

ARTICLE I. GENERAL PROVISIONS

SECTION 1.1 TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Sheridan, Montana.

SECTION 1.2 AUTHORITY AND PURPOSE

This Zoning Ordinance is adopted pursuant to the authority granted by Title 76, Chapter 2, Part 3 of the Montana Code Annotated and the municipal powers of the Town of Sheridan.

The purposes of this Ordinance are to:

- Promote the public health, safety, and general welfare of the community;
- Implement the goals, objectives, and policies of the adopted Sheridan Growth Policy;
- Guide the physical development of the Town in a logical, coordinated, and sustainable manner;
- Establish predictable and transparent procedures for development review and permitting;
- Protect property values and the small-town character of Sheridan;
- Prevent overcrowding of land and facilitate the provision of public services and infrastructure;
- Ensure compatibility between land uses and minimize conflicts; and
- Provide a framework for orderly growth and economic development.

SECTION 1.3 APPLICABILITY

This Ordinance shall apply to all land, structures, and uses within the corporate limits of the Town of Sheridan. All new development, construction, alterations, or uses of land and structures must conform to the requirements set forth herein.

SECTION 1.4 COMPLIANCE REQUIRED

No building or structure shall be erected, reconstructed, enlarged, altered, maintained, or used, and no land shall be used, subdivided, or developed except in full compliance with the provisions of this Ordinance and any permits or approvals issued pursuant thereto. **Compliance with floodplain ordinance is required in all use districts.**

SECTION 1.5 INTERPRETATION AND CONFLICTS

In the event of any conflict between this Ordinance and any other ordinance, regulation, or law, the more restrictive provision shall apply. The Zoning Administrator shall have the authority to interpret the provisions of this Ordinance, subject to appeal to the appropriate review body.

SECTION 1.6 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 1.7 MINIMUM REQUIREMENTS

The requirements of this Ordinance are intended to be minimum requirements. Where two or more provisions apply to a situation, the provision imposing the greater restriction or higher standard shall govern.

SECTION 1.8 EFFECTIVE DATE

This Ordinance shall become effective on [insert date], following its adoption by the Town Council of Sheridan, Montana, and publication as required by law.

ARTICLE II. DEFINITIONS

SECTION 2.1 – RULES OF INTERPRETATION

The following definitions apply to these regulations. The latest edition of Merriam Webster's Unabridged Dictionary should be used in any instance where a word or term has not been expressly defined.

SECTION 2.2 - DEFINITIONS OF WORDS & TERMS

A

1. Accessory Dwelling Unit (ADU). A subordinate dwelling unit located on the same lot as a principal dwelling that functions independently from the principal dwelling and, while not required, usually has a separate entrance. Accessory dwelling units may be located under the same roof with a primary dwelling (internal ADU) or in a separate structure (detached ADU).
2. Accessory Structure. A structure that is customarily incidental, subordinate to, and located on the same parcel or project site as a principal structure. The term "accessory structure" may include, but is not limited to, accessory buildings, garages, small-scale solar and wind generators when not attached to another structure, and storage sheds.
3. Accessory Use. A use clearly incidental, customarily found with, and subordinate to the main use located on the same parcel.
4. Agricultural Building. A structure designed and constructed for use in a bona fide agricultural operation to house farm implements, hay, grain, poultry, livestock, or other horticultural or similar products and animals. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public for business or commercial uses.
5. Agricultural-Related Business. A business operated as an accessory use primarily in support of agricultural activities occurring on the same property. It may consist of storage and limited processing of agricultural products, animal services, farm stands, markets, farm-to-table food and beverage offerings, temporary events, and agritourism opportunities, where appropriate
6. Agriculture. The use of land for customary agricultural and ranching activities involving the harvesting of plants or animals to produce food, feed, or fiber commodities. Agricultural activities may create odors, flies, fumes, dust, smoke, mud, light, noise, traffic, changes in appearance, the operation of machinery of any kind during any 24-hour period (including aircraft), animals, the storage and transport and disposal of manure and the application of chemical fertilizers, soils amendments, herbicides and pesticides. Examples may include but are not limited to the cultivation and harvest of crops, horticulture, urban agriculture, family farming and ranching, limited animal husbandry, bee-keeping, other agricultural activities.
7. Agriculture, High-Intensity. The use of land for the primary purpose of raising, harvesting, and marketing/selling plants or animals to produce food, feed, or fiber commodities requiring larger amounts of labor, capital, or infrastructure relative to what is customary. High-Intensity Agriculture is characterized by large-scale structures housing commercially high volumes of animals or crops, high concentration of animals, high employment levels, or other activities where the scale and intensity of the operation generates ongoing dust, noise, odor, pollutants, significant grading or permanent removal of vegetation, or visual impacts that adversely impact adjacent properties. Examples may include but are not limited to commercially large-scale dairying; the raising of commercially large volumes of livestock, feedlots, poultry, fur-bearing animals, or biological-control insects; large-scale commercial growing and harvesting of crops requiring unordinary infrastructure such as crops requiring to be grown entirely indoors or

requiring high levels of energy consumption; cannabis cultivation; and other agricultural activities where the scale and intensity of the operation generates ongoing dust, noise, odor, pollutants, or visual impacts that generate adverse impacts on adjoining properties beyond customary impacts of agriculture.

8. Agritourism. A form of commercial enterprise that links agricultural production or processing or both with tourism to attract visitors onto a farm for education about agriculture or generating income supplemental to the primary agricultural use.
9. Alteration. A change to an existing structure or use, resulting in an increase or decrease in overall square footage, height, design, intensity, or location.
10. Animal Services. The use of land or structures for providing services related to animal care, including but not limited to veterinary care, animal hospitals, grooming, and training facilities. Boarding may be associated with, but not independent of, an animal service facility. For the purposes of these regulations, this use is divided into two categories:
 - a. Large Animal. Any animal not otherwise defined as a small animal, including but not limited to horses, goats, and pigs, whether or not they are considered pets or livestock. Horse riding arenas and stables not for personal use and not intended for entertainment are considered Large Animal Services.
 - b. Small Animal. Any small pet or companion animal kept primarily for their company. This term is limited to domesticated dogs and cats, small mammals such as guinea pigs and hamsters, birds, small reptiles, and amphibians commonly kept within the home.
11. Animal Shelter or Boarding Kennel. Any premises used for the primary purpose of boarding small domestic animals, such as dogs and cats, overnight. This term includes commercial breeding and training facilities, as well as facilities where lost or abandoned animals are temporarily housed for adoption. This term does not include boarding facilities associated with and accessory to a veterinary operation or an agricultural use, such as equine boarding.
12. Antenna. This word broadly refers to equipment used to collect or transmit electromagnetic waves, including but not limited to panels, micro-cells, small cell antennas, and antennas for distributed antenna systems (D.A.S.), microwave and satellite dishes, and omnidirectional or whip antennas.
13. Area Plan. A plan for a specific geographic area within the Town that addresses one or more of the elements of the growth policy in more detail.
14. Artificial Slope. A change in the natural slope profile resulting from land-disturbing activity related to use or construction.
15. Auto Wrecking. The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles or their parts.
16. Block. An area of land enclosed by streets and occupied by or intended for buildings.
17. Block Face. All lots abutting one side of a street between the two nearest intersecting streets.
18. Buffer. A vegetated area extending from an identified boundary inward and used to separate potentially incompatible land uses.
19. Buildable Area. That portion of a lot or project site that may be built upon according to these regulations after all requirements (e.g., setbacks, lot coverage, landscaping, and buffers) have been met.
20. Building. A structure having a roof supported by walls that is intended for any occupancy, including structures to be used for sheltering people, animals, property, vehicles, or business activity.
21. Building Envelope. The two-dimensional area on a lot upon which a building or structure can be placed. No part of a building or structure may protrude beyond the building envelope.
22. Building Height. Vertical projection from entry elevation to roof peak.

