plan is adopted for the following 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; 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.

#### 10-1-03 Scope

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

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

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

## Chapter 2: Definitions

### 10-02-01 Purpose of provisions.

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

### 10-02-02 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 working 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 Fromberg, Montana: the term "city council" means the city council of the city: the term "city zoning commission" means the zoning commission of the city.

### 10-02-03: Agriculture

"Agriculture" is defined as the science for practice of large-scale soil cultivation.

### 10-02-04: Alley

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

### 10-02-05: Animals

Refer to Title 5 "Animals" of the Fromberg Municipal Code Book.

### 10-02-06: Apartment

"Apartment" means a room or suite of two or more rooms in a multiple dwelling or in any other building not a single 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.

### 10-02-07: 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.

### 10-02-08: 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.

### 10-02-09: 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.

10-02-10: 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.

10-02-11: 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.

10-02-12: Building, principal.

“Principal building” means a building in which is conducted the principal use of the lot on which it is situated.

10-02-13: 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.

10-02-14 City.

“City” means the city of Fromberg, Montana.

10-02-15: Commercial district.

“Commercial district” means any “C” district.

10-02-16: 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 this apartment which he may sell, mortgage or devise as he could with a single-family dwelling that he owned.

10-02-17: Density.

“Density” means the number of families residing on, or dwelling units developed on, and 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 street, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces.

10-02-18: 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, tourist home or mobile home.

10-02-19: Dwelling, group.

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

10-02-20: Dwelling, single-family.

"Single-family dwelling" means a building containing only one dwelling unit; provided, however, that:

- A. No highly reflective exterior finish, siding, or surface material is used;
- B. Roof pitch conforms to standards delineated in the one- and two- family dwelling code of the Uniform Building Code;
- C. The dwelling be placed on a continuous base or footing composed of concrete or other material satisfactory to the city council.

10-02-21: Dwelling, two family.

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

10-02-22: Dwelling unit.

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

10-02-23: 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.

10-02-24: Elderly housing.

"Elderly housing" mean housing designed specifically for elderly occupancy with a least one resident domiciled in each living unit therein with an age of sixty-two years or older.

10-02-25: Family.

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

10-02-26: 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.

10-02-27: Floodplain or Floodway.

"Floodplain" or floodway" means in all cases or interpretation the regulations of the Montana Water Resources Board as provided in S76-5-103 and S76-5-104, MCA, 1995.

10-02-28: Floodplain zone.

"Floodplain zone" means a separate and distinct portion of the Fromberg Zoning Ordinance governing those lands affected by a one hundred-year floodplain classification.

10-02-29: Frontage

"Frontage" means all of the property on one side of the street or highway between two intersecting streets or highways (cross 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.

10-02-30: Garage, private.

"Private garage" means an accessory building or part of principal building, which may be used, for the storage of motor vehicles or personal property.

10-02-31: 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.

10-02-32: Height of building.

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

- A. The street curb level;
- B. The established or mean street grade in case the curb has not been constructed; or
- C. The average finished ground level adjoining the building 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.

10-02-33: 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. Refer to Title 6, Chapter 9, Section 01 of the Fromberg Municipal Code.

10-02-34: Jurisdictional area.

"Jurisdictional area" means area included within the city limits of the Town of Fromberg. Such jurisdictional area may be changed by joint resolution of the city council and board of county commissioners in accordance with S 76-1-501 to S76-1-508, MCA, 1995.

10-02-35: Livestock.

"Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, etc.

10-02-36: Lot.

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

10-02-37: 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 and 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".

10-02-38: 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.

10-02-39: Lot interior.

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

10-02-40: 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 line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line is curved, parallel to the chord of the arc of the front street line.

10-02-41: 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 Carbon County, Montana.

10-02-42: Lot width.

“Lot width” means the average width of the lot.

10-02-43: 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 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.

10-02-44: Modular or manufactured housing unit.

“Modular” or “manufactured housing unit” means a factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into modular structure. terms intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated subelements which are to be incorporated into a structure at site.

