

TITLE 10
ZONING REGULATIONS

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CHAPTER 1
GENERAL PROVISIONS

SECTION:

- 10-1-1: Title
10-1-2: Minimum Requirements
10-1-3: Separability

10-1-1: **TITLE:** This title and all chapters herein shall be known and cited as the zoning ordinance of the city and be referred to as the *ZONING TITLE OF THE OFFICIAL CODE OF THE CITY OF BELGRADE, MONTANA*. (Amended Ord. 86-1)

10-1-2: **MINIMUM REQUIREMENTS:** In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the health, safety, morals, and general welfare of the community. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules or regulations, the more restrictive, or those imposing the higher standards, shall govern. (Amended Ord. 86-1)

10-1-3: **SEPARABILITY:** Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid. (Amended Ord. 86-1)

CHAPTER 2
DEFINITIONS

SECTION:

- 10-2-1: Rules Of Interpretation
10-2-2: General Definitions

10-2-1: **RULES OF INTERPRETATION:** Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words "used" or "occupied" shall include within their meaning the words "intended, arranged, or designed to be used or occupied". The word "person" shall include corporation, partnership, or other legal entity. Where other definitions are necessary and are not defined herein, the city council may define such terms. (Ord. 86-1; amd. Ord., 10-16-2006)

10-2-2: **GENERAL DEFINITIONS:** For the purpose of this title, certain terms and words are defined as follows:

ACCESSORY USE OF BUILDING: The use of land or a subordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.

ACCESS/DRIVEWAY: The means by which vehicles enter and exit the required off street parking spaces between the street right of way/property line and the off street parking space. Access/driveways will be surfaced in the same manner as the off street parking area that it serves to a minimum width of nine feet (9').

ADULT BOOKSTORE: An establishment or business:

A. Which has, as a portion of its stock in trade, or which sells, offers or exhibits for sale, any books, magazines, periodicals, writings, pictures, photographs, motion pictures, video tapes, or recordings, records of tape recordings, defined as "obscene" by Montana Code Annotated subsection 45-8-202(2), which definition is by this reference incorporated herein; or

B. Which presents or shows motion pictures, movies, video tapes, reproductions or similar visual materials, defined as "obscene" by Montana Code Annotated subsection 45-8-202(2), which definition is by this reference incorporated herein, regardless of the seating capacity of such establishment or business and regardless of whether such materials are presented or shown either to persons in a group or to persons individually in separate booths or viewing areas; and

C. Which regularly excludes any person by reason of their age.

AGRICULTURE:

The tilling of soil, the raising of crops, horticulture and gardening, dairying, or animal husbandry, including all uses customarily incidental thereto, but not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, commercial feedlots, or similar uses.

ALLEY:

A narrow serviceway, not less than twenty feet (20') wide, which is open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

APARTMENTS:

A building or portion thereof designed with more than four (4) individual dwelling units, which are built, rented, leased, let, or hired out to be occupied on a permanent basis as distinguished from a transient occupancy basis.

ASSISTED LIVING FACILITIES:

Facility designed for frail elderly residents who need assistance with activities of daily living. Assisted living facilities should be designed to promote independence and provide personal care assistance according to individual needs in a homelike environment.

AUTOMOBILE/JUNK:

Any auto, truck, or other motor vehicle which is inoperative due to a lack of wheels, motor, running gear, portions of the body work, or any combination thereof.

AUTOMOBILE WRECKING:

The act of dismantling or wrecking of used motor vehicles, or trailers, or the storage, sale, or dumping of dismantled, or partially dismantled, obsolete or wrecked motor vehicles or other parts.

AUTOMOBILE WRECKING YARD:

The use of any lot, portion of a lot, or tract of land for the storage, keeping, sale, or abandonment of automobiles or other motor vehicles.

BED AND BREAKFAST INN:

An owner occupied commercial facility which provides temporary accommodations and meals for compensation. A bed and breakfast inn will have no more than five (5) bedrooms for rent, and will supply meals only to registered guests and to the immediate family members who live in the facility. It is the intent of this title that bed and breakfast inns serve only as temporary accommodations and not as a long term residence for the guests (stays limited to less than 30 days).

BOARDING (LODGING OR ROOMING) HOUSES:

A building, or portion thereof, other than a hotel, rest home, or home for the aged where lodging and/or meals exclusive of the operator's immediate family are provided for compensation.

BUILDING:

Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT:	The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of the mansard roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
BUILDING INSPECTOR:	That official designated by the city council as the official responsible for accepting, reviewing and approving, or rejecting plans for buildings and applications for building and land use permits and for interpretation and enforcement of ordinances related thereto.
CARETAKER'S RESIDENCE:	A single-family residence placed in conjunction with and/or attached to a land use that requires twenty four (24) hour care in order to protect the livelihood of a business. If detached, structure shall be of a temporary, movable nature such as a manufactured or modular home, and be reviewed by the city as a conditional use as set forth in section 10-6-5 of this title.
CHILDCARE FACILITIES:	A person, association, or place, incorporated or unincorporated, that provides supplemental parental care on a regular basis to children twelve (12) years of age or younger. It includes a family daycare home and a childcare facility. It does not include a person who limits care to children who are related to him by blood or marriage or under his legal guardianship, or any group facility established chiefly for educational purposes. More specifically defined as follows:
Childcare Facility:	A place, other than a private residence, in which supplemental parental care is provided to children on a regular basis including the provider's own children who are less than six (6) years of age. It may include facilities known as nursery schools, day nurseries, and centers for the mentally retarded.
Family Daycare Home:	A private residence in which supplemental parental care is provided for compensation to

	three (3) to six (6) children, no more than three (3) children under two (2) years of age, from separate families on a regular basis, including the provider's own children who are less than six (6) years of age.
Group Daycare Home:	A private residence in which supplemental parental care is provided to seven (7) to twelve (12) children on a regular basis including the provider's own children who are less than six (6) years of age.
CHURCH:	A building designed for public worship by any religious body.
CLINIC:	A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.
CLUBS (FRATERNAL LODGES):	Buildings and facilities owned and operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
COMMERCIAL KENNEL:	Any lot, premises, structure, or building where six (6) or more dogs or six (6) or more cats of at least six (6) months of age are kept.
CONDITIONAL USE:	See definition of Use, Conditional.
CONDOMINIUM/ TOWNHOUSE:	
Condominium:	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, which he may sell, mortgage, or devise as he could with a single-family dwelling that he owned.

Townhouse:	Ownership of a parcel of land with an attached single-family dwelling unit that is connected with other similar dwelling units but separated from the other similar dwelling units by a common party wall having no doors, windows, or other provisions for human passage or visibility.
CONTRACTOR'S YARD:	Open spaces used for the storage of machinery, equipment, materials, and supplies used by the contractor in the pursuit of his business. This is intended to be a yard owned or leased by a contractor engaged in some kind of construction work.
DENSITY:	The total number of dwelling units allowed per gross acre.
DWELLING:	A building or portion thereof designed with living quarters for occupancy by one or more families.
DWELLING, DUPLEX:	A detached building designed as two (2) structurally joined dwelling units and occupied exclusively by one family per dwelling unit living independently of each other, and with separate entrances.
DWELLING, MULTI-FAMILY:	A building designed with three (3) to four (4) structurally joined dwelling units, and occupied exclusively by one family per dwelling unit living independently of each other, and with separate entrances.
DWELLING, ONE-FAMILY:	A building designed with living quarters for occupancy by one family only, and containing one dwelling unit on a lot.
DWELLING UNIT:	A building or portion thereof providing separate cooking, eating, sleeping, and living facilities for one family and its resident domestic employees.
FAMILY:	Any individual, or two (2) or more persons related by blood or marriage, or a group of not more than four (4) persons (excluding servants) who need not be related by blood or marriage,

	living together as a single nonprofit housekeeping unit.
FLOOR AREA:	The total number of square feet of floor space within the exterior walls of a building (floor areas of basements shall not apply as part of the required minimum floor area of buildings).
GARAGE, AUTOMOTIVE/ VEHICULAR REPAIR:	Any building or premises used for the major repair of motor vehicles as a commercial business, but not including auto wrecking or storage of wrecked motor vehicles. Repair activity shall be conducted in enclosed places or screened from public view.
GASOLINE SERVICE STATIONS:	Any building or portion thereof and the land upon which it is situated used for supplying fuel and/or oil for motor vehicles at retail direct to the consumer and/or making minor vehicle repairs.
GROWTH POLICY:	Any document or portion of any document duly adopted by the city council which is intended to guide the growth and development of the area.
HOME OCCUPATION:	The use of a dwelling or accessory structure, in a residential area, as an office, studio or workroom for occupations at home, shall be divided into two (2) categories, minor home occupations and major home occupations. Such categories shall be defined as follows:
Major Home Occupation:	A home occupation which is both managed and owned by a family member residing on the premises which has an attached nameplate or sign not to exceed two (2) square feet and may create a need for off street parking, may generate additional traffic, and require equipment other than normally used in household, domestic or general office use.
Minor Home Occupation:	A home occupation which is both managed and owned by a family member residing on the premises, which has no visible exterior evidence

of the conduct of the occupation, which does not generate additional traffic, does not require more than three hundred (300) square feet, and in which no equipment is used other than normally used in household, domestic, or general office use.

- HOSPITAL:** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including outpatient departments, training facilities, central service facilities and staff offices.
- HOTEL:** A building containing six (6) or more rooms designed for and rented out for sleeping purposes for transients and where only a general kitchen and dining room are provided in the building or in an accessory building.
- INDUSTRY:** The manufacture, fabrication, processing, reduction, or destruction of any article, substance or commodity, or any other treatment thereof, in such a manner as to change the form, character, or appearance thereof, including, but not limited to, the following: animal hospitals, bottling plants, building or contractors' yards, cleaning and dyeing establishments, creameries, dog pounds, junkyards, lumberyards, milk bottling and distribution stations, stockyards, storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprises.
- LANDSCAPING:** The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative planting of trees, shrubs, grasses, flowers, etc. This definition shall also include the designing of the placement of such materials.
- LOADING BERTH,
OFF STREET:** An off street space or berth on the same lot with a principal building for the parking of a commercial vehicle while loading or unloading merchan-

	dise and which has direct access from a public street or alley.
LOT:	A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
LOT, CORNER:	A lot situated at the junction of and abutting on two (2) or more streets.
LOT COVERAGE:	The total area of a lot covered by the principal and accessory buildings.
LOT LINES:	The lines bounding a "lot" as defined herein.
LOT WIDTH:	The width of a lot along a line parallel to the frontage thereof and lying a distance equal to the required front yard setback on such lot.
MANUFACTURED HOME PARK:	A parcel of land that has been planned and improved for the placement of manufactured homes for residential units.
MANUFACTURED HOMES:	A factory built or manufactured transportable residential structure more than thirty two (32) body feet in length and eight feet (8') or more in width, and built on one or more permanent chassis for towing to the point of use, and designed to be used without a permanent foundation as a dwelling unit when connected to sanitary facilities, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the United States department of housing and urban development definition of manufactured home. The phrase "without permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon can be moved from time to time at the convenience of the owner. A commercial coach, recreational vehicle, and motor home is not a manufactured home.