23. **Building Foundation Wall.** A structural portion of a building that serves to retain grade or maintain a continuous ground floor elevation. A building foundation wall is an integral part of a structure.
24. **Building Line.** An imaginary line representing the vertical projection (or plumb line) of an exterior building wall that encloses interior floor space.
25. **Build-To Zone.** The area of a lot where a certain percentage of the front building facade must be located.
26. **Built Area.** The sum of the horizontal areas of impervious materials existing or placed on the ground surface, including but not limited to parking areas and driveways constructed of permeable and semi-permeable pavements and pavers, green roofs, and living roofs.
27. **Canopy.** A covering intended to protect against the sun or weather mounted on a rigid metal frame and frequently supported in full or in part by posts attached to the ground, a deck, or a paved surface.
28. **Gambling Establishment.** Any establishment that offers legalized gambling authorized under Title 23, Chapter 5, Part 1, et. seq., MCA, and where any one of the following characteristics applies:
 - a. The establishment is referenced as a “casino” or “gambling establishment” or makes any reference to legalized gambling by signage, advertisement, or by name;
 - b. Five or more gambling machines are on the premises; or,
 - c. A card table is on the premises.
29. **Civic Use.** A use which provides public or semi-public functions or facilities in service of a public, non-profit, or charitable nature to the citizens in the community.
30. **College/University.** Institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or encompassing multiple blocks, lots, or parcels. This definition includes nursing and medical schools, not accessory to a hospital, conservatories, and seminaries.
31. **Common Open Space.** An area improved for recreational use or gardening that is used in common by residents of a development.
32. **Community Residential Facility.** This type of group residence includes the following activities and is generally regulated according to the number of persons served:
 - a. A group, foster, or other home specifically provided as a place of residence serving developmentally disabled or handicapped persons who do not require nursing care; and as defined by §76-2-411, MCA;
 - b. A district youth guidance home serving youths in need of supervision, or youths in need of care or delinquent youths as defined by §76-2-411, MCA, and established pursuant to the Montana Youth Court Act;
 - c. Detention, receiving, or shelter homes defined by §76-2-411, MCA, and established pursuant to the Montana Youth Court Act;
 - d. A halfway house operated in accordance with regulations of the Department of Public Health and Human Services for the rehabilitation of alcoholics or drug dependent persons, pursuant to §76-2-411, MCA;
 - e. A licensed adult foster family care home as defined by §76-2-411, MCA; or,
 - f. An assisted living facility licensed under §76-2-411, MCA.
33. **Conforming Use.** Any use allowed by the regulations of the district as a permitted use or Special Exception.
34. **Conservation Easement.** A voluntary legal agreement that runs with the land and permanently limits uses of the land in order to protect its conservation value. The limitation of uses is voluntary and agreed upon by and between the owner of the land and the holder of the easement but generally restrict improvements to the land that would otherwise be permissible under the applicable land use regulations in place.

35. Conservation Land Area Set Aside. An area of land required as part of a conservation design development intended to protect natural resources, support wildlife and plant habitat, and preserve unique features of the landscape. This conservation area is protected and cannot be built upon or used for purposes other than those that support the listed objectives.
36. Construction Sales and Services. Construction and development activities and related storage on parcels other than construction or development sites. Typical uses include tool and equipment rental or sales, and building contracting/construction businesses. Uses that involve office or administrative functions only, with no on-site equipment or vehicle storage, are classified as offices.
37. Cultivation Facility, Indoor. An enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.
38. Cultural Services. A library, museum, performing arts center, community center, or similar civic or cultural use. Such use may involve displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences or providing a place for the community to gather for educational, social, or limited recreational activities.

D

39. Daycare. The care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are two types of daycare:
 - a. Daycare Home. Daycare provided within for up to 15 children or adults, in addition to the members of the daycare provider's household. This term includes family day care homes and group day care homes as defined in MCA §52-2703 when care is provided within a residential home.
 - b. Daycare Center. An out-of-home place in which daycare is provided to 16 or more children or adults on a regular basis.
40. Density, Gross. The total number of homes divided by the total project land area in acres without subtracting areas devoted to open space, roadways, parks or similar public use and infrastructure areas
41. Density, Net. The total number of homes per acre of land, excluding allowed deductible areas. Allowed deductible areas are dedications of land for streets, sidewalks, and open space.
42. Development. Any human-made change to real estate or property, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling.
43. Development Application. A formal request, usually in writing, to undertake, modify, remove, or install any use, structure, element, or development activity covered by these regulations.
44. District. An area of the Town in which zoning regulations governing the use of the land and buildings and space and bulk requirements are the same.
45. Drainage System. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, as well as manufactured elements including culverts, ditches, channels, retention facilities, and the storm sewer system.
46. Drive-In or Drive-Through Facility. Any service window, automated device, or other facility that provides goods or services to individuals in a motor vehicle.
47. Dwelling or Dwelling Unit. See Definition of "Home."
48. Dwelling, Multiple-Household. A building designed for occupancy by three or more households living independently of each other, which may have a common building entrance and hallway to each dwelling. The term includes attached tri-plexes, quad-plexes, multiplexes, townhouses, apartments, communal-style living with shared kitchen or bath facilities, and transitional housing.
49. Dwelling, Single-Household. A detached building designed for occupancy by one household. Unless expressly stated otherwise, this definition includes a manufactured home and a mobile home.

50. Dwelling, Two-Household. A building designed for occupancy by two households living independently of each other.

E

51. Easement. A right acquired by a public or private authority to use or control property for a designated purpose.
52. Eating and Drinking Establishments. An establishment providing prepared food, beverages, or both for on or off-premises consumption. Typical uses include restaurants, taverns, and nightclubs.
53. Element. A development feature that is incidental and subordinate to and located on the same lot or project site as a principal use. Such features include but are not limited to surface parking, on-premises advertising signs, freestanding energy generation facilities, landscaping, helicopter pads, stormwater detention facilities, building design element, lighting, playgrounds, and non-structural recreational facilities.
54. Eligible Building or Site. Any historically significant building or site meeting the criteria for National Register nomination.
55. Enterprise Commercial. Commercial development containing 30,000 or more square feet of gross floor area within one building and may include additional buildings on a parcel or a project site. Malls, strip development centers, and big-box commercial are examples of traditional enterprise commercial development. Under these regulations, enterprise commercial development may include a mix of uses (e.g., retail, office, eating and drinking establishment) as allowed by the district.
56. Entertainment Venue. Any building, structure, or outdoor space dedicated to events typically involving spectators such as auditoriums, theaters, cinemas, fairgrounds, stadiums, and racetracks.
57. Erosion. The wearing away of the ground surface resulting from the movement of wind, water, ice, land disturbance activities, or any combination of these processes.

F

58. Farmstand. A booth, stall, or building that is typically (but not always) accessory to an agricultural use from which produce and farm products—the majority of which are grown, raised, or produced locally.
59. Fence. A wall, enclosure, or barrier intended for enclosing a space or separating parcels of land which do not otherwise structurally function as a retaining wall or as an integral structural part of a building as defined by the International Building Code (I.B.C.) and the International Residential Code (I.R.C.).
60. Financial Services. Financial or securities brokerage services. Typical uses include banks, savings, and loan institutions, consumer investment businesses, check cashing, and loan services.
61. Floodplain. Any land area susceptible to being inundated by floodwaters from any source designated as A, AE, AH, AO, Floodway, and Shaded Zone X on a FEMA Flood Insurance Rate Map.
62. Floor Area, Gross. The gross horizontal area of the subject space measured from the exterior faces of any exterior walls or from the centerline when two buildings or units abut, excluding such features as covered walkways, covered open areas, unenclosed porches and balconies, exterior terraces or steps, chimney roof overhangs, and attic or basement spaces having headroom of less than seven feet ten inches. Unless otherwise expressly stated, accessory buildings and parking and vehicular circulation areas within principal buildings are not counted as gross floor area.

- 63. Food and Beverage Sales. Establishments primarily engaged in the retail sale of food, beverages, or household products for off-premise consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, liquor stores, and candy shops.
- 64. Foundation, Permanent. Any structural system typically comprised of concrete, concrete block, or wood pier resting on embedded concrete or concrete block footings and capable of transferring loads from a building or structure to the earth at a depth below the established frost line without exceeding the bearing capacity of the supporting soil.
- 65. Frontage, Street. The property line or boundary of a lot or project site abutting a street right-of-way or easement.
- 66. Funeral and Interment Services. Provision of services involving the care, preparation, or disposition of human dead, including:
 - a. Land or facilities used for burial of the dead, (including pet cemeteries),
 - b. crematory services involving the purification and reduction of the human body by fire, and
 - c. undertaking services such as preparing the dead for burial and arranging and managing funerals.

G

- 67. Galleries and Exhibition Space. Commercial space used to display and sell artwork. This term does not include art museums as defined under “Cultural Services” or studio or production space that may be part of a home occupation or a live/make district use
- 68. Gasoline and Fuel Sales. A building or portion of a building used to sell retail gasoline and fuel, oils, and accessories for motor vehicles. Repair service and automobile washing may be incidental, but the sale, rent, or storage of vehicles is prohibited.
- 69. Greenway. A linear park, alternative transportation route, or open space conservation area approved that provides for passive recreational opportunities, the conservation of open space and natural areas, and multimodal transportation options through pedestrian and bicycle paths.
- 70. Ground Floor. The first floor of a building (as measured from the lowest floor upward) that has more than 50 percent of its floor-to-ceiling height above finished grade.
- 71. Ground Floor Unit. A residential, retail, business, or office space located on the ground floor of a multi-unit, multi-story building.

H

- 72. Home Occupation. An accessory use of a home or a residential accessory structure for business or commercial purposes.
- 73. Homeless Shelter. Housing that provides minimal supportive services and is limited to occupancy of six months or less by individuals whose homelessness poses a threat to their lives or health.
- 74. Hospital. An establishment providing emergency, medical, or surgical care to patients and offering inpatient (overnight) care.
- 75. Household. One or more individual living, sleeping, and usually cooking and eating on the premises as a single housekeeping unit.