10-02-45: 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 for used parts thereof.

10-02-46: 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 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.

10-02-47: Off-street parking space.

“Off-street parking space” means an off-street area for parking of one motor vehicle having 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 not be less than twelve feet; in both instances the length shall be not less than twenty feet. Easy access to a street shall be provided by a driveway.

10-02-48: Parking lot.

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

10-02-49: Pasture.

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

10-02-50: Permanent Foundation.

Permanent foundation is defined as a poured in place foundation, continuous footing, or solid concrete slab.

10-02-51: Principle use.

"Principle use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premise are accessory.

10-02-52: Property Line

Property line means property boundary as defined by recorded survey document.

10-02-53: Public use zone.

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

10-02-54: 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.

10-02-55: School, elementary, junior or senior high, including public, private and parochial.

"Elementary, junior or senior high, including public private and parochial school" means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education.

10-02-56: Story.

"Story" means the 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.

10-02-57: 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.

10-02-58: Street.

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

10-02-59: Structure.

"Structure" means anything constructed or erected, which requires location on the ground or is attached to some thing 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.

10-02-60: Trailer or mobile home.

“Trailer or mobile home” means:

A. Any dwelling larger than two-hundred fifty-six square feet in area which is either wholly or in substantial part manufactured at an off-site location and any movable or portable dwelling over thirty-two feet in length and over eight feet wide, constructed to be towed on its own chassis and designed without permanent foundation for year-around occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit:

B. This definition does not include any dwelling of preconstructed nature meeting applicable local building codes pertaining to on-site assemble of structures.

10-02-61: 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.

10-02-62: Trailer or mobile home park.

“Trailer or mobile home park” means land designed or used for the temporary or permanent parking of two or more trailers or mobile homes, and where the lot is rented or owned.

10-02-63: Trailer subdivision or mobile home subdivision.

“Trailer subdivision” or “mobile home subdivision” means subdivision designed and intended predominantly for permanent or temporary occupancy of mobile home or travel trailers.

10-02-64: 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.

10-02-65: Usable open space.

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

10-02-66: 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.

10-02-67: 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 same vicinity or zone.

10-02-68: Yard, front.

"Front yard" means a yard, extending across the full width of lot and lying between the front line of lot and the nearest line of principal building.

10-02-69: Yard, rear.

"Rear yard" means a yard extending across the full width of lot and lying between the rear line of lot and the nearest line of the principal building.

10-02-70: 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.

10-02-71: 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 the building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as not to be considered in measuring yard dimensions or as being permitted to extend into a yard, and the measurements shall be taken at right angles from the line to the building to the nearest lot line.

## Chapter 3: Zoning Districts Established

### **10-3-01 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.

### **10-3-02 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 of 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 as follows:

- A. AO - Agriculture Open-Space;
- B. "A" - Residential Districts
- C. "B" - Residential Mobile Home Districts
- D. "C" - Commercial - Industrial Use Regulations

### **10-3-03 Agriculture Open-Space.**

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 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 infusion of uses not compatible with an agricultural rural environment.

### **10-3-04 Residential "A" District.**

The Residential "A" District is intended to provide an area for medium, urban density, single-family, residential environment on lots that are served by public water and sewer system.

### **10-3-05 Residential "B" Mobile Home Districts.**

The Residential "B" Mobile Home District is intended to provide a suitable residential environment for individual mobile homes, mobile home parks, and competitive accessory uses.

### **10-3-06 Commercial - Industrial "C" Use Districts.**

The Commercial - Industrial "C" Use District is intended to accommodate convenience retail, personal service, community retail, service and office facilities, and light industry uses. Facilities within the classification will generally serve an area within a one and one-half mile radius. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community

and those who use such services.

### **10-3-07 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 Fromberg," and is on file in the office of the city clerk. 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 prior to this date and all ordinances adopted after this date relating to the boundaries of zoning districts.