- MASTER PLAN:** Any document or portion of any document duly adopted by the city council which is intended to guide the growth and development of the area.
- MODULAR HOME:**
- A. A factory fabricated structure designed primarily for human occupancy to be used by itself or to be incorporated with similar units at a building site into a structure on a permanent foundation and which complies with the Belgrade adopted building, plumbing, electrical, and mechanical construction codes and the rules and regulations for modular housing or the building code division of the Montana department of administration. The term is 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 the site.
 - B. The meter base for incoming wiring is attached to the exterior wall of the modular home; whereas, for a manufactured home, the meter base must be attached to a pole or a support which is isolated from the structure. The units shall be listed and assessed by the county assessor as real or personal property.
 - C. Modular homes which meet the international building code will be considered the same as conventional homes for the purposes of this title.
- MOTEL:** See definition of Hotel.
- NONCONFORMING USE OR STRUCTURE:** A use or structure which lawfully occupied a building or land at the time this title or any amendments become effective and which does not conform with the use regulations of the district in which it is located.
- NURSING HOME:** A building or portion thereof used for the housing of and caring for the ambulatory, aged, or infirm by a professional staff.

**OUTDOOR
ADVERTISING
DISPLAY:**

A. Includes: Any card, paper, cloth, metal, wooden or other display or device of any kind or character, including, but not limited to, any poster, bill printing, painting or other advertisement of any kind whatsoever, including statuary, placed for outdoor advertising purposes or on the ground or any tree, wall, rock, fence, building, structure, or thing.

B. Does Not Include: Outdoor advertising display does not include:

1. Official notices issued by any court or public body or officer;

2. Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;

3. Directional, warning or informational structure required by or authorized by law or by federal, state, county, or city authority.

PARKING LOTS:

A structure or an area, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use, whether free, for compensation, or an accommodation for customers or clients.

**PARKING SPACE,
OFF STREET:**

A space located off any public right of way which is at least nine feet by eighteen feet (9' x 18') in size for parking of any motor vehicle, with room to get out of either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.

**PROFESSIONAL
(BUSINESS) OFFICES:**

Offices to be occupied by accountants, architects, dentists, doctors, engineers, lawyers, insurance agents, real estate agents, or other professions which are of a similar nature. Professional offices shall not display stock or wares in trade, commodities sold, nor any commercial use conducted other than those professional business uses described above.

PROHIBITED USES:	In specific districts, prohibited uses are those uses not specifically enumerated as permitted uses. Prohibited uses are listed in this title for the purposes of clarity and emphasis only. Prohibited uses mentioned include, but are not limited to, the enumerated prohibited uses. No use of any property or structure in any district shall be permitted or conditionally permitted that is in violation of federal, state or local law.
PUBLIC AND QUASI-PUBLIC BUILDINGS:	Include public, semipublic and private elementary schools, high schools, civic buildings, community buildings and uses, museums, art galleries, firehouses, post offices, police stations, reservoirs, senior and youth centers, libraries, parks, hospitals, sanatoriums, institutions for philanthropic or charitable purposes other than correctional, essential services and similar uses.
RECREATIONAL VEHICLE:	A vehicle, self-propelled or towed, designed as a temporary dwelling for travel, recreation and vacation uses. Towed recreational vehicles shall not be more than eight feet (8') in body width.
RECREATIONAL VEHICLE AND TRAVEL TRAILER PARK:	Any area or tract of land rented or held out for rent to one or more persons or users for parking or placement of temporary recreational vacation housing.
RESTAURANT:	A public eating house which does not provide curbside or automobile service.
RETAIL SALES:	An establishment selling goods, wares, or merchandise directly to the ultimate consumers.
ROOMING HOUSE:	See definition of Boarding (Lodging Or Rooming) Houses.
ROOMING UNIT:	See definition of Unit, Rooming.
SCREENED:	Concealed or cut off from direct visual contact.

SETBACK:	The horizontal distance required between any structure and a lot line. This distance to be measured at right angles to the lot line. The setback line shall be parallel with the lot line.
SHOPPING CENTER:	One or more buildings containing at least three (3) separate retail businesses planned, developed and managed as a unit, with off street parking provided on the property.
SIGN:	Any face of any lettered or pictorial device and/or structure designed to inform or attract attention.
STRUCTURAL ALTERATION:	Any change in the shape or size of any portion of a building or of the supporting members of the girders, floor joist, or roof joist.
STRUCTURE:	That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
UNIT, EFFICIENCY:	A dwelling unit with unseparated areas for sleeping and/or cooking.
UNIT, ROOMING:	A space for human occupancy lacking private bath and/or kitchen facilities.
USE:	Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
USE, CONDITIONAL:	Uses, other than permitted uses, that may be allowed in a specific district, but requiring additional safeguards or conditions to maintain and assure the health, safety, morals, and general welfare of the community and the character of the district.

VARIANCE:	The relaxation of the strict application of the terms of this title with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, building height, parking and loading space requirements, etc., where specific physical conditions unique to the site or the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.
WHOLESALE ESTABLISHMENT:	An establishment for the sale of goods and merchandise for resale instead of direct consumption.
YARD, FRONT:	An open space extending across the full width of the lot between the front building line and the front lot line.
YARD, REAR:	An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.
YARD, SIDE:	An open space extending from the side building line to a side lot line running from the front to the rear of the lot.
ZERO LOT LINE:	The relaxation of the strict application of side yard requirements where two (2) adjoining lot owners agree to the side yard reduction. (Amended Ord. 86-1; amd. Ord. 97-8, 11-3-1997; 2009 Code; Ord. 2010-4, 7-6-2010)

SHOPPING CENTER:	One or more buildings containing at least three (3) separate retail businesses planned, developed and managed as a unit, with off street parking provided on the property.
SIGN:	Any face of any lettered or pictorial device and/or structure designed to inform or attract attention.
STRUCTURAL ALTERATION:	Any change in the shape or size of any portion of a building or of the supporting members of the girders, floor joist, or roof joist.
STRUCTURE:	That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
UNIT, EFFICIENCY:	A dwelling unit with unseparated areas for sleeping and/or cooking.
UNIT, ROOMING:	A space for human occupancy lacking private bath and/or kitchen facilities.
USE:	Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
USE, CONDITIONAL:	Uses, other than permitted uses, that may be allowed in a specific district, but requiring additional safeguards or conditions to maintain and assure the health, safety, morals, and general welfare of the community and the character of the district.
VARIANCE:	The relaxation of the strict application of the terms of this title with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, building height, parking and loading space requirements, etc., where specific physical conditions unique

to the site or the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible.

**WHOLESALE
ESTABLISHMENT:**

An establishment for the sale of goods and merchandise for resale instead of direct consumption.

YARD, FRONT:

An open space extending across the full width of the lot between the front building line and the front lot line.

YARD, REAR:

An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.

YARD, SIDE:

An open space extending from the side building line to a side lot line running from the front to the rear of the lot.

ZERO LOT LINE:

The relaxation of the strict application of side yard requirements where two (2) adjoining lot owners agree to the side yard reduction. (Amended Ord. 86-1; amd. Ord. 97-8, 11-3-1997; 2009 Code)

CHAPTER 3

DISTRICTS ESTABLISHED

SECTION:

- 10-3-1: Official Zoning Map
- 10-3-2: Districts Enumerated
- 10-3-3: Certificate
- 10-3-4: Replacement Of Official Zoning Maps
- 10-3-5: Interpretation Of Boundaries
- 10-3-6: Interpretation Of Uses

10-3-1: **OFFICIAL ZONING MAP:** The city and its extraterritorial limits surrounding the city are hereby divided into zones or districts, as shown on the official zoning maps, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter. (Amended Ord. 86-1)

10-3-2: **DISTRICTS ENUMERATED:** For the purposes of this chapter, the city is hereby divided and classified into the following use districts:

- A-S Agricultural suburban
- R-S Residential suburban
- R-S-M Residential suburban and manufactured home
- R-1 Residential, single-family
- R-2 Residential, single-family
- R-2-D Residential, one- and two-family
- R-2-M Residential, single-family and manufactured homes
- R-3 Residential
- R-4 Residential, apartment
- B-1 Neighborhood business
- B-2 Highway business
- B-3 Central business
- BP Business park
- BP-10 Business park

- M-1 Commercial, light manufacturing
- M-2 Manufacturing and industrial
- PLI Public lands and institutions
- T Transitional
Casino overlay district

(Amended Ord. 86-1; amd. 2009 Code)

10-3-3: CERTIFICATE:

- A. Certificate Required: The official maps shall be available in the city office and shall bear a certificate with the signature of the mayor, attested by the director of finance, and the date of adoption of this title.
- B. Certificate Text: The certificate should read as follows:

This is to certify that this is an Official Zoning Map referred to in section 10-3-3 of the Official Code of the City of Belgrade, Montana.

Mayor _____

Attested _____

Date of Adoption _____

- C. Changes: If any changes to the map are made by amendment of this chapter in accordance with chapter 18 of this title, such changes shall be made to the official zoning maps and signed, dated and certified upon the map or upon the material attached thereto.
- D. Final Authority: Regardless of the existence of purported copies of the official zoning maps which may from time to time be made or published, the official zoning maps kept in the city office shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the city. (Amended Ord. 86-1)

10-3-4: REPLACEMENT OF OFFICIAL ZONING MAPS:

- A. Damaged, Destroyed, Lost, Or Difficult To Interpret: In the event that the official zoning maps become damaged, destroyed, lost, or

difficult to interpret because of the nature or number of changes and additions thereto, the city council may adopt and certify new official zoning maps. The new official zoning maps may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original official zoning maps or any subsequent amendment thereof.

- B. New Official Zoning Maps: The new official zoning maps shall be identified by signature of the mayor, attested by the city director of finance. The certificate should read as follows:

Mayor _____

Attested _____

Date _____

(Amended Ord. 86-1)

10-3-5: INTERPRETATION OF BOUNDARIES:

- A. Interpretation Of Uncertainties: Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown:

1. Centerlines: Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;

2. Platted Lot Lines: Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. City Limits: Boundaries indicated as approximately following city limits shall be construed as following such city limits;

4. Railroad Lines: Boundaries indicated as approximately following railroad lines shall be construed as following such railroad lines;

5. Streams, Rivers, Canals, Or Ditches: Boundaries indicated as approximately following centerline of streams, rivers, canals, or ditches shall be construed as following such centerlines;

6. Parallel Or Extensions Of Features: Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale on the map;

- B. Controversy Over Boundaries: Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arises over district boundaries, the city council shall interpret the district boundary. (Amended Ord. 86-1)

10-3-6: **INTERPRETATION OF USES:**

- A. Determination By Council: If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the city council shall determine the appropriate classification for that use.
- B. Criteria: In interpreting use classification, the city council shall determine that:
1. The use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
 2. The use is similar to one or more uses permitted in the district wherein it is proposed to be located.
 3. The use will not cause substantial injury to the values of property in the neighborhood or district wherein it is proposed to be located.
 4. Neither the intent of this title nor the intent of the district will be abrogated by such classification. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE A. APPLICATION OF DISTRICT REGULATIONS

SECTION:

10-3A-1: Application

10-3A-1: **APPLICATION:**

A. Minimum Regulations: Except as provided in chapters 5, 6, 7 and 17 of this title, with respect to supplementary regulations, conditional uses, nonconforming uses and nonconforming buildings and variances, the regulations set by this chapter shall be the minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

1. Compliance Required: No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

2. Prohibited: No building or other structure shall hereafter be erected or altered:

a. To exceed the height or bulk;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of lot area;

d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.