I

- 76. Improvement. One or more of the following features required by these regulations as part of a Zoning Compliance Certificate or development approval: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains

and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds.

77. Indoor Cultivation Facility. An enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

78. Infrastructure. One or more of the following facilities or improvements: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds; and public elementary and secondary school sites.

79. Junk or Salvage Yard. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard may include an auto wrecking yard but does not include waste-related uses or recycling facilities.

80. Lawfully Established. A use, structure, sign, or parcel that conforms to all applicable zoning and subdivision regulations in effect at the time of its establishment.

81. Lodging Services. Establishments that provide lodging services on a temporary basis, including incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:

- a. Bed and Breakfast. An owner/manager-occupied facility located in a detached house in which the owner offers overnight accommodations and may provide meal service to guests for compensation.
- b. Guest Ranch. A facility that satisfies the definition of guest ranch at Montana Code Annotated §50-51-102(5).
- c. Hotel/Motel. An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation that may or may not include the service of one or more meals to guests.
- d. Outfitting and Guide Facility. A facility that satisfies the definition of outfitting and guide facility at §50-51-102(7), MCA
- e. Tourist Home. A private home or condominium that is not occupied, either temporarily or permanently, by an owner or manager and is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis (§50-51-102(12), MCA). A transient guest is defined as a guest for only a brief stay, such as the traveling public (§50-51-102(13), MCA). A tourist home does not include any incidental sale of food, drink, or other sales and services.

82. Long-Term Care Facility. A facility or part of a facility licensed by the State Department of Public Health and Human Services that provides skilled nursing care, residential care, intermediate

nursing care, or intermediate developmental disability care to two or more individuals. This term does not include facilities that meet the definition of a community residential facility.

83. Lot. A parcel, plot or other land area created by subdivision or by subdivision exemption. For the purposes of these regulations, the words lot and tract are interchangeable.
84. Lot, Corner. A lot or parcel located at the intersection of two streets.
85. Lot, Interior. A lot or parcel with street frontage on only one street (i.e., a parcel whose side and rear property lines do not abut a street).
86. Lot, Through. A lot or parcel having street frontage on two parallel, or approximately parallel, streets, or whose front and rear lot lines both abut a street other than an alley.
87. Lot Line, Front. The property line adjacent to the street on which the primary street address and primary street front setback is based.
88. Lot Line, Rear. The property line typically opposite and parallel to the front property line.
89. Lot Line, Side. The property line typically perpendicular to the front or rear property line.
90. Lot Line, Interior Side. A side property line that does not abut a street or, in most cases, an alley.
91. Lot Line, Street-Side. A side property line of a corner parcel that is adjacent to a street. The street-side property line is the property line that is generally perpendicular to the alley, or as determined by the Zoning Officer.

M

92. Maintenance Services. Establishments providing off-site maintenance and custodial services such as janitorial, landscape maintenance, window cleaning, and extermination, and that result in significant commercial traffic, parking of multiple service vehicles, and require the storage of cleaning supplies and service equipment onsite.
93. Major Renovation. Rehabilitation of an existing building that involves major work to heating, ventilation, and air conditioning (HVAC) systems, the building envelope, and/or the building interior. Typically, the extent and nature of the work is such that the primary function space cannot be used for its intended purpose while the work is in progress.
94. Manufactured Home. A factory-built, single-household dwelling which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards to be used as a place for human habitation, and which meets the definition of "manufactured housing" established in §76-2-202(4)(a) MCA. A manufactured home shall be considered the same as any site-built, single-household detached dwelling and does not include a "mobile home" as defined in these regulations or "house trailer" as defined in §15-1-101 MCA.
95. Manufacturing and Production. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, and resins. This use group also includes commercial production of cannabis products, beer, wine, and spirits that do not meet the definition of microbreweries and micro-distilleries. Manufacturing activities are divided into the following categories based on character and intensity, infrastructure needs, and potential offsite impacts:
 - a. Agricultural. The processing of crops, animals, and animal by-products raised for commercial sale, including animal slaughter.
 - b. Artisan. Production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment typically in an enclosed building with no outdoor storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, and similar arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

- c. Limited. Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include commercial kitchens and catering; printing and related support activities; machinery, electronic equipment, small appliance and computer manufacturing and assembly; furniture manufacturing and assembly; and any other manufacturing or assembly activity that has limited external impacts on surrounding properties that can be adequately addressed through site design.
 - d. General. Manufacturing of finished or unfinished products, primarily from extracted or raw materials, recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include textile mills and apparel manufacturing; leather goods and woodworking activities; paper manufacturing; plastics, rubber, and chemical manufacturing; non-metallic mineral product manufacturing; metal fabrication and manufacturing; service and repair of industrial and commercial machinery; and medical, scientific, or technology-related research activities that generally have an impact extending beyond the boundaries of the subject property.
 - e. Intensive. Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This term also includes smelting and oil refining.
96. Material Change. Any substantial change to a permit or application which would require changes to the type or conditions of permit approval or alters the outcome or intent of the original approved use or activity.
97. Maximum Permitted Sign Area. The total amount of sign area permitted on a property by these regulations as measured in square feet.
98. Mechanical Equipment. Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
99. Microbreweries, Micro-distilleries and Wineries. An establishment where beer, wine, or spirits are brewed, typically in conjunction with a tasting room or restaurant as permitted by these regulations. The maximum brewing capacity shall not exceed 10,000 barrels or 25,000 proof gallons annually and must be in accordance with respective licensing requirements set forth in §16-4-310 through 312, MCA.
100. Mini Warehouse. Storage or warehousing service within a building or under a shelter for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere.
101. Mining. See also "Quarrying." Pursuant to MCA §82-4-303(17), mining is the extraction of ores or minerals in commercial quantities for sale, beneficiation, refining, or other processing or disposition, or takes bulk samples for metallurgical testing in excess of the aggregate of 10,000 short tons.
102. Mobile Food Establishments. To include food trucks but exempt licensed ice cream trucks. Mobile food trucks are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. They are retail food facilities and health-regulated businesses subject to County Public Health permitting requirements.
103. Mobile Food Court. A congregation of two or more mobile food establishments.
104. Mobile Home. A factory-assembled structure built before the 1976 Mobile Home Construction and Safety Act (June 15, 1976), equipped with necessary service connections, made so as to be readily movable as a unit on its own running gear and designed to be used as a home without a permanent foundation. The term "mobile home" includes forms of housing known as "trailers," "house trailers," and "trailer coaches" exceeding eight feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to eight feet in width or 45 feet in length used as a principal residence.

- 105. Mobile Home Park. A parcel containing two or more spaces for lease or rent for a mobile or manufactured home placement as defined in these regulations.
- 106. Mobile Home Space. A plot of land within a mobile home park designed for the accommodation of a single mobile or manufactured home.

N

- 107. Natural Area. Land and water that has substantially retained its natural character, or land and water that, although altered in character, is important as habitat for plant, animal, or marine life, for the study of its natural, historical, scientific, or paleontological features, or for the enjoyment of its natural features.
- 108. Nonconforming Feature. A physical characteristic that exists legally at the time of the passage of these regulations, which does not, because of design or dimension, comply with the current regulations of the district in which it is situated.
- 109. Nonconforming Lot. A lawfully existing lot created in accordance with the zoning regulations in effect at the time it was recorded on a plat or survey in the Recording Division of the Clerk and Treasurer, which does not comply with the current regulations of the district in which it is situated.
- 110. Nonconforming Structure. Any structure, including buildings and signs, lawfully established in accordance with the zoning regulations in effect at the time it was constructed, which does not comply with the current regulations of the district in which it is situated.
- 111. Nonconforming Use. A land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment, which does not comply with the current regulations of the district in which it is situated.
- 112. Non-Motorized (Transportation) Facilities. Infrastructure designed or improved for the use, safety, and comfort of pedestrians, cyclists, equestrians, and other forms of non-motorized transportation. Examples include sidewalks, walkways, trails, bikeways, and related appurtenances, such as signs and ramps.
- 113. Nursing Home or Skilled Nursing Facility. A facility that provides a wide range of health and personal care services that focus on medical care more than assisted living or community residential facilities as defined in these regulations. Services typically include nursing care, 24-hour supervision, three meals a day, and assistance with everyday activities. Rehabilitation services, such as physical, occupational, and speech therapy, may also be available. For the purposes of these regulations, nursing home includes a long-term care facility.