### **10-3-08 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 line shall be construed to be such boundaries;

C. Where district boundaries are so indicated that they approximately follow lot lines and is 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. Land within the city limits that has been or was subsequently subdivided or resubdivided 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, 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 clerk 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 "A" Residential Zoning District and the zoning map shall thereupon be amended to indicate such land or territory in the "A" Residential Zoning District without further zoning request variance.

## Chapter 4: Residential Districts; "A District"

### 10-4-01 Uses.

In any "A" residential district, no land shall be used, and no building shall be erected or altered except for the following uses:

- a. Single family dwellings
- b. Manufactured homes that are ten years old and less and set up on a permanent foundation. (To be classified as real property only)
- c. Schools
- d. Parks, recreation buildings, and country clubs not conducted as a business or for profit
- e. Fire departments
- f. Churches or temples
- g. Libraries

### 10-4-02 Building Area.

Except as otherwise provided in this chapter, no building with its accessory building shall be erected or altered, so as to occupy more than forty five percent (45%) of the area of a corner lot, more than thirty-five percent (35%) of the area of the interior lot.

### 10-4-03 Rear Yards.

Except as otherwise provided in this chapter, every building shall have a rear yard, the depth of which shall not be less than fifteen (15) feet for lots less than one hundred fifty feet in depth, and not less than twenty five (25) feet for lots one hundred fifty feet and over.

### 10-4-04 Side Yards.

Except as otherwise provided in this chapter, every lot shall have two side yards, each of which is not less than six (6) feet in width. The sum of the widths of the two side yards shall in no case be less than twenty four percent (24%) of the width of the lot.

### 10-4-05 Height.

Except as otherwise provided in this chapter, no building shall exceed thirty five (35) feet in height.

### 10-4-06 Set Back Line.

No building shall be erected or altered so as to place its street wall nearer than fifteen (15) feet from the property line. No accessory building shall be erected nearer than fifteen (15) feet from the property line.

### 10-4-07 Manufactured Homes.

For the purpose of single family homes, manufactured homes may **not** be placed in a "A" residential unless it is newer than a ten year old multisectional model and is set up and skirted in one of the following ways:

- 1) placed on a permanent foundation,
- 2) individual pads with cinder blocks are used for supports, coupled with uniform skirting,
- 3) a dug-out style with cinder blocks for support, designed to lower the unit to ground level.

#### **10-4-08 Schools, Temples, Libraries and Fire Departments.**

For the purpose of erecting schools, churches, temples, libraries, or fire departments, two or more adjoining lots shall be considered a single lot provided that the side line, rear yard, and building set back provisions are observed. Two side yards of not less than six (6) feet in width shall be provided in each single lot. The depth of the rear yard of the single lot shall not be less than ten (10) feet. The street wall of the building erected on the side yard shall be placed no closer than thirty (30) feet to the property line. The building shall not exceed sixty (60) feet in height.

#### **10-4-09 Barley Field Subdivision Regulations Required**

The following restrictions shall be complied with by any owner/developer of the said Barley Field Subdivision containing approximately ten (10) acres located on the east end of the property as described below:

That part of NE¼ of Section 20, Township 5 south, Range 23 East, P.M.M., Carbon County, Montana, described as Tract 1A, of Certificate of Survey No. 288 on file in the office of the Clerk and Recorder of said County, under Document #190460.

- Lots shall be ½ acre or more,
- Dwelling shall be no less than 1200 square feet on the main floor,
- Dwelling can be a double wide or approved modular style home (cannot be older than 10 years),
- All units will be required to hook up to the city water and sewer system and garbage pickup provided by the developer and/or homeowner.

#### **10-4-10 Conformity with Regulations Required.**

No building shall be erected or altered in an "A" residential district except in conformity with the regulations prescribed in this chapter.

#### **10-4-11 Exceptions to "A" Residential**

Any land mass in excess of 2 acres may be used for approved agricultural activity as defined by agriculture open space of Title 10, Chapter 3, Section 3 of the Fromberg Municipal Code Book.