3. Use As Requirement For Another Building: No part of any yard, or other open space, or off street parking or loading space required about or in connection with any building for the purpose or complying with this chapter shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.

4. Reduction Below Minimum Requirements: No yard or lot existing at the time of adoption hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements established by this chapter.

B. Annexations:

1. All territory which may hereafter be annexed to the city or the city's extraterritorial limits shall be considered to be in a similar or nearest classification district as designated by any county zoning ordinance. (Amended Ord. 86-1)

2. However, the city council shall determine the appropriate zoning for any and all areas to be annexed to the city or to be annexed to the city extraterritorial limits but shall request a recommendation from the Belgrade city-county planning board and shall take into consideration the area growth policy.

3. When such zoning or annexed territory is to be effective at the time or such annexation, the planning board shall have held a public hearing in order that the city council may determine the proper zoning by an amendment to be effective upon the effective date of such annexation. (Amended Ord. 86-1; amd. 2009 Code)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE B. A-S AGRICULTURAL SUBURBAN DISTRICT

SECTION:

10-3B-1:	Intent
10-3B-2:	Permitted Uses
10-3B-3:	Lot Area And Width
10-3B-4:	Lot Coverage
10-3B-5:	Yards
10-3B-6:	Building Height
10-3B-7:	Off Street Parking
10-3B-8:	Animal Enclosures
10-3B-9:	Permitted Conditional Uses

10-3B-1: **INTENT:** The intent of this district is to discourage small tract development in areas of agricultural importance and in areas of environmental concern. It is intended that, through the use of this district, agricultural pursuits will be encouraged and environmental concerns protected. (Amended Ord. 86-1)

10-3B-2: **PERMITTED USES:**

Accessory uses and buildings, including single- and multi-family dwellings to house employees working on the farm or ranch.

Agricultural uses.

Commercial kennel.

Conditional uses provided in section 10-3B-9 of this article and subject to the provisions as prescribed.

Group daycare home.

Home occupations.

One-family dwellings.

Open space.

Private and public childcare facilities.

Private and public daycare homes.

Riding academies.

Sales, on the premises, of products produced thereon.

Veterinary clinics. (Amended Ord. 86-1; amd. Ord., 8-18-1987)

10-3B-3: **LOT AREA AND WIDTH:** Maximum lot area in this district shall be ten (10) acres with a lot width not less than three hundred thirty feet (330'). (Amended Ord. 86-1)

10-3B-4: **LOT COVERAGE:** No more than ten percent (10%) of the lot area shall be covered by the principal and accessory buildings. (Amended Ord. 86-1)

10-3B-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	35 feet
Rear yard	25 feet
Side yard	25 feet, each side

(Amended Ord. 86-1)

10-3B-6: **BUILDING HEIGHT:** Maximum building height for buildings designed and constructed for human occupancy shall be thirty two feet (32'). All other structures may exceed this height. (Amended Ord. 86-1)

10-3B-9

10-3B-9

Recreational vehicle parks. (Amended Ord. 86-1; amd. Ord., 8-18-1987)

10-3B-7: **OFF STREET PARKING:** Two (2) off street parking spaces shall be provided for each dwelling unit. Residential off street parking spaces and access areas shall be constructed to a minimum standard of at least a three inch (3") depth of one and one-half (1 $\frac{1}{2}$) to two inch minus (2"-) road mix. Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3B-8: **ANIMAL ENCLOSURES:** Except for pastures, any stable, barn, hutch, pen, shed, or other such structure built to enclose or house animals or fowl shall be not less than one hundred feet (100') from any structure used for human occupancy, and shall be set back not less than fifty feet (50') from any property line. (Amended Ord. 86-1)

10-3B-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the A-S agricultural suburban district:

Churches.

Country clubs.

Drive-in theaters.

Fishing clubs.

Golf courses.

Hunting clubs.

Private and public parks.

Private and public playgrounds.

Private and public schools, elementary.

Private and public schools, high.

Private and public schools, junior high.

Private and public trade or technical schools.

Private and public universities and colleges.

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE C. R-S RESIDENTIAL SUBURBAN DISTRICT

SECTION:

- 10-3C-1: Intent
- 10-3C-2: Permitted Uses
- 10-3C-3: Lot Area And Width
- 10-3C-4: Lot Coverage; Floor Area
- 10-3C-5: Yards
- 10-3C-6: Building Height
- 10-3C-7: Off Street Parking
- 10-3C-8: Animal Enclosures
- 10-3C-9: Permitted Conditional Uses

10-3C-1: **INTENT:** The intent of this district is to provide for reasonable single-family development in areas not served by central sewer and water or areas with physical limitations. (Amended Ord. 86-1)

10-3C-2: **PERMITTED USES:**

Accessory uses.

Agricultural uses (subject to section 10-3C-8 of this article).

Barns and animal shelters (subject to section 10-3C-8 of this article).

Commercial kennel.

Conditional uses provided in section 10-3C-9 of this article and subject to the provisions as prescribed.

Family daycare home.

Home occupations.

Keeping of animals and fowl for family food production and the keeping of horses for private use, together with their dependent young, as hereinafter set forth per two and one-half (2¹/₂) acres.

One horse, or one cow, or two (2) sheep, or two (2) hogs, or two (2) goats, or ten (10) rabbits, or twenty six (26) fowl (chickens, pheasants, pigeons, etc.), or six (6) larger fowl (ducks, geese, turkeys, etc.), or combinations thereof.

Newly constructed one-family dwellings.

Open space.

Private or public childcare facilities.

Private or public daycare homes.

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3C-3: **LOT AREA AND WIDTH:** Lot area for this district shall be determined by existing soil conditions, ground water conditions and other limitations for urban development. Under no circumstances, except as provided in chapters 7 and 17 of this title, shall the lot area be less than one acre with a lot width not less than one hundred fifty feet (150'). (Amended Ord. 86-1)

10-3C-4: **LOT COVERAGE; FLOOR AREA:** Not more than fifteen percent (15%) of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of one thousand (1,000) square feet of floor area. (Amended Ord. 86-1)

10-3C-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	35 feet
Rear yard	25 feet
Side yards	25 feet each side

(Amended Ord. 86-1)

10-3C-6: **BUILDING HEIGHT:** Maximum building height in this district shall be thirty two feet (32'). (Amended Ord. 86-1)

10-3C-7: **OFF STREET PARKING:** Two (2) off street parking spaces shall be provided for each dwelling unit. Residential off street parking spaces and access areas shall be constructed to a minimum standard of at least a three inch (3") depth of one and one-half (1¹/₂) to two inch minus (2"-) road mix. Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3C-8: **ANIMAL ENCLOSURES:** Except for pastures, any stable, barn, hutch, pen, shed, or other such structure built to enclose or house animals or fowl shall be not less than one hundred feet (100') from any structure used for human occupancy, and shall be set back not less than fifty feet (50') from any property line. (Amended Ord. 86-1)

10-3C-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-S residential suburban district:

Churches.

Country clubs.

Golf courses.

Private and public parks.

Private and public playgrounds.

Private and public schools, elementary.

Private and public schools, high.

Private and public schools, junior high.

Private and public trade or technical schools.

Private and public universities and colleges.

Recreational vehicle parks.

10-3C-9

10-3C-9

Relocated one-family dwelling units.

Veterinary clinics. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

**ARTICLE D. R-S-M RESIDENTIAL SUBURBAN
AND MANUFACTURED HOME DISTRICT**

SECTION:

- 10-3D- 1: Intent
- 10-3D- 2: Permitted Uses
- 10-3D- 3: Lot Area And Width
- 10-3D- 4: Lot Coverage; Floor Area
- 10-3D- 5: Yards
- 10-3D- 6: Building Height
- 10-3D- 7: Off Street Parking
- 10-3D- 8: Animal Enclosures
- 10-3D- 9: Manufactured Home Installation Standards
- 10-3D-10: Permitted Conditional Uses

10-3D-1: **INTENT:** The intent of this district is to provide for reasonable single-family development, including manufactured homes, in areas not served by central sewer and water or areas with physical limitations. (Amended Ord. 86-1)

10-3D-2: **PERMITTED USES:**

Accessory uses.

Agricultural uses (subject to section 10-3D-8 of this article).

Barns and animal shelters (subject to section 10-3D-8 of this article).

Commercial kennel.

Conditional uses provided in section 10-3D-10 of this article and subject to the provisions as prescribed.

Family daycare home.

Home occupations.

Keeping of animals and fowl for family food production and the keeping of horses for private use, together with their dependent young, hereinafter set forth per two and one-half (2¹/₂) acres:

One horse, or one cow, or two (2) sheep, or two (2) hogs, or two (2) goats, or ten (10) rabbits, or twenty six (26) fowl (chickens, pheasants, pigeons, etc.), or six (6) larger fowl (ducks, geese, turkeys, etc.) or any combinations thereof.

Manufactured homes, subject to the following restrictions:

A. Manufactured homes shall have a minimum width of not less than fourteen feet (14').

B. Manufactured homes shall have a minimum roof pitch of not less than a three foot (3') rise for each twelve feet (12') of horizontal run.

C. Manufactured homes shall have a roof constructed of nonmetallic materials.

D. Manufactured homes shall have the wheels and tongue removed or camouflaged to the extent that they are not exposed.

Newly constructed one-family dwellings.

Open space.

Private and public childcare facilities.

Private and public daycare homes.