O

- 114. Office, Professional. Establishments where professionals, government officials, managers, or administrative services providers offer professional services. Such services include, but may not be limited to, those rendered by attorneys, accountants, medical professionals, chiropractors, podiatrists, architects, optometrists, planners, physical therapists, professional engineers, surveyors, and realtors. This definition includes walk-in clinics providing medical services that do not involve overnight stays. This definition does not include uses more specifically classified or defined within these regulations.
- 115. Open Space. Any land provided or preserved for recreation opportunities, the conservation of land or other natural resources, or historic or scenic purposes.
- 116. Outdoor Display and Sales. A portion of a lot used for the orderly display or sales of seasonal products, merchandise, or the supply of services provided by a business located on the same parcel.
- 117. Outdoor Storage. An area of land used in conjunction with a principal use or activity located on the same lot, for the long-term storage of merchandise, goods, inventory, materials or

equipment or any other items which are not intended for immediate use or sale, outside of an enclosed building

118. Owner-Occupancy. A property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration or similar means, and resides at the site more than six months out of any given year. Owner-occupancy may also include a named natural person with an ownership or benefit in a private trust. Temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences does not affect an owner- occupancy status.

P

119. Parcel. A plot of land distinguishable by ownership boundaries. The term "parcel" may also be used to refer to a lot or a tract of land.
120. Permitted Use. A use listed as permitted by right within a specific zoning district and required to meet the intent of the district through adherence to specific site, building, and environmental design standards prescribed within these regulations.
121. Person. A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
122. Personal Improvement Service. An establishment or facility which provides Information, instruction, or services for personal improvement and other similar services of a non-professional nature, including the cleaning, maintenance or repair of clothing or footwear, and maintenance or improvement of the customer's physical appearance. Typical uses include hair salons, barber shops, beauty shops, nail salons, yoga or dance studios, driving schools and martial arts studios.
123. Pre-School. A facility that provides educational instruction designed for children five years of age or younger, with limited hours of education per child. Pre-school facilities are divided into two categories based on the size of the community served:
- a. Preschool. A facility providing education for 12 children or less.
 - b. Preschool Center. A facility providing education for 13 or more children.
124. Principal (Primary) Building. The primary or predominate building(s) on a parcel, including any attached subordinate garage or structure, in which the principal use is conducted.
125. Principal (Primary) Use. The primary or predominate activity for which a premises is designed, arranged, or intended.
126. Project Site. Two or more contiguous parcels of land where land-disturbing activities have been or will be undertaken to complete an approved coordinated land development project. This term includes but is not limited to land subdivisions. commercial projects with outparcels, and projects where required or desired accessory features are located on lots contiguous to the primary use they serve.
127. Property Line. The exterior boundary of a lot, as shown on a subdivision plat or survey as the boundary of a lot, tract, parcel or project site.
128. Public Safety Service Facility. A facility that provides fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.
129. Public Utility. Public utility as defined in §69-3-101, MCA.
130. Public Wastewater System. Wastewater system as defined in Montana Administrative Rules 17.36.101; also includes the term public sewer system.
131. Public Water. Water supply system as defined in Montana Administrative Rules 17.36.101.

Q

132. **Qualified Professional.** A professional licensed or registered in the state of Montana performing services only in their area(s) of competence. This term shall only include registered land surveyors, registered engineers, registered architects, registered landscape architects, certified arborists, forestry professionals, and any other professional the Zoning Officer determines has sufficient education and knowledge to perform services in a given area expertise required by these regulations.

R

133. **Recreation, Active.** Parks and other areas requiring some level of development intended for hosting organized activities. Permanent infrastructure associated with active recreation may include playground structures, paved paths, restroom facilities, sports fields, picnic shelters, and other supporting structures.
134. **Recreation, Commercial.**
- a. **indoor.** A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall, game arcade and amusement rides where such activities are contained within a building.
 - b. **outdoor.** A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide, alpine slide and amusement rides where part or all of such activities are outdoors.
135. **Recreation, Developed Outdoor.** An establishment whose main purpose is to provide the general public with outdoor recreational opportunities requiring varying levels of developed facilities where tickets are sold or fees are collected for the recreational activity. Developed Outdoor Recreation activities generally capitalize on natural landscapes and are typically dependent on rural locations. Examples include alpine skiing, Nordic skiing, mountain bike parks, zip lines, or shooting ranges.
136. **Recreation, Passive.** Recreation that involves limited development with minimal impact to the natural environment. Examples of passive recreation include parks and open spaces that allow for hiking, biking, horseback riding, picnicking, birdwatching, and birdwatching or similar activities. Limited developed support facilities are provided onsite.
137. **Recreational Vehicle.** A vehicular unit designed primarily as temporary living quarters for recreation, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper, as defined in Montana Administrative Rules Section 37.111.201. Tiny homes on wheels and registered as an RV also fall under this definition.
138. **Recreational Vehicle (RV) Park.** A parcel of land available to and principally used by the public for camping that meets the Montana Department of Health and Human Services definitions of a campground, where a persons can park recreational vehicles for camping and sleeping purposes. A recreational vehicle park can also include spaces for tent camping.
139. **Recycling Service.** Any building, portion of building, or area in which recyclable material is collected, stored, or processed (including the cleaning, bundling, compacting, or packing of materials) for the purpose of marketing or using to manufacture new, reused, or reconstituted products. This term does not include consumer-oriented collection boxes for recycled materials, which are considered an accessory use and may be allowed in any zoning district.
140. **Religious Assembly.** Religious services and facilities involving public assembly customary to that occurring in synagogues, temples, mosques, and churches.
141. **Research, Cooperative Learning, and Training Facilities.** Facilities and operations focused primarily on the research and development of new products, technology, and methods and

- often incorporating an education, hands-on training, or other active engagement onsite with students, clients, or the general public.
142. Retail Sales and Service. Businesses involved in the sale, lease, or rent of new or used products, and merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, and apparel stores.
 143. Right-of-way. A legal right of passage along a specific route through another person's property; also, the area of land over which a right-of-way exists.
 144. Riparian Resource. A river, stream, lake, pond or other water body, wet meadow, woody draw, wetland, and adjacent riparian vegetation. This term does not include incidental areas such as roadside ditches or swales that may include riparian vegetation.
 145. Runoff. The part of precipitation that flows off the land without filtering into the soil or being absorbed into plant material.

S

146. School. Public and private school facilities at the elementary, junior high, or high school level that provide state-mandated basic education.
147. Setback. The minimum horizontal distance between a lot line and the nearest part of any building or other structure on the lot. See Article 5 for general information on setbacks.
148. Setback, Front. The minimum setback required between a building or other structure and the front lot line of the parcel on which such structure is located.
149. Setback, Rear. The minimum setback required between a structure and the rear lot line of the parcel on which the structure is located.
150. Setback, Interior Side. The minimum setback required between a structure and the interior side lot line of the parcel on which the structure is located.
151. Setback, Street-side. The minimum setback required between a structure and the street-side lot line of the parcel on which the structure is located.
152. Slope. The extent to which a landform deviates from the perfectly horizontal as expressed in percent, degree, or ratio.
153. Small Cell Network. A network consisting of one or more nodes connected, directly or indirectly, by fiber to a carrier's mobile switching center or other point of interconnection.
154. Social Service Facility. Facilities providing essential services and supportive programs for underserved and at-risk populations. Typical uses include homeless shelters, senior centers, meal centers, and associated services.
155. Solar Energy System. A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for electricity generation, water heating, or space heating or cooling.
156. Special Exception. A use which is specifically listed as a Special Exception within a district and which meets the intent of the district when design standards and conditions are met, after review and approval of the Town Council, which will make it consistent with and compatible to other existing and conforming uses within the district.
157. Storage, Open-Air. Storage yards where the only buildings on the parcel are incidental and accessory to the principle open-air storage use of the parcel. This use does not include accessory outdoor storage of items intended for marketing or sales.
158. Street or Road. A travel-way providing access to two or more lots and of adequate width to permit the unrestricted movement of traffic.
159. Structural Alteration. Any change in the supporting members of a structure such as load-bearing walls or partitions, columns, beams, or girders.
160. Structure. Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, fences, walls, signs, poles, and kiosks.

161. Substantial Change. Any modification in a use, structure, feature, or lot dimension that increases its impacts on adjacent properties; that alters its conformity to these regulations or other county, state, or federal regulation; or that triggers a required permit or review as specified in these regulations.

T

162. Tax Increment Financing (TIF) Special District. A legally described area established by in accordance with state law where it has been determined there is a lack of public infrastructure to support and retain secondary value-adding economic development, and that it is in the best interest of the citizens to invest T.I.F. funds in support of secondary value-adding economic development.
163. Temporary Use. A use intended for limited duration, which is transitory in nature and may or may not involve the construction or alteration of a permanent structure or the issuance of a building permit.
164. Tract (or Tract of Record). A parcel of land, irrespective of ownership that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's Office (as stated in §76-3-103, MCA). For the purposes of these regulations, the words lot and tract are interchangeable.