## Chapter 5: Residential "B" Mobile Home Districts

### 10-05-01 Intent

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

- A. To encourage placement of, and the continued use of the land for single family mobile home dwellings located within mobile home parks or mobile home subdivisions,
- B. To prohibit commercial and industrial uses of the land;
- C. To encourage suitable and proper development of mobile home parks or mobile home subdivisions.

### 10-05-02 Definitions.

For the purpose of this section:

"Mobile home park" also means " Mobile home court."

"Mobile home subdivision" means a surveyed, approved, and filed subdivision where the lots are primarily for sale rather than individual spaces for rent.

### 10-05-03 Permitted uses.

The following use is permitted:

Single-family mobile home dwellings must have been manufactured on or prior to fifteen (15) years of age when located within mobile home parks or individual lots within a mobile home subdivision.

### 10-05-04 Allowable density.

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

### 10-05-05 Lot dimensions.

A. For single-wide mobile home dwellings 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.

### 10-05-06 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.

B. No mobile home, storm shed or other legal attachments to the mobile home shall be located less than six feet from the side property line. Detached tool sheds shall be located not less than five feet from the side or rear property lines. The ends of the mobile homes shall be at least ten feet apart when opposing rear walls are staggered, other wise 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.

**10-05-07 Mobile home park requirements.**

A. The minimum total area of a mobile home park shall be at least one acre, including alleys and/or roadways.

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

**10-05-08 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.

**10-05-09 Mobile home subdivision requirements.**

A. All lots in a mobile home subdivision shall conform to the requirements set forth in Section 10-05-05.

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.

**10-05-10 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 pads with cinder blocks used for supports, coupled with uniform skirting:

2. Permanent concrete foundation:

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

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

C. 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.

## Chapter 6: Commercial-Industrial Use Regulations; "C" District

### 10-06-01 Uses.

In any commercial and industrial district building may be erected or altered and land used for all lawful purposes except:

- A. Storage yards for scrap, bulk or raw materials
- B. Railroad yards or roundhouses
- C. Livestock, corrals, or feedlots
- D. Any manufacture or treatment whatsoever except light manufacturing as are carried on within an entirely enclosed building which create no objectionable noise, odor, smoke, fumes, vapor, dust or gas.

### 10-06-02 Rear and Side Yards.

Except as otherwise provided in this chapter, there is no requirement for a building in "C" district to have a rear or side yard.

### 10-06-03 Height

Except as other wise provided in this chapter, no building shall exceed seventy (70) feet in height.

### 10-06-04 Set back line.

All buildings shall be built in line with existing structures.

## Chapter 7: General Regulations

### **10-07-01 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 Fromberg; 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.

### **10-07-02 Permitted uses.**

No building or structures 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.

### **10-07-03 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.

### **10-07-04 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.

### **10-07-05 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 without a 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 provided in this title.

## Chapter 8: Nonconforming Uses

### **10-08-01 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 new use under the regulations of this chapter, is declared to be 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 10-08-02 through Sections 10-08-07.

### **10-08-02 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.

### **10-08-03 Additions, repairs and alteration allowed when.**

A. No building used for nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless use is changed to one which complies with the provisions of this chapter; provided, however, permits may be issued for reconstruction of an existing building to be continued as a nonconforming use if the following conditions are complied with:

1. New use would decrease the number of living units or population density in case such is violated;
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. The issuance of such permit would not violated the provisions of 10-08-04 of this chapter.

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.

### **10-08-04 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 on complying with provisions of this title in which it is located.

B. 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 10-08-04 of this chapter.

**10-08-05 Restriction 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.

**10-08-06 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 anew use in the district in which the building is located.

**10-08-07 Discontinuance.**

A. If for any reason a nonconforming use of land ceases for continuous period of more than thirty days, the land shall thereafter not be used except in compliance with provisions of this title for the district in which the land is located.

B. If for any reason a nonconforming use of a building ceases for a continuous period of more than six months, the building shall thereafter not be used except in compliance with the provisions of this title for the district in which the building is located.