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3D-3: **LOT AREA AND WIDTH:** Lot area for this district shall be determined by existing soil conditions, ground water conditions, and other limitations for urban development. Under no circumstances, except as provided in chapters 7 and 17 of this title, shall the lot area be less than one acre with a lot width not less than one hundred fifty feet (150'). (Amended Ord. 86-1)

10-3D-4: **LOT COVERAGE; FLOOR AREA:** Not more than fifteen percent (15%) of the lot area shall be occupied by the principal and accessory buildings. Each newly constructed dwelling and each manufactured home shall have a minimum of seven hundred (700) square feet of floor area. (Amended Ord. 86-1)

10-3D-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	35 feet
Rear yard	25 feet
Side yard	25 feet, each side

(Amended Ord. 86-1)

10-3D-6: **BUILDING HEIGHT:** Maximum building height in this district shall be twenty four feet (24'). (Amended Ord. 86-1)

10-3D-7: **OFF STREET PARKING:** Two (2) off street parking spaces shall be provided for each dwelling unit. Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3D-8: **ANIMAL ENCLOSURES:** Except for pastures, any stable, barn, hutch, pen, shed, or other such structure built to enclose or house animals or fowl shall be not less than one hundred feet (100') from any structure used for human occupancy, and shall be set back not less than fifty feet (50') from the property line. (Amended Ord. 86-1)

10-3D-9: **MANUFACTURED HOME INSTALLATION STANDARDS:** Manufactured homes will be installed as per the requirements set forth in chapter 8 of this title. (Amended Ord. 86-1)

10-3D-10: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-S-M residential suburban and manufactured home district:

Churches.

Country clubs.

Golf courses.

Private and public parks.

Private and public playgrounds.

Private and public schools, elementary.

Private and public schools, high.

Private and public schools, junior high.

Private and public trade and technical schools.

Private and public universities and colleges.

Recreational vehicle parks.

Relocated one-family dwelling unit.

Veterinary clinics. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE E. R-1 RESIDENTIAL, SINGLE-FAMILY DISTRICT

SECTION:

10-3E-1:	Intent
10-3E-2:	Permitted Uses
10-3E-3:	Lot Area And Width
10-3E-4:	Lot Coverage; Floor Area
10-3E-5:	Yards
10-3E-6:	Building Height
10-3E-7:	Off Street Parking
10-3E-8:	Off Street Loading
10-3E-9:	Permitted Conditional Uses

10-3E-1: **INTENT:** The intent of this district is to provide for low density single-family residential development and to provide for such community facilities and services as will serve the area residents while protecting the residential character and quality of the area. (Amended Ord. 86-1)

10-3E-2: **PERMITTED USES:**

Accessory uses.

Conditional uses provided in section 10-3E-9 of this article and subject to the provisions as prescribed.

Family daycare home.

Newly constructed one-family dwellings.

Open space.

Private and public childcare facilities.

Private and public daycare homes.

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3E-3: **LOT AREA AND WIDTH:** Lot area for any use in this district shall be no less than ten thousand (10,000) square feet and no lot width shall be less than eighty feet (80'). (Amended Ord. 86-1)

10-3E-4: **LOT COVERAGE; FLOOR AREA:** Not more than twenty five percent (25%) of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of one thousand one hundred fifty (1,150) square feet of floor area. (Amended Ord. 86-1)

10-3E-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	25 feet
Rear yard, principal structure	20 feet
Rear yard, accessory uses	10 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

10-3E-6: **BUILDING HEIGHT:** Maximum building height in this district shall be twenty four feet (24'). (Amended Ord. 86-1)

10-3E-7: **OFF STREET PARKING:** Two (2) off street parking spaces shall be provided for each dwelling unit. Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3E-8: **OFF STREET LOADING:** One off street loading berth, as specified in chapter 12 of this title, shall be required for each nonresidential building of over ten thousand (10,000) square feet of floor area. (Amended Ord. 86-1)

10-3E-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-1 residential, single-family district:

Churches.

Country clubs.

Golf courses.

Home occupations.

Libraries.

Public and private parks.

Public and private playgrounds.

Public and private schools, elementary.

Public and private schools, high.

Public and private schools, junior high.

Public and private universities and colleges. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE F. R-2 RESIDENTIAL, SINGLE-FAMILY DISTRICT

SECTION:

10-3F-1:	Intent
10-3F-2:	Permitted Uses
10-3F-3:	Lot Area And Width
10-3F-4:	Lot Coverage; Floor Area
10-3F-5:	Yards
10-3F-6:	Building Height
10-3F-7:	Off Street Parking
10-3F-8:	Off Street Loading
10-3F-9:	Permitted Conditional Uses

10-3F-1: **INTENT:** The intent of this district is to provide for medium density single-family residential development and for neighborhood facilities to serve such development while preserving the residential quality and nature of the area. (Amended Ord. 86-1)

10-3F-2: **PERMITTED USES:**

Accessory uses.

Conditional uses provided in section 10-3F-9 of this article and subject to the provisions as prescribed.

Family daycare home.

Newly constructed one-family dwellings.

Open space.

Private and public childcare facilities.

Private and public daycare homes.

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3F-3: **LOT AREA AND WIDTH:** Lot area for any use in this district shall be no less than seven thousand five hundred (7,500) square feet and no lot width shall be less than seventy feet (70'). (Amended Ord. 86-1)

10-3F-4: **LOT COVERAGE; FLOOR AREA:** Not more than twenty five percent (25%) of the lot area shall be occupied by the principal and accessory buildings. Each dwelling shall have a minimum of nine hundred (900) square feet of floor area. (Amended Ord. 86-1)

10-3F-5: **YARDS:** Every lot shall have the following minimum yards:

Front	25 feet
Rear yard, principal structure	20 feet
Rear yard, accessory uses	10 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

10-3F-6: **BUILDING HEIGHT:** Maximum building height in this district shall be twenty four feet (24'). (Amended Ord. 86-1)

10-3F-7: **OFF STREET PARKING:** Two (2) off street parking spaces shall be provided for each dwelling unit. Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3F-8: **OFF STREET LOADING:** One off street loading berth, as specified in chapter 12 of this title, shall be required for each nonresidential building of over ten thousand (10,000) square feet of floor area. (Amended Ord. 86-1)

10-3F-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-2 residential, single-family district medium density:

Bed and breakfast inn.

Churches.

Country clubs.

Golf courses.

Home occupations.

Libraries.

Public and private parks.

Public and private playgrounds.

Public and private schools, elementary.

Public and private schools, high.

Public and private schools, junior high.

Public and private universities and colleges.

Relocated one-family dwelling unit. (Amended 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

**ARTICLE G. R-2-D RESIDENTIAL, ONE-
AND TWO-FAMILY DISTRICT**

SECTION:

10-3G-1:	Intent
10-3G-2:	Permitted And Accessory Uses
10-3G-3:	Lot Area And Width
10-3G-4:	Lot Coverage; Floor Area
10-3G-5:	Yards
10-3G-6:	Building Height
10-3G-7:	Off Street Parking
10-3G-8:	Permitted Conditional Uses

10-3G-1: **INTENT:** The intent of the R-2-D district is to provide for the one- and two-family residential development of a medium density within the city in areas that present few or no development problems, and for neighborhood facilities to serve such development while preserving the residential quality and nature of the area. (Amended Ord. 86-1)

10-3G-2: **PERMITTED AND ACCESSORY USES:** Permitted uses in the R-2-D district are as follows:

A. Permitted uses:

Community residential facilities.

Family daycare home.

Group daycare home.

Group homes.

Public parks.

Newly constructed one-family dwellings.

Newly constructed two-family dwellings.

B. Accessory uses:

Fences.

Greenhouses.

Guesthouse (limited to 2 dwellings per parcel).

Home occupations.

Private garage.

Private or jointly owned community center recreational facilities, pools, tennis courts, and spas.

Temporary buildings and yards incidental to construction work.

Toolsheds for storage of domestic supplies.

Other buildings and structures typically accessory to residential uses. (Amended Ord. 86-1)

10-3G-3: **LOT AREA AND WIDTH:** In the R-2-D district, minimum lot area for one- and two-family units shall be seven thousand (7,000) square feet with a minimum lot width of fifty feet (50'). (Amended Ord. 86-1)

10-3G-4: **LOT COVERAGE; FLOOR AREA:** In the R-2-D district, not more than forty percent (40%) of the lot shall be occupied by the principal and accessory buildings. The average floor area of all units in a structure shall be a minimum of six hundred (600) square feet. (Amended Ord. 86-1)

10-3G-5: **YARDS:** Every lot in an R-2-D district shall have the following minimum yards:

10-3G-5

10-3G-8

Front yard	25 feet
Rear yard	20 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

10-3G-6: **BUILDING HEIGHT:** Maximum building height in the R-2-D district shall be twenty four feet (24'). (Amended Ord. 86-1)

10-3G-7: **OFF STREET PARKING:** Off street parking requirements for residential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3G-8: **PERMITTED CONDITIONAL USES:**

Churches.

Daycare centers.

Golf courses.

Lodging houses (bed and breakfast).

Schools.

Temporary sales and office buildings.

Any use approved as part of a planned unit development subject to the provisions of chapter 4 of this title. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

**ARTICLE H. R-2-M RESIDENTIAL, SINGLE-FAMILY
AND MANUFACTURED HOMES DISTRICT**

SECTION:

- 10-3H- 1: Intent
- 10-3H- 2: Permitted Uses
- 10-3H- 3: Lot Area And Width
- 10-3H- 4: Lot Coverage; Floor Area
- 10-3H- 5: Yards
- 10-3H- 6: Building Height
- 10-3H- 7: Off Street Parking
- 10-3H- 8: Off Street Loading
- 10-3H- 9: Manufactured Home Installation Standards
- 10-3H-10: Permitted Conditional Uses

10-3H-1: **INTENT:** The intent of this district is to provide for medium density single-family residential development, including manufactured homes, and to provide for such community facilities and services as will serve the area residents while protecting the residential character and quality of the area. (Amended Ord. 86-1)

10-3H-2: **PERMITTED USES:**

Accessory uses.

Conditional uses provided in section 10-3H-10 of this article and subject to the provisions as prescribed.

Family daycare home.

Manufactured homes, subject to the following restrictions:

- A. Manufactured homes shall have a minimum width of not less than fourteen feet (14').

B. Manufactured homes shall have a minimum roof pitch of not less than a three foot (3') rise for each twelve feet (12') of horizontal run.

C. Manufactured homes shall have a roof constructed of nonmetallic materials.

D. Manufactured homes shall have the wheels and tongue removed or camouflaged to the extent that they are not exposed.

Newly constructed one-family dwellings.

Open space.

Private and public childcare facilities.

Private and public daycare homes.

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3H-3: **LOT AREA AND WIDTH:** Lot area for this area for any use in this district shall be no less than seven thousand five hundred (7,500) square feet and no lot width shall be less than sixty feet (60'). (Amended Ord. 86-1)

10-3H-4: **LOT COVERAGE; FLOOR AREA:** Not more than thirty percent (30%) of the lot area shall be occupied by the principal and accessory buildings. Each newly constructed dwelling and each manufactured home shall have a minimum of seven hundred (700) square feet. (Amended Ord. 86-1)

10-3H-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	25 feet
Rear yard, principal structure	25 feet
Rear yard, accessory use	10 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

10-3H-6: **BUILDING HEIGHT:** Maximum building height in this district shall be twenty four feet (24'). (Amended Ord. 86-1)

10-3H-7: **OFF STREET PARKING:** Two (2) off street parking spaces shall be provided for each dwelling unit. Off street parking for nonresidential uses shall be as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-3H-8: **OFF STREET LOADING:** One off street loading berth, as specified in chapter 12 of this title, shall be required for each nonresidential building of over ten thousand (10,000) square feet of floor area. (Amended Ord. 86-1)

10-3H-9: **MANUFACTURED HOME INSTALLATION STANDARDS:** Manufactured homes will be installed as per the requirements set forth in chapter 8 of this title. (Amended Ord. 86-1)

10-3H-10: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-2-M residential, single-family and manufactured home district:

Bed and breakfast inn.