U

165. Utility Services. Any enterprise, both public and private, providing heat, light, power, water, sewer, telecommunication service, street-railway service, and audio/visual and data link communications. Utility services are divided into two categories based on the intensity of use:
- a. Minor. Minor utilities typically require infrastructure and facilities to be located in the area where the service is provided. These utilities and services generally do not have regular employees at the site and typically have few, if any, impacts on surrounding areas. Minor utilities include but may not be limited to water and sewer pump stations; minor water towers and reservoirs; minor electrical substations; small-scale wind and solar energy systems; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities. Amateur radio, small and micro- wireless facilities, and bus and rail passenger facilities for local or sub-regional service, such as Mountain Line stops and transfer centers, are also classified as minor utilities and services for the purposes of these regulations.
 - b. Major. Major utilities typically require infrastructure and facilities that have substantial land-use impacts on surrounding areas. Major utilities include but are not limited to water and wastewater treatment facilities, major water storage facilities, telecommunications towers and communication facilities, and electric generation plants, not including small-scale wind and solar energy.

V

166. Variance. A relaxation of specific provisions of these regulations when literal enforcement of these regulations would result in unnecessary or undue hardship.
167. Vehicle and Small Engine Maintenance and Repair. A building, site, or establishment providing repair, bodywork and painting, the replacement of parts, or the checking, changing, and addition of lubricants and other fluids and filters necessary to the maintenance of a vehicle or implement having an internal combustible engine, including but not limited to autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawnmowers, chain saws, and

other small engines. This definition also includes facilities for washing or detailing automobiles by hand or through an automatic production line.

168. **Vehicle Sales and Storage.** A building or premises where the retail or wholesale sale or rental of more than three automobiles, non-commercial trucks, motorcycles, trailers of less than 10,000 lbs. gross cargo weight, recreational vehicles, and boats occurs. This term includes dealerships that provide incidental maintenance on vehicles sold. For the purposes of these zoning regulations, the sale or rental of heavy construction equipment, trucks and aircraft, together with incidental maintenance, also falls under this definition, as does vehicle towing services and the temporary storage of operating motor vehicles to be returned to the owners upon payment of towing and storage fees, as well as the temporary storage of vehicles that are to be sold, rented, salvaged, dismantled, or repaired.

W

169. **Warehousing, Wholesaling, and Freight Movement.** The storage, wholesale sales, and distribution of goods, materials, and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to other businesses and the general public. This term does not include mini-warehouses.
170. **Waste Facilities.** Waste-related uses are characterized by the receiving of solid or liquid wastes from other users and sites for transfer to another location; by the collection of sanitary wastes or other approved waste materials for onsite disposal; or by the manufacture or production of goods or energy from the composting of organic material.
- Wetlands.** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include riparian vegetation, marshes, swamps, bogs, and similar areas.

X

Y

171. **Yard.** The actual (as opposed to required) horizontal distance existing between a principal structure and a property line.
- Front.** The yard that exists between a principal structure and the front property line of the lot on which the structure is located, extending along the full length of the front property line between the side property lines. For corner lots, a primary front yard is one that fronts onto a street that is parallel to any alley serving this corner lot. When no alley exists, a corner lot's primary front yard is adjacent to the street of longer length or onto that street determined to have a higher functional classification (by surrounding neighborhood prevailing uses and traffic patterns) by the Public Works Department.
 - Rear.** The yard that exists between a principal structure and the rear property line of the lot on which the structure is located, extending along the full length of the rear property line between the side property lines.
 - Side.** The yard that exists between a principal structure and the side property line of the lot on which the structure is located, extending along a side property line, excluding those areas as defined as a front or rear yard.

Z

DRAFT

ARTICLE III. ZONING DISTRICTS AND OFFICIAL ZONING MAP

SECTION 3.1 – ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of this ordinance, the Town of Sheridan is divided into the following districts:

AGRICULTURAL DISTRICT

SYMBOL	DISTRICT NAME
AG	Agriculture

RESIDENTIAL DISTRICTS

SYMBOL	DISTRICT NAME
R1	Residential 1
R2	Residential 2
R3	Residential 3

COMMERCIAL DISTRICT

SYMBOL	DISTRICT NAME
C	Commercial

PUBLIC FACILITIES

SYMBOL	DISTRICT NAME
P	Public
OS	Open Space

INDUSTRIAL & MANUFACTURING DISTRICT

SYMBOL	DISTRICT NAME
I	Industrial

SECTION 3.2 – OFFICIAL ZONING MAP

Boundaries of the districts mentioned in Section 3.1 are established and shown on the zoning maps of the above said districts and said zoning maps are made a part of the ordinance codified in this ordinance by this reference.

SECTION 3.3 – INTERPRETATION OF ZONING BOUNDARIES

The exact zoning district boundary lines shall be determined by the zoning commission, except where shown on said maps to established street or alley centerlines or right-of-way lines, to recorded lot or property lines, to section lines or portions thereof, or by dimensions.

DRAFT

ARTICLE IV. USE REGULATIONS

SECTION 4.1 – PURPOSE

The purpose of this article is to regulate land use in the established districts in conformance with the adopted Town of Sheridan Growth Policy and in compliance with Title 36, Chapter 2, Part 3 of Montana Code Annotated

SECTION 4.2 - DISTRICT USE TABLE

1. P: Permitted uses. Permitted by right in the subject district either as a principal use or accessory use
2. E: Special Exceptions. Permitted in the subject district either as a principal use or accessory use, if reviewed and approved as a special exception by Town Council.
3. T: Temporary Uses. Temporary uses may be permitted administratively through a Zoning Compliance Permit, however conditions can be added to maintain compatibility with the surrounding neighborhood and to not have an adverse impact on public health, safety and general welfare.

TABLE 4.1 USES BY ZONING DISTRICT

LAND USE/ACTIVITY	AGRI- CULTU RE		RESIDENTIAL		COM- MERCIAL	PUBLIC FACILITIES		INDUS- TRIAL
	AG	R1	R2	R3	C	P	OS	I
Agriculture	P	P	P	P	P	-	-	P
Agriculture high intensity	E	-	-	-	-	-	-	-
Agriculture related business	P	P	P	-	P	P	-	P
Airports, Helipads, and related facilities	E	-	-	-	-	E	-	-
Animal services, large	P	E	E	E	P		-	P
Animal shelter/boarding kennel		E	-	-	P		-	E
Business, construction, maint. equipment sales/services	E	-	-	-	P		-	P
Cannabis, dispensary	-	-	-	-	P	-	-	-
Casinos and gaming establishments	-	-	-	-		-	-	-

LAND USE/ACTIVITY	AGRI- CULTU RE		RESIDENTIAL		COM- MERCIAL	PUBLIC FACILITIES		INDUS- TRIAL
	AG	R1	R2	R3	C	P	OS	I
College/university	-	-	-	-	E	P	-	-
Community residential facility		P	P	P	P	E	-	-
Cultural services and galleries/exhibition space	-	E	E	P	P	P	-	-
Daycare/preschool		P	P	P	P	P	-	-
Dwelling, accessory unit	P	P	P	P	P	P	-	-
Dwelling, one or two units	P	P	P	P	P	P	-	-
Dwelling, three+ units	-	E	P	P	P	P	-	-
Eating and drinking establishment	-			-	P	P	-	-
Entertainment venues	T	-	-	-	P	E	-	P
Farmstand	P	P	P	P	P	P	P	P
Financial, professional services	-	E	E	E	P	P	-	P
Food, beverage, and retail sales/services	-	E	E	E	P	T	-	-
Funeral, crematorium	-	-	-	-	E	-		
Funeral home/internment service/mortuary		E	E	-	P	E	-	-
Gasoline and fuel sales	-	-	-	-	P	-	-	E
Home occupation	P	P	P	P	P		-	-
Homeless shelter and meal center		E	E	E	P		-	E
Hospital	-	-	-	-	P	P	-	-
Junk and salvage yard	-	-	-	-	-	-	-	E
Lodging, bed and breakfast	P	P	P	P	P	-	-	-
Lodging, hotel and	-	-	-	P	P	-	-	-

LAND USE/ACTIVITY	AGRI- CULTU RE		RESIDENTIAL		COM- MERCI AL	PUBLIC FACILITIES		INDUS- TRIAL
	AG	R1	R2	R3	C	P	OS	I
motel								
Lodging, tourist home	P	P	P	P	P	-	-	-
Manufacturing and production, agricultural	E	-	-		-	-	-	P
Manufacturing and production, limited		E	E	E	P		-	P
Manufacturing and production, general	-	-	-	-	-	-	-	P
Manufacturing and production, intensive	-	-	-	-	-	-	-	E
Medical facility, walk-in clinic	-			-	P	P	-	P
Microbreweries, wineries, and micro distilleries	E	E	E	E	P	-	-	P
Mini-warehouse	-	-	-	-	P	-	-	P
Mobile food court	T	-	-	-	P	P	T	-
Mobile home park	-	E	E	E	P	-	-	-
Nursing home/skilled nursing facility	-	E	E	E	P	P	-	-
Open space	P	P	P	P	P	P	P	P
Park, public or private	P	P	P	P	P	P	P	P
Parking structure	-	-	-	-	P	P	-	E
Personal improvement service	-	E	E	E	P	E	-	-
Public safety and administrative facilities				-	P	P	E	P
Recreation, active or passive	P	P	P	P	P	P	P	P
Recreation, commercial	-	-	-	-	P	P	-	P
Recreational vehicle park/Campground	E	-	-	P	P	-	-	-P