### **10-9-03 Zoning Commission Action**

A. After presentation to the zoning commission of the request for a 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 Fromberg 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.

### **10-9-04 City Council Action**

A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.

B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in a newspaper of general circulation in the jurisdictional area of the Fromberg- Carbon County area with the first publication being at least fifteen days prior to the hearing.

## Chapter 9: Special Review Procedure

### 10-9-01 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 for the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Fromberg comprehensive planning process.

### 10-9-02 Application Requirements

The property owner, contract purchaser, or his authorized agent may file an application for a special review. 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;
  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/her request.
- B. Request for Change Use District: Changes in the classification or boundaries of any use district may be made by the town council either on its own initiative, or upon a petition of thirty-five percent of the owners of real property within and immediately adjoining the land to be reclassified.
- C. Procedure for Changing Use District: A proposed change in use district shall be referred to the zoning commission, which shall make a careful investigation. The town council shall then hold a public hearing on the matter. Notice of the hearing shall be published twice in a newspaper of general circulation in the municipality, the first notice to be published not less than fifteen days before the date of the hearing. At such hearing, the council shall hear the report of the zoning commission and all other persons presenting recommendation or objections relative to the proposed change, and thereupon take action on the proposed change.

## Chapter 10: Amendments

### 10-10-01 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.

### 10-10-02 Amendment Procedure.

Amendments to this title shall be initiated only in the following manner:

A. 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 amendments 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.

B. 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 the required fee of one hundred twenty five dollars and all other materials and data required in the application.

### 10-10-03 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 uses;
9. Statement concerning any expected effect upon the adjacent neighborhood;
10. Names and addresses of adjacent property owners, within three hundred feet;
11. Signature of applicant;
12. Payment of all applicable fees;

B. An application for amendment to the official map shall be made on or before three 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 three 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.

#### **10-10-04 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 including reasons for the recommendation to the city council to:

1. Deny the application for amendment to the official map;
2. Grant actions 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;

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.

#### **10-10-05 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 Fromberg-Carbon County, and fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.

C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.

D. In case, however, of a valid protest petition against such change, signed by the owners of twenty per centum, or more, either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

## Chapter 11 Enforcement

### **10-11-01 Purpose of Provisions**

The provisions of this title shall be enforced by the police department, subject to such variations or interpretations as may be made by the city council.

### **10-11-02 Abatement Procedure**

A. 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 police department (with the approval of the city council) 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 police department.

B. Appeal from the actions of the police department shall be made with the city council.

### **10-11-03 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 the table of fees which is \$250.

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.

TITLE 10  
ZONING

CHAPTER

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## CHAPTER 1

### GENERAL PROVISIONS

10-1-01 DEFINITIONS. When used in this title, the following words and phrases shall have the meanings ascribed to them in this section:

a. "Assessory Building" means a subordinante building or portion of the main building which is located on the lot of the main building, and the use of which is clearly incidental to the use of the main building.

b. "Building" means a structure having a roof supported by columns or walls and which is placed on a permanent foundation for the support or enclosure of persons, animals, or chattels.

c. "Depth of lot" means the horizontal distance between the front and rear lot lines.

d. "District" means a section of the town for which the regulations governing the use of buildings and premises are the same.

e. "Lot" means land occupied or to be occupied by one building and assessory buildings and uses, including open spaces required under this title.

f. "Lot lines" means lines bounding a lot.

g. "Non-conforming use" means a use of a building, or premises, that does not conform with the regulations of the use district in which it is situated.

h. "Rear yard" means an open space unoccupied except for assessory buildings on the same lot with a main building, between the rear lines of the main building and the rear line of the lot, for the full width of the lot.

i. "Set back" means the minimum horizontal distance between the street wall of a building and the street line.

j. "Side yard" means an open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard, or to the rear line of the lot where no rear yard is required.

k. "Single family dwelling" means a detached building having accomodations for and occupied by one family only. It shall also mean a detached building used as a foster home, boarding home, or community residential facility within the meaning of Sections 10-1316 and 11-2702.2, R.C.M., 1947.

l. "Street wall" means the main wall nearest to and fronting on a street, including sun-parlors, but not including bay windows or porches which are not closed in, and extend less than five feet from the main wall of the building.