Churches.

Country clubs.

Golf courses.

Home occupations.

Libraries.

Public and private parks.

Public and private playgrounds.

Public and private schools, elementary.

Public and private schools, high.

10-3H-10

10-3H-10

Public and private schools, junior high.

Public and private universities and colleges.

Relocated one-family dwelling unit. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE I. R-3 RESIDENTIAL DISTRICT

SECTION:

10-3I-1:	Intent
10-3I-2:	Permitted Uses
10-3I-3:	Lot Area And Width
10-3I-4:	Lot Coverage; Floor Area
10-3I-5:	Yards
10-3I-6:	Building Height
10-3I-7:	Off Street Parking
10-3I-8:	Off Street Loading
10-3I-9:	Permitted Conditional Uses

10-3I-1: **INTENT:** The intent of this district is to provide for the development of one- to four-family residential structures and service facilities. It should provide for changing patterns of residential areas where facilities can be provided to serve the residents and for a variety of housing types to serve the varied needs of families of different size, age and character, while reducing the adverse effects of nonresidential uses. (Amended Ord. 86-1)

10-3I-2: **PERMITTED USES:**

Accessory uses.

Churches.

Conditional uses provided in section 10-3I-9 of this article and subject to the provisions as prescribed.

Family daycare home.

Multi-family dwellings.

Newly constructed one-family dwellings.

Open space.

Private or public childcare facilities.

Private or public daycare homes.

Rooming and boarding houses (maximum of 5 rooming units plus family quarters).

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3I-3: LOT AREA AND WIDTH:

- A. Two- To Four-Family Units: Minimum lot area for two- to four-family units shall be three thousand (3,000) square feet per dwelling unit with a lot width of at least sixty feet (60').
- B. Other Uses: Minimum lot area for other uses shall be five thousand (5,000) square feet with a minimum lot width of sixty feet (60'). (Amended Ord. 86-1)

10-3I-4: LOT COVERAGE; FLOOR AREA: Not more than forty percent (40%) of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of seven hundred (700) square feet of floor area. (Amended Ord. 86-1)

10-3I-5: YARDS: Every lot shall have the following minimum yards:

Front yard	25 feet
Rear yard, principal structure	20 feet
Rear yard, accessory use	10 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

10-31-6

10-31-9

10-31-6: **BUILDING HEIGHT:** Maximum building height in this district shall be thirty two feet (32'). (Amended Ord. 86-1)

10-31-7: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title. (Amended Ord. 86-1)

10-31-8: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title. (Amended Ord. 86-1)

10-31-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-3 residential district:

Bed and breakfast inn.

Country clubs.

Efficiency units.

Golf courses.

Home occupations.

Libraries.

Manufactured home park.

Medical offices.

Public and private parks.

Public and private playgrounds.

Public and private schools, elementary.

Public and private schools, high.

Public and private schools, junior high.

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Public and private universities and colleges.

Relocated single-family dwellings. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE J. R-4 RESIDENTIAL, APARTMENT DISTRICT

SECTION:

10-3J-1:	Intent
10-3J-2:	Permitted Uses
10-3J-3:	Lot Area And Width
10-3J-4:	Lot Coverage; Floor Area
10-3J-5:	Yards
10-3J-6:	Building Height
10-3J-7:	Off Street Parking
10-3J-8:	Off Street Loading
10-3J-9:	Permitted Conditional Uses

10-3J-1: **INTENT:** The intent of this district is to provide for the development of medium density apartments. The district should provide a variety of housing types to serve the varied housing needs of area residents. (Amended Ord. 86-1)

10-3J-2: **PERMITTED USES:**

Accessory uses.

Apartments.

Assisted living facilities.

Churches.

Conditional uses provided in section 10-3J-9 of this article and subject to the provisions as prescribed.

Efficiency units.

Family daycare home.

Multi-family dwellings.

Newly constructed one-family dwellings.

Open space.

Private and public childcare facilities.

Private and public daycare homes.

Rooming and boarding houses (maximum of 5 rooming units, plus family quarters).

Temporary buildings for and during construction only. (Amended Ord. 86-1)

10-3J-3: LOT AREA AND WIDTH:

- A. Single-Family Dwellings: Minimum lot area for single-family dwellings shall be not less than five thousand (5,000) square feet with a lot width of at least fifty feet (50').
- B. Other Buildings: Minimum lot area for other buildings shall be not less than five thousand (5,000) square feet, plus one thousand (1,000) square feet for each additional unit over one with a minimum lot width of fifty feet (50'). (Amended Ord. 86-1)

10-3J-4: LOT COVERAGE; FLOOR AREA: Not more than forty percent (40%) of the lot area shall be occupied by the principal and accessory buildings. Each dwelling unit shall have a minimum of five hundred fifty (550) square feet of floor area. (Amended Ord. 86-1)

10-3J-5: YARDS: Every lot shall have the following minimum yards:

Front yard	25 feet
Rear yard, principal structure	20 feet
Rear yard, accessory use	10 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

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10-3J-6: **BUILDING HEIGHT:** Maximum building height in this district shall be thirty two feet (32'). (Amended Ord. 86-1)

10-3J-7: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title. (Amended Ord. 86-1)

10-3J-8: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title. (Amended Ord. 86-1)

10-3J-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the R-4 residential, apartment district:

Bed and breakfast inn.

Clinics.

Country clubs.

Golf courses.

Home occupations.

Hospitals.

Libraries.

Manufactured home park.

Medical offices.

Nursing homes.

Professional offices.

Public and private parks.

Public and private playgrounds.

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10-3J-9

Public and private schools, elementary.

Public and private schools, high.

Public and private schools, junior high.

Public and private universities and colleges.

Relocated single-family dwellings. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE K. B-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION:

10-3K-1:	Intent
10-3K-2:	Permitted Uses
10-3K-3:	Lot Area And Width
10-3K-4:	Lot Coverage
10-3K-5:	Yards
10-3K-6:	Building Height
10-3K-7:	Off Street Parking
10-3K-8:	Off Street Loading
10-3K-9:	Permitted Conditional Uses

10-3K-1: **INTENT:** The intent of this district is to provide for small retail and service activities frequently required by neighborhood residents on a day to day basis, while still maintaining a residential character. Activities shall be limited to those which are:

- A. Completely enclosed within a building.
- B. Not larger than five thousand (5,000) square feet in gross floor area. (Amended Ord. 86-1)

10-3K-2: **PERMITTED USES:**

Accessory uses.

Clinics.

Conditional uses as provided in section 10-3K-9 of this article and subject to conditions and requirements prescribed.

10-3K-2

10-3K-5

Dry cleaning and laundry establishments (processing not to be done on premises).

Food stores, such as grocery stores, bakeries, etc.

Hospitals.

Nursing homes.

Open space.

Professional offices.

Public buildings and uses.

Self-service, automobile laundries.

Signs (only 1 facade sign per business, plus 1 directory sign per district).

Temporary buildings for and during construction.

Variety stores. (Amended Ord. 86-1)

10-3K-3: **LOT AREA AND WIDTH:** Lot area for this district shall be adequate to provide for required yards and off street parking, but, in no case, less than five thousand (5,000) square feet and fifty feet (50') in width. (Amended Ord. 86-1)

10-3K-4: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Amended Ord. 86-1)

10-3K-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	25 feet
Rear yard	20 feet
Side yard	8 feet, each side

(Amended Ord. 86-1)

10-3K-6: **BUILDING HEIGHT:** Maximum building height in this district shall be thirty two feet (32') except when adjacent to an R-S, R-S-M, R-1, R-2, R-2-D or R-2-M district wherein the height shall not exceed twenty four feet (24'). (Amended Ord. 86-1; amd. 2009 Code)

10-3K-7: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title. (Amended Ord. 86-1)

10-3K-8: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title. (Amended Ord. 86-1)

10-3K-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the B-1 neighborhood business district:

Gasoline service stations.

Retail uses in addition to those permitted uses listed, but limited to those serving the customer directly. (Amended Ord. 86-1)

CHAPTER 3
DISTRICTS ESTABLISHED
ARTICLE L. B-2 HIGHWAY BUSINESS DISTRICT

SECTION:

- 10-3L-1: Intent
- 10-3L-2: Permitted Uses
- 10-3L-3: Lot Area And Width
- 10-3L-4: Lot Coverage
- 10-3L-5: Yards
- 10-3L-6: Building Height
- 10-3L-7: Off Street Parking
- 10-3L-8: Off Street Loading
- 10-3L-9: Permitted Conditional Uses

10-3L-1: **INTENT:** The intent of this district is to provide for a broad range of retail and service functions especially those needing orientation to major thoroughfares. (Amended Ord. 86-1)

10-3L-2: **PERMITTED USES:**

- Accessory uses.
- Antique shops.
- Art and music supply stores.
- Barber and beauty shops.
- Bars, taverns and cocktail lounges.
- Bowling alleys.
- Car washes.

Clinic.

Conditional uses as provided in section 10-3L-9 of this article and subject to conditions and requirements as prescribed.

Equipment sales and service.

Food and drug stores.

Frozen food storage and locker rental.

Furniture stores.

Gasoline service stations.

Hospitals.

Hotels and motels.

Laundries and dry cleaning establishments.

Liquor stores.

Microbreweries.

Mortuaries.

Newspaper office.

Nursing homes.

Open space.

Post offices.

Printing shops.

Professional and business offices.

Public buildings and uses.

Research and development institutions.

Restaurants, cafes, and drive-in eating establishments.

Shopping centers.

Signs.

Sporting goods stores.

Temporary buildings for and during construction only.

Theaters.

Uses customarily accessory to those listed.

Vehicle and boat sales, showrooms and service areas.

Veterinary clinics, small animal hospitals. (Amended Ord. 86-1; amd. Ord. 94-3, 6-20-1994; 2009 Code)

10-3L-3: **LOT AREA AND WIDTH:** Lot area for this district shall not be less than seven thousand five hundred (7,500) square feet and no lot width shall be less than seventy five feet (75'). (Amended Ord. 86-1)

10-3L-4: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Amended Ord. 86-1)

10-3L-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	25 feet
Rear yard	10 feet
Side yard	8 feet, each side

Where an individual owns two (2) adjoining lots or where the owners of two (2) adjoining lots make legal written agreement, a zero lot line may be used for commercial buildings in the B-2 district, but only so as to create a zero lot line on one side of any lot. (Amended Ord. 86-1)

10-3L-6: **BUILDING HEIGHT:** Maximum building height in this district shall be thirty two feet (32'). (Amended Ord. 86-1)

10-3L-7

10-3L-9

10-3L-7: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title.
(Amended Ord. 86-1)

10-3L-8: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title.
(Amended Ord. 86-1)

10-3L-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the B-2 highway business district:

Amusement and recreational activities.