LAND USE/ACTIVITY	AGRI- CULTU RE		RESIDENTIAL		COM- MERCIAL	PUBLIC FACILITIES		INDUS- TRIAL
	AG	R1	R2	R3	C	P	OS	I
Recycling service	E	-	-	-	-	E	-	P
Religious assembly	P	P	P	P	P	P	P	-P
Research, cooperative learning and training facilities	E	E	E	E	P	P	E	P
Resource extraction	E	-	-	-	-	-	E	P
School	P	P	P	P	P	P	-	P
Social service facility	-	E	E	E	P	P	-	-
Solar energy system	E	P	P	P	P	P	E	P
Storage, open-air	P-	-	-	-	E	-	-	P
Utility services, minor	P	P	P	P	P	P	E	P
Utility services, major	E	-	-	-	P	P	-	P
Vehicle and small engine maintenance and repair	E	E	E	E	P	-	-	P
Vehicle sales and storage	-	-	-	-	P	-	-	P
Warehousing, wholesaling, and freight movement	-	-	-	-	E	-	-	P
Waste facilities, transfer station	-	-	-	-	-	-	-	P

SECTION 4.3 - ACCESSORY USES & STRUCTURES

A. Applicability. The requirements of this section shall apply to all accessory uses, buildings, and structures, as applicable, including but not limited to accessory dwelling units and agricultural-related businesses.

B. Performance Standards.

1. Accessory uses, buildings, and structures must be located on the same parcel as the principal use or structure to which they are accessory.
2. Accessory buildings and structures shall generally be constructed in conjunction with or after the principal structure. Garages and accessory dwelling units are exempt from this provision and may be constructed prior to a principal building or structure with the issuance of a Zoning Compliance Permit. Where an accessory building or structure is allowed to precede construction of a principal building or structure
3. Accessory buildings and structures shall meet setback requirements.

DRAFT

ARTICLE V. DEVELOPMENT STANDARDS

SECTION 5.1 – AGRICULTURE DISTRICT (AG)

Purpose

The purpose of this district is to preserve large tract agricultural systems, especially where irrigation facilities are present, that support local economy and health by providing for the local and regional production of agricultural products. Land uses are limited to low density residential, agriculture and activities that support agriculture while also protecting public health and natural resources and conserving ecological integrity.

Permitted Uses

Uses permitted in the Agriculture (AG) district are found in **Table 4.1 - Zoning District Use Table**.

Accessory uses shall meet the requirements found in **Section 4.3 Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
Current Undivided Parcel	

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	25 feet	25 feet
Side (interior)	10 feet	3 feet
Side (street)	10 feet	10 feet
Rear	25 feet	3 feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.2 – RESIDENTIAL 1 DISTRICT (R1)

Purpose

The purpose of this district is to accommodate a wide range of housing options that reflect the character of the existing residential neighborhoods while promoting compatible infill and housing diversity.

This district is characterized by a uniform pattern having one principal residential building per lot. Access to public water and sewer service is required.

Permitted Uses

Uses permitted in the Rural Residential (R1) district are found in **Table 4.1 Zoning District Use Table**.

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be approved as a special exception. This does not include agriculture, open space, parks, passive recreation, and minor utilities.

Accessory uses shall meet the requirements found in **Section 4.3 Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
12,000 square feet	100 feet

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	25 feet	25 feet
Side (interior)	10 feet	10 feet
Side (street)	10 feet	10 feet
Rear	10 feet	10 feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.3 - RESIDENTIAL 2 DISTRICT (R2)

Purpose

The purpose of this district is to provide a mix of multi-family and single-family housing options where public water and sewer services are required. This district is intended to accommodate higher density residential living where it can be accommodated within the community while considering infrastructure constraints in areas ideal to increase housing supply in town.

Permitted Uses

Uses permitted in the Residential (R2) district are found in **Table 4.1 - Zoning District Use Table**.

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be approved as a special exception

Accessory uses shall meet the requirements found in **Section 4.3 - Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
5,000 square feet	50 feet

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	25 feet	20 feet
Side (interior)	10 feet	10 feet
Side (street)	10 feet	10 feet
Rear	10 feet	10feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.4 - RESIDENTIAL 3 DISTRICT (R3)

Purpose

The purpose of this district is to provide a mix of multi-family housing options where public water and sewer services are available. This district is intended to accommodate density higher than R2 for residential living in areas ideal to increase housing supply in town.

Permitted Uses

Uses permitted in the Residential (R3) district are found in **Table 4.1 - Zoning District Use Table**.

Only one principal use is permitted per lot in this district; multiple principal uses per lot may be approved as a special exception

Accessory uses shall meet the requirements found in **Section 4.3 - Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
3,500 square feet	50 feet

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	25 feet	20 feet
Side (interior)	10 feet	10 feet
Side (street)	10 feet	10 feet
Rear	10 feet	10feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.5 - COMMERCIAL DISTRICT (C)

Purpose

The purpose of this district is to provide opportunities for retail, services, employment, light industrial and housing to serve the community. A broad range of uses include retail, education, professional and personal services, offices, and residences. A mix of uses can be both horizontally and vertically integrated, having shared walls, ceilings, and floors. Ability of transportation infrastructure to provide safe use of mixed traffic (large trucks and passenger vehicles) plus rural character and culture will be considered while locating type and design of business.

Permitted Uses

Uses permitted in the Commercial (C) district are found in **Table 4.1 - Zoning District Use Table**.

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in **Section 4.3 - Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS		
MINIMUM AREA	MINIMUM WIDTH	MAXIMUM AREA
5,000 square feet	30 feet	1 Acre

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	none	none
Side (interior)	none	none
Side (street)	none	none
Rear	10 feet	10 feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.6 - PUBLIC DISTRICT (P)

Purpose

The purpose of this district is to provide facilities that offer a public service or satisfy a public need, such as municipal services and areas for public uses such as the library. This designation allows for public uses within the town such as library expansion, the public pool, meeting centers, museums, infrastructure, etc. New development within these areas would typically include a development plan that would be reviewed by the town for compatibility with surrounding uses within the town through the special exception process.

Permitted Uses

Uses permitted in the Public (P) district are found in **Table 4.1 - Zoning District Use Table**.

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in **Section 4.3 - Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
6,000 square feet	40 feet

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	25 feet	25 feet
Side (interior)	5 feet	3 feet
Side (street)	10 feet	10 feet
Rear	10 feet	3 feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.7 - OPEN SPACE DISTRICT (OS)

Purpose

The Open Space zoning district is intended to preserve, protect, and enhance land set aside for community parks, natural areas, and other publicly-owned spaces within the town. These areas provide important benefits to residents and visitors, including opportunities for outdoor recreation, community gatherings, and cultural events. They help conserve the town's natural landscapes and scenic beauty while maintaining the rural character of the area. This zoning district is intended for use exclusively on publicly-owned lands that serve the broader community.

Permitted Uses

Uses permitted in the Space district are found in **Table 4.1 - Zoning District Use Table**.

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in **Section 4.3 Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
none	none

BUILDING PLACEMENT from property boundary

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	15 feet	15 feet
Side (interior)	15 feet	15 feet
Side (street)	15 feet	15 feet
Rear	15 feet	15 feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

SECTION 5.8 - INDUSTRIAL DISTRICT (I)

Purpose

The purpose of this district is to provide facilities that contribute to the community's economic base by providing places where people work, create, build, manufacture, process, store, and distribute goods and services. It accommodates uses that may have impacts such as noise, odors, clutter, or hazardous materials that require separation from other land uses. The character of this district is intended to be varied with small shops to large building footprints and development sited away from sensitive natural environments but in close proximity to the transportation network and with connectivity to other areas in the community by transit and non-motorized facilities. Buildings may be single use or incorporate a mix of uses.

Permitted Uses

Uses permitted in the Industrial (I) district are found in **Table 4.1 - Zoning District Use Table**.

Multiple principal uses are permitted per lot in this district.

Accessory uses shall meet the requirements found in **Section 4.3 - Accessory Uses & Structures**.