10-1-02 USE DISTRICTS. For the purpose of classifying, and regulating the use of real property, the town and all land within one mile of the town shall be divided into the following use districts:

- (a) Open Space District
- (b) "A" Residential
- (c) "B" Residential
- (d) Commercial
- (e) Industrial
- (f) not classified

10-1-03 BOUNDARIES OF USE DISTRICTS. The boundaries of the use districts shall be as shown on the use district map which is on file in the office of the town clerk. The use district map is hereby adopted and incorporated as fully as if reproduced herein. No land shall be used, and no building shall be erected or altered within a use district except in conformance with the regulations provided in this title.

10-1-04 NON-CONFORMING USE OF LAND. The lawful use of land, existing at the time of adoption of this title, may be continued although such use does not conform to the regulations provided for the use district in which the land is located. Provided, however, that if such non-conforming use is discontinued for a period of two years, any future use of the land shall be in conformity with the regulations of the land use district in which the land is located.

10-1-05 NON-CONFORMING BUILDING. The lawful use of buildings or structures existing at the time of adoption of this chapter may be continued although such use does not conform to the regulations provided for the use district in which the building is located. Provided, however, that no structural alterations except those required by this Code or other ordinances of the town, are made therein. The use of a non-conforming building which has been damaged less than fifty per cent of its valuation may be continued, provided the building is restored within one year. The use of a non-conforming building which has been damaged more than fifty per cent of its valuation shall be discontinued.

10-1-06 VARIANCES. The board of adjustment may grant permits for the alteration or construction of non-conforming buildings, or for non-conforming uses, provided such building or use will not be detrimental to, or tend to alter, the character of the neighborhood.

10-1-07 ENFORCEMENT. The building inspector shall be charged with the enforcement of this title.

10-1-08 APPEALS. Appeal from the rulings of the building inspector concerning the enforcement of the provisions of this title may be made to the board of adjustment within such time as shall be prescribed by the board as a general rule. The appellant shall file with the building inspector and with the board of adjustment a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of action appealed from unless the officer from whom the appeal is taken certified to the board of adjustment that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order from the board of adjustment, or from a court of record.

10-1-11 REQUEST FOR CHANGING USE DISTRICT. Changes in the classification or boundaries of any use district may be made by the town council either on its own initiative, or upon a petition of thirty-five per cent of the owners of real property within and immediately adjoining the land to be reclassified.

10-1-12 PROCEDURE FOR CHANGING USE DISTRICT. A proposed change in use district shall be referred to the zoning commission, which shall make a careful investigation. The town council shall then hold a public hearing on the matter. Notice of the hearing shall be published twice in a newspaper of general circulation in the municipality, the first notice to be published not less than fifteen days before the date of the hearing. At such hearing, the council shall hear the report of the zoning commission, and all other persons presenting recommendations or objections relative to the proposed change, and thereupon take action on the proposed change.

10-1-21 VIOLATIONS. Prosecutions for violation of this title shall be in the police court of the town, upon written complaint of the building inspector or town council.

10-1-22 PENALTY. Persons violating any provision of this title shall be subject to the general penalty. Each day that a violation is permitted to exist shall constitute a separate offense.

Option #2 - (Zoning Committee recommendation for Barley Field acreage.)

The Town should keep a portion (approximately four acres) which borders the existing baseball field. (This section includes everything west of first avenue south to the irrigation). This property is to be held for Town use.

Note: If a part of this is used for a baseball addition, it is the consensus of the committee that the baseball field be maintained by the baseball leagues and not the town full-time maintenance man.