Buildings over thirty two feet (32') in height.

Caretaker's residence.

Churches (limited to 6 months).

Recreational vehicle parks.

Retail uses in addition to those permitted uses listed.

Towers for wireless communications (see section 10-5-4 of this title).

Wholesale distributors with on premises retail outlets, provided warehousing is limited to commodities which are sold on premises.
(Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE M. B-3 CENTRAL BUSINESS DISTRICT

SECTION:

10-3M-1:	Intent
10-3M-2:	Permitted Uses
10-3M-3:	Lot Area And Width
10-3M-4:	Lot Coverage
10-3M-5:	Yards
10-3M-6:	Building Height
10-3M-7:	Off Street Parking
10-3M-8:	Off Street Loading
10-3M-9:	Permitted Conditional Uses

10-3M-1: **INTENT:** The intent of this district is to provide a central area for the community's business, government, service, and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. Room should be provided in appropriate areas for logical and planned expansion of the present district. (Amended Ord. 86-1)

10-3M-2: **PERMITTED USES:**

Accessory uses.

Antique shops.

Art and music supply stores.

Bakeries.

Barber and beauty shops.

Bars, taverns, and cocktail lounges.

Bowling alleys.

Car washes.

Clinic.

Conditional uses in accordance with section 10-3M-9 of this article and subject to conditions and requirements prescribed.

Dressmaking.

Equipment sales and services.

Financial institutions.

Food and drug stores.

Furniture stores.

Gasoline service stations.

Hospitals.

Hotels and motels.

Laundries and dry cleaning establishments.

Liquor stores.

Meeting and lodge halls.

Mortuaries.

Museums, libraries and galleries.

Newspaper office.

Nursing homes.

Open space.

Parking lots.

Post offices.

Printing offices.

Private and public business schools.

Private and public dance schools.

Private and public secretarial schools.

Private and public technical schools.

Professional and business offices.

Public buildings and uses.

Repair services for clothes, dolls, small appliances, watches, glasses, and other such items.

Research and development institutions.

Restaurants, cafes, and drive-in eating establishments.

Retail sales, such as clothing, candy, furniture, and jewelry; but excluding heavy machinery.

Shopping centers.

Signs.

Sporting goods stores.

Temporary buildings for and during construction only.

Theaters, except drive-ins.

Uses customarily accessory to those listed.

Vehicle and boat sales, showrooms and service areas.

Veterinary clinics, small animal hospitals. (Amended Ord. 86-1; amd. 2009 Code)

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10-3M-9

10-3M-3: **LOT AREA AND WIDTH:** No minimum lot area or width is prescribed. (Amended Ord. 86-1)

10-3M-4: **LOT COVERAGE:** Buildings may cover the entire lot provided other requirements are met. (Amended Ord. 86-1)

10-3M-5: **YARDS:** No minimum yards are prescribed except a fifteen foot (15') front yard shall be required on all streets except Main Street. (Amended Ord. 86-1)

10-3M-6: **BUILDING HEIGHT:** Maximum building height in this district shall be thirty two feet (32'). (Amended Ord. 86-1)

10-3M-7: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title, except:

- A. **Commercial Uses:** Commercial uses shall provide two (2) spaces per one thousand (1,000) square feet of commercial floor space, unless a lesser amount is required under chapter 11 of this title, in which case the lesser amount will apply.
- B. **Existing Structures:** Uses in existing structures may change from one permitted use to another without providing additional parking. (Amended Ord. 86-1)

10-3M-8: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title. (Amended Ord. 86-1)

10-3M-9: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the B-3 central business district:

Amusement and recreation activities.

Apartments.

Auction rooms.

Churches.

Drive-in banks.

Light manufacturing.

Transportation stations.

Utility stations. (Amended Ord. 86-1; amd. 2009 Code)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE N. BP BUSINESS PARK DISTRICT

SECTION:

10-3N-1:	Intent
10-3N-2:	Permitted Uses
10-3N-3:	Lot Area And Width
10-3N-4:	Lot Coverage And Floor Area
10-3N-5:	Yards
10-3N-6:	Building Height
10-3N-7:	Off Street Parking
10-3N-8:	Off Street Loading
10-3N-9:	Permitted Conditional Uses

10-3N-1: **INTENT:** The intent of the business park district is to provide for high quality settings and for facilities for the development of a wide range of compatible employment opportunities. These areas should be developed so as to recognize the impact on surrounding or adjacent development and contribute to the overall image of the community. Compatibility with adjacent land uses and zoning is required. (Amended Ord. 86-1)

10-3N-2: **PERMITTED USES:**

Administrative and research facilities.

Essential services (sewage lift stations, water, pumping stations, etc.).

Hospitals.

Laboratories, research and diagnostic.

Manufacturing, light and completely indoors.

Medical clinics.

Pilot plants.

Professional and business offices.

Prototype development.

Technology research establishments.

Temporary buildings, for and during construction only. (Amended Ord. 86-1)

10-3N-3: **LOT AREA AND WIDTH:** Lot area for any use in this district shall not be less than one acre. No lot width shall be less than one hundred fifty feet (150'). (Amended Ord. 86-1)

10-3N-4: **LOT COVERAGE AND FLOOR AREA:** Not more than sixty percent (60%) of the total lot area shall be occupied by impervious surfaces. The remaining forty percent (40%) shall be landscaped to assure compatibility with adjacent properties and uses. (Amended Ord. 86-1)

10-3N-5: **YARDS:** Every lot in this district shall have the following minimum yards:

Front yard	35 feet ¹
Rear yard	25 feet ¹
Side yard	25 feet ¹

Note:

1. All yards fronting on public or private street shall be a minimum of 35 feet. Front, rear and side yard requirements shall be increased 3 feet for each additional 5,000 square feet over total gross floor area of 25,000 square feet, up to a maximum requirement of 40 feet for rear and side yards and 50 feet for front yards.

(Amended Ord. 86-1)

10-3N-6: **BUILDING HEIGHT:** The maximum building height in this district shall be thirty two feet (32') on structures with flat roofs or roof pitch of 3/12 or less. The maximum building height shall be

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thirty eight feet (38') for structures with roof pitch greater than 3/12.
(Amended Ord. 86-1)

10-3N-7: **OFF STREET PARKING:** Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title.
(Amended Ord. 86-1)

10-3N-8: **OFF STREET LOADING:** One off street loading berth, as specified in chapter 12 of this title, shall be required for each nonresidential building over ten thousand (10,000) square feet of floor area.
(Amended Ord. 86-1)

10-3N-9: **PERMITTED CONDITIONAL USES:**

Any use approved as part of a planned unit development subject to the provisions of chapter 4 of this title.

Assisted living facilities.

Banks and financial institutions.

Churches.

Daycare centers.

Health and exercise establishments.

Trade schools. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE O. BP-10 BUSINESS PARK DISTRICT

SECTION:

- 10-30-1: Intent
- 10-30-2: Permitted Uses
- 10-30-3: Lot Area And Width
- 10-30-4: Lot Coverage And Floor Area
- 10-30-5: Yards
- 10-30-6: Building Height
- 10-30-7: Off Street Parking
- 10-30-8: Off Street Loading
- 10-30-9: Permitted Conditional Uses

10-30-1: **INTENT:** The intent of the business park-10 district is to provide for high quality settings and for facilities for the development of a wide range of compatible service facilities for the business park as well as the residential community. These areas should be developed so as to recognize the impact on surrounding or adjacent development and contribute to the overall image of the community. Compatibility with adjacent land uses and zoning is required. (Amended Ord. 86-1)

10-30-2: **PERMITTED USES:**

Administrative and research facilities.

Bowling alleys.

Essential services (sewage lift stations, water, pumping stations, etc.).

Laboratories, research and diagnostic.

Medical clinics.

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Newspaper offices.

Plumbing, electrical, construction, shop/office.

Printing shops.

Professional and business offices.

Prototype development.

Public buildings and offices.

Restaurants, cafes.

Self-service automobile laundries.

Temporary buildings, for and during construction only.

Variety stores. (Amended Ord. 86-1)

10-30-3: **LOT AREA AND WIDTH:** Lot area for any use in this district shall not be less than ten thousand (10,000) square feet. No lot width shall be less than seventy five feet (75'). (Amended Ord. 86-1)

10-30-4: **LOT COVERAGE AND FLOOR AREA:** Not more than eighty five percent (85%) of the total lot area shall be occupied by impervious surfaces. The remaining fifteen percent (15%) shall be landscaped to assure compatibility with adjacent properties and uses. (Amended Ord. 86-1)

10-30-5: **YARDS:** Every lot in this district shall have the following minimum yards:

Front yard	35 feet
Rear yard	20 feet
Side yard	10 feet

(Amended Ord. 86-1)

10-30-6: **BUILDING HEIGHT:** The maximum building height in this district shall be twenty eight feet (28') on structures with flat roofs or roof pitch of 3/12 or less. The maximum building height shall be thirty eight feet (38') for structures with roof pitch greater than 3/12. (Amended Ord. 86-1)

10-30-7: **OFF STREET PARKING:** Off street parking for nonresidential uses shall be provided as specified in chapter 11 of this title. (Amended Ord. 86-1)

10-30-8: **OFF STREET LOADING:** One off street loading berth, as specified in chapter 12 of this title, shall be required for each nonresidential building over ten thousand (10,000) square feet of floor area. (Amended Ord. 86-1)

10-30-9: **PERMITTED CONDITIONAL USES:**

Any use approved as part of a planned unit development subject to the provisions of chapter 4 of this title.

Banks and financial institutions.

Daycare centers.

Health and exercise establishments.

Retail establishments.

Theaters.

Townhouse and condominiumization of permitted uses (limited to 1 zero lot line on side setback of adjoining lots).

Trade schools. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

**ARTICLE P. M-1 COMMERCIAL, LIGHT
MANUFACTURING DISTRICT**

SECTION:

- 10-3P-1: Intent
- 10-3P-2: Permitted Uses
- 10-3P-3: Lot Area And Width
- 10-3P-4: Lot Coverage
- 10-3P-5: Yards
- 10-3P-6: Off Street Parking
- 10-3P-7: Off Street Loading
- 10-3P-8: Permitted Conditional Uses

10-3P-1: **INTENT:** The intent of this district is to provide for the community needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light manufacturing and similar activities. This district should be oriented to major transportation facilities, yet arranged to minimize adverse effects on residential developments; therefore, some type of screening may be necessary. Residences shall not be permitted in this district. (Amended Ord. 86-1)

10-3P-2: **PERMITTED USES:**

Accessory uses.

Automobile body shops.

Building contractors' establishments.

Building materials sales.

Cabinet shops.

Conditional uses as provided in section 10-3P-8 of this article and subject to conditions and requirements prescribed.

Enclosed warehousing.

Flour and feed mills.