Site Design Standards

LOT DIMENSIONS & GROSS DENSITY

LOT DIMENSIONS	
MINIMUM AREA	MINIMUM WIDTH
1 acre	200 feet

BUILDING PLACEMENT

BUILDING SETBACKS	PRINCIPAL	ACCESSORY
Front	50 feet	50 feet
Side (interior)	25 feet	25 feet
Side (street)	25 feet	25 feet
Rear	25 feet	25 feet

BUILDING SCALE

BUILDING/STRUCTURE	MAXIMUM HEIGHT
Principal Building	30 feet
Accessory structure, detached	30 feet

ARTICLE VI. SPECIAL EXCEPTIONS

SECTION 6.1 PURPOSE AND APPLICABILITY

The purpose of this Article is to provide a process for reviewing and approving land uses that may be appropriate in certain zoning districts only under specific conditions. These *Special Exceptions* are uses that, because of their unique characteristics or potential impacts, require individual review to determine their compatibility with surrounding uses, neighborhood character, and consistency with the goals and policies of the Sheridan Growth Policy.

Special Exceptions are neither inherently permitted nor prohibited in a zoning district, but may be appropriate when located, designed, and operated in a manner that avoids negative impacts and supports the Town's planning objectives. The approval of a Special Exception is not guaranteed. The burden is on the applicant to demonstrate that the proposed use meets the standards of this Article and will not adversely affect the public interest.

This Article applies to:

- All new uses identified as "Special Exception" in the Use Table provided in Article IV; and
- Any expansion, alteration, or intensification of an existing Special Exception use, including but not limited to changes in operating characteristics, hours of operation, physical enlargement, or extension to adjacent parcels.

A use that is not listed as a permitted, accessory, or special exception use in a zoning district shall not be approved under the provisions of this Article.

Once approved, a Special Exception shall run with the land and shall remain valid for subsequent property owners, subject to continued compliance with all conditions of approval and applicable requirements of this Ordinance.

SECTION 6.2 REVIEW CRITERIA

The review of a Special Exception application is a process used to evaluate the unique characteristics of a proposed use in relation to the criteria established below. It is intended to ensure that each proposal is reviewed on its individual merits and in the context of its location, potential impacts, and consistency with the Town's planning framework. The Town Council must make findings based on evidence in the record to determine whether the proposal meets each of the review criteria. The purpose of these criteria is to ensure that Special Exceptions contribute positively to the public interest, support the intent of the Zoning Ordinance, and do not undermine the character or functionality of surrounding areas.

1. **Consistency with the Growth Policy**

The proposed use is consistent with the goals, objectives, and policies of the adopted Sheridan Growth Policy.

2. **Protection of Public Health, Safety, and Welfare**

The use will not adversely affect the health, safety, or general welfare of neighboring properties or the community.

3. **Neighborhood Compatibility**

The use is compatible with the character of the surrounding area in terms of use type, scale, intensity, hours of operation, and operational impacts such as noise, lighting, and traffic.

4. **Adequate Public Services and Infrastructure**

Public infrastructure and services—including but not limited to water, sewer, roads, emergency services, and schools—are available or can be provided without undue public expense.

5. **Traffic and Access Impacts**

The use will not result in excessive traffic generation, create traffic hazards, or unduly burden the existing road network. Adequate access will be provided to and from the site.

6. **Environmental Impacts**

The proposed use will not cause significant adverse environmental impacts, including to air or water quality, wildlife habitat, or natural vegetation.

7. **Nuisance Control**

The use will not generate excessive odor, noise, dust, glare, vibration, or other nuisances beyond what is typical for the zoning district.

8. **Cumulative Impacts**

The cumulative impact of the proposed use, when considered in combination with existing and approved uses in the vicinity, will not negatively affect public services, neighborhood character, or the environment.

9. **Mitigation of Adverse Impacts**

Any potential adverse impacts will be minimized or eliminated through the application of appropriate conditions of approval.

Public input received through the hearing process may be considered in evaluating the applicable review criteria, particularly those related to neighborhood compatibility and adverse impacts.

SECTION 6.3 APPLICATION AND HEARING PROCEDURES

The review of a Special Exception application involves a formal public hearing process to evaluate whether a proposed use that is not otherwise permitted by right may be allowed at a specific location, subject to compliance with the criteria established in Section 6.2. The Town Council is the decision-making body responsible for reviewing applications, conducting public hearings, and issuing final determinations. This process is intended to ensure that Special Exceptions are reviewed in a transparent, consistent, and equitable manner.

1. **Application Requirements**

The applicant must submit a complete application on forms provided by the Town. The application shall include a site plan, a narrative addressing each review criterion in Section 6.2, and any additional materials deemed necessary by the Zoning Administrator. Applicable fees must be paid at the time of submission.

2. **Review for Completeness**

The Zoning Administrator shall review the application for completeness. If the application is deemed complete, it shall be scheduled for a public hearing before the Town Council.

3. **Staff Report**

Upon determining that an application is complete, the Zoning Administrator shall distribute the application materials to relevant Town departments and advisory agencies for review and comment. A staff report shall be prepared and made available to the Town Council and the public prior to the hearing. The staff report shall evaluate the proposal against the applicable review criteria in Section 6.2 and may include recommended findings and conditions of approval.

4. **Public Notice**

Notice of the public hearing shall be provided as follows:

- **Publication:** Notice shall be published in a newspaper of general circulation in the Town at least 15 days prior to the hearing.
- **Mailing:** Written notice shall be mailed to owners of property within 300 feet of the subject property at least 15 days prior to the hearing.
- **Posting:** A notice shall be posted on the subject property in a clearly visible location at least 7 days prior to the hearing.

5. **Public Hearing and Decision**

The Town Council shall hold a public hearing to review the application. The Board shall consider the application materials, staff report, public testimony, and the review criteria in Section 6.2. The Board shall issue written findings and may approve, approve with conditions, or deny the Special Exception based on the evidence presented.

6. **Conditions of Approval**

In approving a Special Exception, the Town Council may impose conditions as necessary to ensure compliance with the review criteria in Section 6.2 and to minimize potential adverse impacts on surrounding properties, infrastructure, and the public. Conditions must be reasonably related to the proposed use, supported by findings of fact, and proportionate to the nature and extent of the anticipated impacts.

1. **Purpose of Conditions**

Conditions may be imposed to:

- Ensure consistency with the Growth Policy and Zoning Ordinance;
- Protect public health, safety, and welfare;
- Mitigate potential nuisances or environmental impacts;
- Address infrastructure or service limitations;
- Ensure compatibility with surrounding uses.

2. **Types of Conditions**

Conditions may address, but are not limited to:

- Site layout and design, including building orientation, height, and setbacks;
- Access, parking, and circulation improvements;
- Hours of operation and duration of use;
- Landscaping, screening, fencing, and buffering;
- Noise, lighting, signage, or odor controls;
- Required improvements to public infrastructure;
- Phasing or timing of development activities;
- Ongoing compliance reporting or monitoring requirements.

3. **Modification of Conditions**

An applicant may request modification of approved conditions through a written application to the Zoning Administrator. The Town Council shall review the request and may approve, amend, or deny the modification following a public hearing, unless the change is minor and administrative in nature, in which case the Zoning Administrator may authorize it.

4. **Binding Effect**

All conditions of approval are binding on the property and all future owners or occupants. Failure to comply with conditions may result in enforcement action, including revocation of the Special Exception pursuant to Section 6.3(6) and Article IX of this Ordinance.

7. **Expiration and Revocation**

A Special Exception approval shall expire if the approved use is not established within 12 months of the date of approval, or if the use ceases for more than 12 consecutive months. The

Town Council may revoke a Special Exception if the use is found to be out of compliance with the conditions of approval.

8. Issuance and Recording

If a Special Exception is approved, the Zoning Administrator shall issue a written permit outlining the approved use, any conditions of approval, and the expiration terms. A copy of the permit and the Town Council's written findings shall be retained in the official zoning records of the Town. A copy shall also be provided to the applicant. The Town shall require the applicant to record the approved Special Exception, including any conditions, with the Madison County Clerk and Recorder to provide constructive notice to future property owners.

9. Denial and Reapplication

If the Town Council denies a Special Exception application, no application for the same or a substantially similar proposal on the same property may be submitted for a period of 12 months from the date of denial. The Zoning Administrator may waive this waiting period if they determine that the new application includes substantial changes that address the reasons for the original denial. Any resubmitted application shall be subject to the full review process in this section.

10. Appeals

Any decision of the Town Council regarding a Special Exception may be appealed as provided in Article IX of this Ordinance and in accordance with Montana Code Annotated § 76-2-327.

ARTICLE VII – NONCONFORMITIES

SECTION 7.1 – PURPOSE

The purpose of this Article is to establish standards for the continued use of legally created lots, structures, and uses that were lawfully established prior to the adoption of this Zoning Ordinance or any subsequent amendment, but which no longer conform to current zoning regulations. These nonconformities may result from changes in permitted uses, dimensional requirements, zoning district boundaries, or other provisions of this Ordinance.

This Article is intended to:

- Recognize the right of property owners to continue using lawfully established uses and structures that have become nonconforming through no fault of the owner;
- Avoid undue hardship by allowing reasonable continuation and maintenance of nonconforming uses and structures;
- Prevent the expansion, extension, or intensification of nonconformities where it would be inconsistent with the goals of the Growth Policy and this Ordinance;
- Encourage the eventual elimination of nonconformities through natural redevelopment, discontinuance, or voluntary compliance;
- Provide clear rules regarding abandonment, alteration, and reconstruction of nonconforming uses and structures.