The remaining property, approximately 10 acres known as the "Barley Field", should be sold to a developer as Residential "A" under certain restrictions which include the following:

- Lots ½ acre or more.
- Dwelling no less than 1200 square feet (Main Floor).
- Dwelling can be a double wide or approved modular style home (cannot be older than 1985).
- All units will be required to hook up to city water, sewer system and garbage service provided by the developer and/or homeowner.

Options under consideration for the Barley Field Acreage presented by the Zoning Committee:

**Clarification:** This particular piece of land was bought by the Town with program income money and can be held indefinitely to utilize at a later date in whatever way the town deems appropriate.

1. Keep the property for future land value appreciation and to utilize and attract business and/or residential development at a later time.

2. Keep a portion (approximately 4 acres) which borders the existing baseball field. (This section includes everything west of first avenue south to <sup>the river</sup> ~~the river~~) This will be held for a future Senior Center, Community Center, baseball addition, a small business, or whatever else the city chooses. Note: If a part of this is used for a baseball addition it is the consensus of the committee that the baseball field be maintained by the baseball leagues and not the town full-time maintenance man.

*Approx 10 Acres West of Ball Field*  
Sell the remainder to a developer as Residential "A" under certain restrictions which include the following:

- \* Lots ½ acre or more
- \* dwelling no less than 1200 square feet (main floor)
- \* dwelling can be a double wide or approved modular style home (cannot be older than ~~1976~~ ~~1976~~ ~~1980~~ <sup>1985</sup>)
- \* all units will be required to hook up to the city water and sewer system provided by the developer and/or homeowner. *+ Absear Pickup*

3. Sale the entire piece of property as Residential "A" which includes the above restrictions.

*CC/so Young*

## CHAPTER 2

### "A" RESIDENTIAL

10-2-01 USES. In any "A" residential district, no land shall be used, and no building shall be erected or altered except for the following uses:

- a. single family dwellings not including trailer coaches
- b. schools
- c. parks, recreation buildings, and country clubs not conducted as a business or for profit
- d. assessorly uses incident to the above uses, including private garages
- e. fire departments
- f. churches and temples
- g. libraries

10-2-02 BUILDING AREA. Except as otherwise provided in this chapter, no building with its assessorly buildings shall be erected or altered, so as to occupy more than forty-five percent of the area of a corner lot, more than thirty-five percent of the area of an interior lot.

10-2-03 REAR YARDS. Except as otherwise provided in this chapter, every building shall have a rear yard, the depth of which shall not be less than fifteen (15) feet for lots less than one hundred fifty feet in depth, and not less than twenty-five (25) feet for lots one hundred fifty feet and over.

10-2-04 SIDE YARDS. Except as otherwise provided in this chapter, every lot shall have two side yards, each of which is not less than six (6) feet in width. The sum of the widths of the two side yards shall in no case be less than twenty-four percent of the width of the lot.

10-2-05 HEIGHT. Except as otherwise provided in this chapter, no building shall exceed thirty-five (35) feet in height.

10-2-06 SET BACK LINE. No building shall be erected or altered so as to place its street wall nearer than thirty feet from the street line. No assessorly building shall be erected nearer than thirty feet from the street line.

10-2-07 SCHOOLS, CHURCHES, TEMPLES, LIBRARIES, AND FIRE DEPARTMENTS. For the purpose of erecting schools, churches, temples, libraries, or fire departments, two or more adjoining lots shall be considered a single lot (hereinafter called a plot) provided that the side line, rear yard, and building set back provisions are observed. Two side yards of not less than six feet in width shall be provided on each plot. The depth of the rear yard of the plot shall not be less than ten feet. The street wall of the building erected on the plot shall be placed

no closer than thirty feet to the street line. The building shall not exceed sixty feet in height.

10-2-08 CONFORMITY WITH REGULATIONS REQUIRED. No building shall be erected or altered in an "A" residential district except in conformity with the regulations prescribed in this chapter.