Food processing plants.

Gasoline service stations.

Grain elevators.

Grain houses.

Implement sales.

Machine shops.

Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages.

Open space.

Outside storage, if accessory to permitted use and if screened from the street.

Paint shops.

Printing shops.

Professional and business offices.

Public buildings and uses.

Repair and service establishments for light consumer goods, i.e., automobiles, appliances and furniture.

Sign shops.

Signs.

Temporary buildings for and during construction only.

Truck and rail terminal facilities.

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10-3P-7

Truck service and fueling facilities.

Truck washing facilities.

Vehicle and boat sales.

Veterinary clinics, small animal hospitals. (Amended Ord. 86-1; amd. 2009 Code)

10-3P-3: **LOT AREA AND WIDTH:** Lot area for this district shall not be less than seven thousand five hundred (7,500) square feet and no lot width shall be less than seventy five feet (75'). (Amended Ord. 86-1)

10-3P-4: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Amended Ord. 86-1)

10-3P-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	20 feet
Rear yard	None ¹
Side yards	None ¹

Note:

1. When a lot is adjacent or faces upon another district, the yards shall meet the requirements of the adjoining district on that side. When a lot abuts a street or alley on either side or the rear, a yard of at least 15 feet shall be provided on the street or alley side.

(Amended Ord. 86-1)

10-3P-6: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title. (Amended Ord. 86-1)

10-3P-7: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title. (Amended Ord. 86-1)

10-3P-8: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the M-1 commercial, light manufacturing district:

Adult bookstores as regulated by chapter 15 of this title.

Car washes.

Kennels, dog.

One residence for owner or caretaker.

Open storage (if screened).

Retail establishments.

Towers for wireless communications. (Amended Ord. 86-1; amd. 2009 Code)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE Q. M-2 MANUFACTURING AND INDUSTRIAL DISTRICT

SECTION:

10-3Q-1:	Intent
10-3Q-2:	Permitted Uses
10-3Q-3:	Lot Area And Width
10-3Q-4:	Lot Coverage
10-3Q-5:	Yards
10-3Q-6:	Off Street Parking
10-3Q-7:	Off Street Loading
10-3Q-8:	Permitted Conditional Uses

10-3Q-1: **INTENT:** The intent of this district is to provide for heavy manufacturing and industrial uses, serving vocational and employment needs of city residents. (Amended Ord. 86-1)

10-3Q-2: **PERMITTED USES:**

A. Performance Standards:

1. Definition: "Excessive" is defined for these purposes as a degree that could be observed and agreed upon by the majority of the city council and determined to be offensive, or a degree deemed by the state health department to be injurious to the public health, safety or welfare of the residents of the area.

2. Prohibited: No use shall be permitted which causes excessive noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare which extends beyond the lot boundaries of the specific use.

B. Uses Permitted:

Accessory uses clearly subordinate to, but an integral part of the primary use of the property, i.e., plant, cafeteria, first aid station, recreational area, caretaker residence.

Automobile body shops.

Building contractor's establishments.

Building materials sales.

Cabinet shops.

Conditional uses as provided in section 10-3Q-8 of this article and subject to conditions and requirements prescribed.

Enclosed warehousing.

Flour and feed mills.

Food processing plants.

Gasoline service stations.

Grain elevators.

Grain houses.

Implement sales.

Machine shops.

Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages.

Manufacturing or industrial uses, provided it is in compliance with all provisions of this code; however, no residential uses, auto wrecking yards, junkyards, or garbage dumps shall be permitted except in accordance with chapter 6 of this title and subject to conditions and requirements prescribed.

Open space.

Outside storage, if accessory to permitted use and if screened from the street.

Paint shops.

Printing shops.

Professional and business offices.

Public buildings and uses.

Repair and service establishments for light consumer goods, i.e., automobiles, appliances and furniture.

Sign shops.

Signs.

Temporary buildings for and during construction only.

Truck and rail terminal facilities.

Truck service and fueling facilities.

Truck washing facilities.

Vehicle and boat sales. (Amended Ord. 86-1)

10-3Q-3: **LOT AREA AND WIDTH:** Lot area for this district shall not be less than seven thousand five hundred (7,500) square feet and no lot width shall be less than seventy five feet (75'). (Amended Ord. 86-1)

10-3Q-4: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Amended Ord. 86-1)

10-3Q-5: **YARDS:** Every lot shall have the following minimum yards:

Front yard	20 feet
Rear yard	None ¹
Side yards	None ¹

Note:

1. When a lot is adjacent or faces upon another district, the yards shall meet the requirements of the adjoining district on that side. When a lot abuts a street or alley on either side or the rear, a yard of at least 15 feet shall be provided on the street or alley side.

(Amended Ord. 86-1)

10-3Q-6

10-3Q-8

10-3Q-6: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title.
(Amended Ord. 86-1)

10-3Q-7: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title.
(Amended Ord. 86-1)

10-3Q-8: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the M-2 manufacturing and industrial district:

Adult bookstores as regulated by chapter 15 of this title.

Automobile and motor vehicle salvage yards.

Commercial kennels.

Retail uses.

Salvage yards. (Amended Ord. 86-1; amd. 2009 Code)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE R. PLI PUBLIC LANDS AND INSTITUTIONS DISTRICT

SECTION:

- 10-3R-1: Intent
- 10-3R-2: Permitted Uses
- 10-3R-3: Lot Area And Width
- 10-3R-4: Lot Coverage
- 10-3R-5: Yards
- 10-3R-6: Off Street Parking
- 10-3R-7: Off Street Loading
- 10-3R-8: Permitted Conditional Uses

10-3R-1: **INTENT:** The intent of this district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need be classified PLI. Some may fit within other districts; however, the larger areas should be distinguished PLI. (Amended Ord. 86-1)

10-3R-2: **PERMITTED USES:**

Accessory buildings.

Airports and customary accessory uses required for the operation of airports.

Cemeteries.

Conditional uses as provided in section 10-3R-8 of this article and subject to conditions and requirements prescribed.

Museums, zoos, historic and cultural exhibits.

Open space.

Other public buildings, i.e., fire and police stations and municipal buildings.

Public and nonprofit quasi-public institutions, i.e., universities, elementary, junior and senior high schools and hospitals.

Publicly owned land used for parks, playgrounds and open space.

Temporary buildings used for during construction only. (Amended Ord. 86-1)

10-3R-3: **LOT AREA AND WIDTH:** No requirement. (Amended Ord. 86-1)

10-3R-4: **LOT COVERAGE:** The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings. (Amended Ord. 86-1)

10-3R-5: **YARDS:** No requirement, except when a lot is adjacent to another district, the yards then shall be the same as the adjacent district. (Amended Ord. 86-1)

10-3R-6: **OFF STREET PARKING:** Off street parking shall be provided in accordance with the requirements of chapter 11 of this title. (Amended Ord. 86-1)

10-3R-7: **OFF STREET LOADING:** Off street loading shall be provided in accordance with the requirements of chapter 12 of this title. (Amended Ord. 86-1)

10-3R-8: **PERMITTED CONDITIONAL USES:** The following uses may be permitted as conditional uses in the PLI public lands and institutions district:

Permitted and conditional uses permitted within the B-1, B-2, B-3, M-1, and M-2 districts when compatible with surrounding public uses. (Amended Ord. 86-1)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE S. T TRANSITIONAL DISTRICT

SECTION:

- 10-3S-1: Intent
- 10-3S-2: Application
- 10-3S-3: Permitted Uses
- 10-3S-4: Standards
- 10-3S-5: Specific Standards

10-3S-1: **INTENT:** It is the intent of this district to create additional safeguards and/or buffers in areas where two (2), perhaps conflicting, uses or districts join, i.e., as uses near the airport, or where an area is in transition from one major use to another, i.e., residential to commercial. (Amended Ord. 86-1)

10-3S-2: **APPLICATION:** The provisions of the transitional district may be added to any other district by adding the symbol "T" to the district symbol, i.e., M-1-T means all provisions of the M-1 and T districts are applicable. (Amended Ord. 86-1)

10-3S-3: **PERMITTED USES:** Any permitted use in the district to which the T district is applied is a permitted use in the T district unless specifically prohibited by the T standards for the district. Nonetheless, all permitted uses are subject to direct review and approval of provisions and requirements of this title. In granting or denying a proposed use and in establishing conditions for said use, the city council shall be governed by the specific standards adopted in this article creating the T district and made a part of this section as well as the general standards provided for in this article. (Amended Ord. 86-1)

10-3S-4: **STANDARDS:** Creation of a T district shall be through action of the city council. Said action may be upon recommendation of the city-county planning board and shall include specific development standards and may include performance standards. The T district and specific standards for each T district shall be adopted concurrently. Such specific standards may provide for:

- A. Receiving a conditional use permit as provided in chapter 6 of this title.
- B. Prohibiting certain uses.
- C. Prohibiting certain structures.
- D. Reduced building height.
- E. Special setbacks, yards, open spaces, and buffers.
- F. Fences and walls.
- G. Regulations of lighting.
- H. Regulation of vehicular ingress and egress.
- I. Regulation of signs.
- J. Regulation of time and certain activities.
- K. Landscaping and maintenance thereof.
- L. Time schedule of proposed development.
- M. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat, and noise.
- N. Such other reasonable conditions to protect surrounding areas and provide for orderly compatible development. (Amended Ord. 86-1)

10-3S-5: **SPECIFIC STANDARDS:** The following are specific standards for T transitional district as indicated on the official zoning map. Numbers listing the specific standard correlate with numbers on the zoning map. These specific standards do not replace or nullify any standard prescribed within any part of this title, nor do they prohibit other requirements as allowed by this title: (Amended Ord. 86-1)

Lot area within the R-1-T residential single-family transitional district shall be no less than twenty thousand (20,000) square feet and no lot width shall be less than eighty feet (80'). (Amended Ord. 86-1; amd. Ord. 2005-11, 10-24-2005)

CHAPTER 3

DISTRICTS ESTABLISHED

ARTICLE T. CASINO OVERLAY DISTRICT

SECTION:

- 10-3T-1: Intent
- 10-3T-2: Definition
- 10-3T-3: Application For Zoning Designation
- 10-3T-4: Permitted Uses
- 10-3T-5: Permitted Conditional Uses
- 10-3T-6: Restrictions

10-3T-1: **INTENT:** The intent of the casino overlay district is to provide suitable locations for "casinos", as defined in this article, based on review for impacts to neighboring uses and to minimize adverse effects on the community in the best interests of the public health, safety and general welfare. (Amended Ord. 86-1)

10-3T-2: **DEFINITION:** The definition of "casino" for the purposes of this article shall be an establishment that includes gambling as a use or activity, either in the form of gambling machines (video poker, keno, etc.), card games, or other licensed gambling activity, if one or more of the following characteristics apply:

- A. The establishment is referenced as a casino by signage or name;
- B. One or more card tables are on the premises; or
- C. One or more gambling machines are on the premises. (Amended Ord. 86-1)

10-3T-3: **APPLICATION FOR ZONING DESIGNATION:** Any person wishing to establish a casino must make application to the

city-county planning office and comply with the application process and procedure set forth in chapter 6 of this title. (Amended Ord. 86-1)

10-3T-4: **PERMITTED USES:** Permitted uses in the casino overlay district are as follows:

All permitted uses in the B-3 district, if the underlying zoning is B-3.

All uses in the B-2 district, if the underlying zoning is B-2. (Amended Ord. 86-1)

10-3T-5: **PERMITTED CONDITIONAL USES:** Permitted conditional uses in the casino overlay district are as follows:

All conditional uses permitted in the B-2 district if the underlying zoning is B-2.

All conditional uses permitted in the B-3 district if the underlying zoning is B-3.

Casinos. (Amended Ord. 86-1)

10-3T-6: **RESTRICTIONS:**

A. Permissible: Casino overlay districts shall be permissible zoning only in areas zoned B-2 highway business district or B-3 central business district. (Amended Ord. 86-1)

B. Location:

1. Schools Or Churches: Casino overlay district lots shall not be located within six hundred feet (600') from the primary entrance, in any direction, of lots used for schools or churches as provided by state law. (Amended Ord. 86-1; amd. 2009 Code)

2. Residential Uses: Casino overlay district lots shall not be located within three hundred feet (300') from the primary entrance, in any direction, of a lot zoned for residential uses.

3. Public Parks: Casino overlay district lots shall not be located within six hundred feet (600') from the primary entrance, in any direction, of a public park.

- C. Additional Restrictions: If the city council determines that a conditional use permit application for a casino should be granted, the city council may limit or restrict the type, location and size of signs that would otherwise be permissible under the city sign code, or any other applicable law, may limit or restrict the type, location and brightness of any lighting that is visible outside of a building located on a casino lot, and may require additional landscaping, building setbacks, architectural features, and other mitigating features and requirements as may be deemed appropriate under the circumstances by the city council. (Amended Ord. 86-1)

CHAPTER 4

PLANNED UNIT DEVELOPMENT

SECTION:

- 10-4- 1: Intent
- 10-4- 2: Design
- 10-4- 3: Minimum Area
- 10-4- 4: Location Of District
- 10-4- 5: Intensity
- 10-4- 6: Common Property
- 10-4- 7: Open Space
- 10-4- 8: Recreational Areas
- 10-4- 9: Setbacks
- 10-4-10: Height
- 10-4-11: Pedestrian Access
- 10-4-12: Off Street Parking
- 10-4-13: Fire Protection
- 10-4-14: Signs
- 10-4-15: Night Lighting
- 10-4-16: Antennas
- 10-4-17: Modification Of Requirements
- 10-4-18: Preapplication Conference
- 10-4-19: Preapplication
- 10-4-20: Preliminary Application
- 10-4-21: Approval

10-4-1: **INTENT:** The purpose of the planned unit development (PUD) is to allow maximum flexibility and innovation in development design and land utilization in development design and land utilization through the relaxation of zoning and subdivision regulations. In view of these relaxations, a planned unit development should provide a more desirable environment than could be achieved within the existing zoning and subdivision ordinances in terms of:

- A. More economical and efficient use of the land.

- B. A choice in the types of physical environment, occupancy tenure, building types, types of ownership and community facilities available to existing and potential residents or tenants.
- C. Usable open space, recreation areas, bike paths, pedestrian networks, etc., in excess of existing subdivision and zoning requirements.
- D. Preservation of natural topographical, geological features with emphasis upon:
 1. Prevention of soil erosion.
 2. Conservation of existing surface and subsurface water.
 3. Preservation of major trees or other environment enhancing features.
- E. An efficient network of streets and utilities (underground utilities where feasible).
- F. Aesthetic appeal. (Amended Ord. 86-1)

10-4-2: **DESIGN:** The planned unit development shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences as well as protection of the surrounding areas from potentially adverse influences within the development. In addition, the planned unit development shall relate harmoniously to the topography of the site, make suitable provisions for preservation of watercourses, wooded areas, rough terrain and similar natural features and areas and shall otherwise be so designed as to use such natural features and amenities to best advantage. (Amended Ord. 86-1)

10-4-3: **MINIMUM AREA:** The minimum area is three (3) contiguous acres of land. Smaller acreages may be accepted where the applicant can demonstrate that a smaller parcel will meet the objectives of section 10-4-1 of this chapter. (Amended Ord. 86-1)

10-4-4: **LOCATION OF DISTRICT:** Any district where the applicant can demonstrate that his proposal will meet the objectives of section 10-4-1 of this chapter and not create any detrimental effects to that area. (Amended Ord. 86-1)

10-4-5: **INTENSITY:** The city council shall determine, in each case, the appropriate land use and dwelling unit density for individual projects. The determination of land use or dwelling unit density shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density. Permitted densities of existing zoning may be used as minimum guidelines. (Amended Ord. 86-1)

10-4-6: **COMMON PROPERTY:** When common property exists, open space, recreational facilities, etc., the ownership of such common property may be either public or private. Satisfactory arrangements shall be made with the city council for the improvement, operation and maintenance of such common property and facilities including private streets, driveways, service and parking areas and recreational open space areas. (Amended Ord. 86-1)

10-4-7: **OPEN SPACE:**

- A. Required Open Space: Required open space shall comprise at least forty percent (40%) of the total area of the planned unit development. Land occupied by buildings, streets, driveways, or parking spaces may not be counted in satisfying this open space requirement; provided, however, that land occupied by recreational buildings and structures may be counted as required open space.
- B. Half Improved: At least one-half ($\frac{1}{2}$) of the required open space shall have an overall finished grade not to exceed ten percent (10%), shall be suitably improved for its intended purposes and all lawn and landscaped areas reserved for common use shall be provided with a permanent watering system adequate to maintain such areas.
- C. Half Left In Natural State: The remaining one-half ($\frac{1}{2}$) of the required open space may also be improved, or may be left in its natural state, particularly if natural features worthy of preservation exist on the site. Open space left in its natural state shall be kept free of litter and shall, at no time, constitute a health, safety, fire, or flood hazard.

- D. **Staged Development:** If the development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate quality of the total planned development. (Amended Ord. 86-1)

10-4-8: **RECREATIONAL AREAS:** No intensive recreational use shall be permitted within one hundred feet (100') of any external boundary which adjoins or is separated only by a boundary street from land in any residence, estate, or agricultural zone; provided, however, that where permanent intervening open space at least one hundred feet (100') in width exists on adjacent property, this restriction will not apply. (Amended Ord. 86-1)

10-4-9: **SETBACKS:**

- A. **Building:** No building, except as hereafter provided, shall be located closer than five feet (5') from any interior vehicularway or pedestrianway, court, plaza, open parking lot, or any other surfaced area reserved for public use in common by residents of the planned unit development. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right of way or private road easement.
- B. **Spacing Between Buildings:** Spacing between buildings shall be at least ten feet (10').
- C. **Surrounding Open Space:** Each building shall be surrounded on all sides by relative level open space having a slope no greater than ten percent (10%) and extending a minimum distance of ten feet (10') in all directions measured from the furthest projection of the external walls of the building.
- D. **Setback:** A setback of not less than twenty five feet (25') shall be maintained by any building or structure, except a wall or fence, from any street along an exterior boundary of the development. (Amended Ord. 86-1)

10-4-10: **HEIGHT:** All buildings and structures shall conform to the height regulations of the district in which the planned unit development is located; provided, however, that the city council may approve buildings and structures of greater height if such buildings and structures would not have an adverse effect on adjacent properties or on properties or developments in the vicinity. No additional height shall be approved within one hundred feet (100') of any external boundary of the planned unit development adjacent to land in any residential, estate, or agricultural district. (Amended Ord. 86-1)

10-4-11: **PEDESTRIAN ACCESS:** Any building or any dwelling unit that is located more than one hundred feet (100') from a public or private street or other vehicularway shall have pedestrian access thereto capable of accommodating emergency and service vehicles. (Amended Ord. 86-1)

10-4-12: **OFF STREET PARKING:** Off street parking areas not under cover shall be screened from view of nearby residents of the development by shrubs or other appropriate features. (Amended Ord. 86-1)

10-4-13: **FIRE PROTECTION:** Fire hydrants and connections shall be installed as required by the city council and shall be of a type approved by the chief of the local fire district. (Amended Ord. 86-1)

10-4-14: **SIGNS:** Interior street, building and other signs shall be uniform in design and reflect good taste in style and size. (Amended Ord. 86-1)

10-4-15: **NIGHT LIGHTING:** Light fixtures for walks, parking areas, driveways and other facilities shall be provided in sufficient number and at proper locations to assume safe and convenient nighttime use. (Amended Ord. 86-1)

10-4-16: **ANTENNAS:** A common central television antenna shall be provided with underground cable service to at least all buildings containing dwelling units. No other exterior radio or television antennas shall be permitted. (Amended Ord. 86-1)

10-4-17: **MODIFICATION OF REQUIREMENTS:** Modification of the development criteria of this chapter may be granted by the city council when it determines that such modification will not be detrimental to the subject development, adjacent properties, or the public interest. (Amended Ord. 86-1)

10-4-18: **PREAPPLICATION CONFERENCE:** The general outlines of the proposal, evidenced schematically by sketch plans, are to be submitted to the city-county planning board or their designated agent prior to the submission of the planned unit development application. This conference provides the developer with an opportunity to gather information and obtain guidance as to the general conformity of the project with the area in which the development is to take place. During this conference particular attention shall be given to:

- A. Present uses and character of the area and how the proposal may affect them.
- B. The road and street system.
- C. Public and private open space and parks.
- D. Public utilities and services.
- E. The residential housing mix, proposed market and general overall appearance of the development. (Amended Ord. 86-1)

10-4-19: **PREAPPLICATION:** Information as required under title 11, chapters 3 and 5 of this code, the Belgrade area subdivision regulations. (Amended Ord. 86-1)

10-4-20: **PRELIMINARY APPLICATION:** Information as required under title 11, chapters 3 and 5 of this code, with the addition of the following:

- A. Photographs: Photographs of the site showing the existing topographical features and natural amenities.
- B. Plans, Elevations, Drawings: Plans, elevations and perspective drawings of all typical proposed structures and improvements.

- C. Development Schedule: A development schedule indicating:
1. The approximate dates when construction of the project can be expected to begin.
 2. The approximate completion dates of each phase of the development.
 3. The area and location of common open space will be provided at each stage.
- D. Availability Of Related Community Facilities: A general description of the availability of related community facilities such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by the proposal.
- F. Existing And Projected Community Requirements: Evidence of how the developed proposed land uses meet existing and projected community requirements (housing types, etc.). (Amended Ord. 86-1)

10-4-21: **APPROVAL:** Approval of a planned unit development shall be obtained through conditional use permit procedures as specified in chapter 6 of this title and by following the adopted subdivision regulations. (Amended Ord. 86-1)