## CHAPTER 3

### "B" RESIDENTIAL

10-3-01 USES. In any "B" residential district, no land shall be used, and no building shall be erected or altered, except for the following uses:

- a. any use permitted in an "A" residential district
- b. apartment houses and multiple family dwellings
- c. hospitals
- d. police departments
- e. professional or commercial offices
- f. single family residence including trailer coaches.

10-3-02 CONFORMITY WITH REGULATIONS REQUIRED. No building shall be erected or altered in a "B" residential district except in conformity with the regulations prescribed in this chapter.

10-3-03 BUILDING AREA. No building with its accessory buildings shall be erected or altered so as to occupy more than fifty percent of the area of an interior lot, or more than sixty percent of the area of a corner lot.

10-3-04 REAR YARDS. Every building shall have a rear yard, the depth of which shall not be less than ten feet for lots less than one hundred fifty feet in depth and not less than twenty feet for lots one hundred fifty feet and over.

10-3-05 SIDE YARDS. Two side yards shall be provided on every lot. The width of each side yard shall be not less than one-tenth the width of the lot nor less than one-eighth the height of the building.

10-3-06 SET BACK LINE. No building shall be erected or altered so as to place its street wall nearer than twenty feet from the street line. No accessory building shall be erected nearer than twenty feet from the street line.

10-3-07 HEIGHT. no building shall exceed sixty (60) feet in height.

CHAPTER 3

"C" RESIDENTIAL

10-3-01a USES. In any "B" residential district, no land shall be used, and no building shall be erected or altered, except for the following uses:

- a. any use permitted in an "A" residential district
- b. apartment houses and multiple family dwellings
- c. hospitals
- d. police departments
- e. professional or commercial offices
- f. single family dwellings, including trailer coaches,
- g. Trailer Coach lots, so long as other provisions with respect to such lots or in conformance with the Fromberg municipal Code.

10-3-02a CONFORMITY WITH REGULATIONS REQUIRED. No building shall be erected or altered in a "B" residential district except in conformity with the regulations prescribed in this chapter.

10-3-03a BUILDING AREA. No building with its accessory buildings shall be erected or altered so as to occupy more than fifty percent of the area of an interior lot, or more than sixty percent of the area of a corner lot.

10-3-04a REAR YARDS. Every building shall have a rear yard, the depth of which shall not be less than ten feet for lots less than one hundred fifty feet in depth and not less than twenty feet for lots one hundred fifty feet and over.

10-3-05a SIDE YARDS. Two side yards shall be provided on every lot. The width of each side yard shall be not less than one-tenth the width of the lot nor less than one-eighth the height of the building.

10-3-06a SET BACK LINE. No building shall be erected or altered so as to place its street wall nearer than twenty feet from the street line. No accessory building shall be erected nearer than twenty feet from the street line.

10-3-07a HEIGHT. no building shall exceed sixty (60) feet in height.

CHAPTER 4

COMMERCIAL

10-4-01 USES. In any commercial district, buildings may be erected or altered, and land used for all lawful purposes, except:

- a. storage yards for scrap, bulk, or raw materials
- b. railroad yards or roundhouses
- c. livestock corrals or feed lots
- d. any manufacture or treatment whatsoever, except such light manufactures as are carried on within entirely closed buildings and which create no objectionable noise, odor, smoke, fumes, vapor, dust, or gas.

CHAPTER 5

INDUSTRIAL

10-5-01 USES. In any industrial district, buildings may be erected or altered, or lots used for all lawful purposes.

## CHAPTER 6

### OPEN SPACE DISTRICT

10-6-01 USES. In any open space district, no land shall be used, and no building shall be erected, or altered, except for the following uses:

- a. parks, recreation buildings, and country clubs not conducted as businesses for profit
- b. undeveloped open spaces
- c. agricultural uses
- d. assessorly uses incident to the above uses, including assessorly buildings, and buildings used as farm residences.

10-6-02 CONFORMITY WITH REGULATIONS REQUIRED. No building shall be erected or altered in open space district except in conformity with the regulations prescribed in this chapter.

10-6-03 LOT SIZE. In any open space district, no lot shall be less than ten acres in area.