These provisions are designed to promote the public health, safety, and general welfare while supporting the orderly development of the Town in accordance with its adopted planning framework.

SECTION 7.2 – GENERAL PROVISIONS

The general provisions in this section apply to all nonconforming uses, structures, and lots, unless otherwise specified in subsequent sections of this Article. These standards are intended to clarify the legal status of nonconformities and establish baseline rules for their continuation, maintenance, and

regulation. Specific provisions for nonconforming uses, structures, and lots are addressed in Sections 7.3 through 7.5.

1. Legal Nonconformities

A nonconforming use, structure, or lot is one that was lawfully established in compliance with applicable zoning regulations in effect at the time, but which no longer conforms to the requirements of this Ordinance due to a subsequent amendment. Such nonconformities are considered legal and may continue subject to the provisions of this Article.

2. Burden of Proof

The burden of demonstrating that a use, structure, or lot qualifies as a legal nonconformity rests with the property owner. Documentation may include permits, utility records, property tax records, aerial photos, or other evidence deemed acceptable by the Zoning Administrator.

3. Continuation Permitted

Legal nonconforming uses, structures, and lots may be continued, maintained, and repaired so long as they remain otherwise lawful and in compliance with this Article. No nonconforming use, structure, or lot may be enlarged, extended, intensified, reconstructed, or resumed after abandonment, except as specifically allowed in this Article.

4. Applicability of Other Standards

Nonconforming uses and structures remain subject to all applicable building, fire, health, and safety codes. Nothing in this Article shall be interpreted to exempt a nonconformity from compliance with non-zoning regulations.

5. Change in Ownership or Tenancy

Changes in ownership, tenancy, or management of a nonconforming use, structure, or lot shall not affect its status, provided that the use, structure, or lot continues to operate in compliance with the provisions of this Article.

6. Interpretation of Ambiguity

Any ambiguity or uncertainty in the application of this Article with respect to the legal status or continuation of a nonconforming use, structure, or lot shall be interpreted in favor of the property owner and the free use of the property, consistent with state law.

SECTION 7.3 – NONCONFORMING USES

This section establishes the standards for legally established uses that have become nonconforming due to changes in zoning district boundaries, use permissions, or other provisions of this Ordinance. These regulations are intended to allow the reasonable continuation of nonconforming uses while limiting their expansion, intensification, or reestablishment after abandonment. The goal is to encourage eventual conformance with the zoning regulations and the Town's adopted Growth Policy.

1. Continuation of Nonconforming Uses

A legally established nonconforming use of land or structures may be continued so long as it remains otherwise lawful and does not violate the provisions of this Article. Routine maintenance and repairs necessary to keep the use in safe and functional condition are permitted.

2. Change of Use

A nonconforming use shall not be changed to another nonconforming use. A nonconforming use

may be changed to a conforming use at any time. Once a nonconforming use is changed to a conforming use, it may not be changed back to a nonconforming use.

3. Expansion or Enlargement

A nonconforming use shall not be expanded, enlarged, or extended into any other portion of a structure or site that was not occupied by the use at the time it became nonconforming, unless expressly allowed under Section 7.7 of this Ordinance.

4. Relocation

A nonconforming use shall not be relocated, in whole or in part, to any other location on the same lot or to another lot unless the relocation results in full compliance with this Ordinance.

5. Abandonment or Discontinuance

If a nonconforming use is discontinued or abandoned for a period of 12 consecutive months, the use shall not be reestablished. Any subsequent use shall conform to the requirements of the zoning district in which it is located, except as otherwise provided in Section 7.6.

SECTION 7.4 – NONCONFORMING STRUCTURES

This section establishes the standards for structures that were lawfully constructed prior to the effective date of this Ordinance or any subsequent amendment but which no longer conform to current dimensional, design, or development standards. These provisions are intended to allow the continued use, maintenance, and limited improvement of such structures, while gradually guiding development toward compliance with current zoning regulations.

1. Continuation of Nonconforming Structures

A legally established structure that does not conform to one or more requirements of this Ordinance may remain in use, provided it is not enlarged, extended, or altered in a way that increases its nonconformity.

2. Maintenance and Repairs

Ordinary maintenance, repair, or replacement of building materials is permitted for nonconforming structures, provided such work does not increase the degree of nonconformity. This includes interior improvements, roof replacement, or window and siding updates.

3. Structural Alterations

Structural alterations that do not increase the degree of nonconformity are permitted. Any expansion or alteration that increases nonconformity is prohibited, except as provided in Section 7.7.

4. Reconstruction After Damage

A nonconforming structure that is damaged or destroyed by fire, flood, or other involuntary means may be reconstructed and reoccupied, provided:

- The new structure does not increase the degree of nonconformity;
- A zoning compliance permit is issued within 12 months of the date of damage; and

Reconstruction is completed within 24 months of permit issuance unless the cessation is due to circumstances beyond the control of the property owner and evidence is provided to the satisfaction of the Zoning Administrator.

5. Relocation

A nonconforming structure may not be relocated on the same lot or to another lot unless it is brought into full compliance with this Ordinance.

SECTION 7.5 – NONCONFORMING LOTS

This section establishes the standards for legally created lots that do not meet the minimum lot area, width, depth, or other dimensional requirements of the zoning district in which they are located. These lots may be developed or used in accordance with this section, provided they were lawfully created and recorded prior to the effective date of this Ordinance or any subsequent amendment that rendered them nonconforming.

1. Development of Nonconforming Lots

A principal structure may be constructed on a legal lot of record that does not meet current dimensional standards, provided:

- The lot was legally created and recorded prior to the effective date of the applicable zoning regulation;
- The lot is not held in common ownership with any adjoining lot; and
- All other applicable regulations of this Ordinance (e.g., setbacks, height, coverage) can be met, or variances are obtained as necessary.

2. Lots Under Common Ownership

If a nonconforming lot is held in common ownership with one or more adjoining lots at the time the nonconformity is created, such lots may be considered as a single parcel for zoning purposes. Structures or uses shall not be allowed in a way that increases nonconformity between the commonly owned lots unless the lots are formally subdivided or reconfigured in accordance with applicable regulations.

3. Substandard Lots in Established Subdivisions

In subdivisions where a pattern of substandard lots was lawfully created prior to the effective date of this Ordinance, development may be permitted on a nonconforming lot that is consistent with the prevailing development pattern, provided all applicable setbacks, health and safety regulations, and infrastructure standards are met.

4. Prohibited Use of Lot Fragments

A portion of a lot that does not independently meet the minimum lot size or dimensional standards may not be used to establish or support a separate building site, unless it is formally combined with an adjoining lot through a boundary line adjustment or other legally approved process.

SECTION 7.6 – ABANDONMENT OF NONCONFORMING USES AND STRUCTURES

This section establishes the standards for determining when a nonconforming use or structure has been abandoned. Once abandonment is established, the nonconforming status is lost, and any future use or development of the property must comply with the current zoning regulations.

1. Abandonment of a Nonconforming Use

A nonconforming use shall be considered abandoned if it is discontinued or ceases for a continuous period of 12 months or more, unless the cessation is due to circumstances beyond the control of the property owner and evidence is provided to the satisfaction of the Zoning Administrator. Once abandoned, the nonconforming use shall not be resumed.

2. Evidence of Abandonment

Evidence that a nonconforming use has been abandoned may include, but is not limited to:

- Removal of equipment, signage, or structural elements essential to the operation of the use;
- Termination of utility services;
- Lack of business or property tax payments;
- Removal of inventory or business licenses;
- A change in occupancy or ownership inconsistent with the continuation of the use.

3. Abandonment of a Nonconforming Structure

A nonconforming structure that has been removed, demolished, or damaged and not rebuilt within the timeframes established in Section 7.4(4) shall be deemed abandoned and may not be reconstructed except in full compliance with this Ordinance.

4. Burden of Proof

The burden of demonstrating that a nonconforming use or structure has not been abandoned rests with the property owner. Documentation must be provided upon request by the Zoning Administrator.

SECTION 7.7 – ALTERATION OR EXPANSION OF NONCONFORMITIES

This section establishes the standards for the alteration or expansion of legally nonconforming uses and structures. These provisions are intended to allow limited changes where appropriate, while preventing significant intensification or enlargement of nonconformities that would further conflict with the goals of this Ordinance and the Town's Growth Policy.

1. General Limitation

A nonconforming use or structure may not be altered, expanded, or extended in any manner that increases the degree of nonconformity, unless explicitly permitted by this section.

2. Expansion of Nonconforming Uses

A nonconforming use shall not be expanded into additional floor area, land area, or structures beyond what was lawfully occupied at the time the use became nonconforming. Any expansion of a nonconforming use shall require approval of a Special Exception pursuant to Article VI, if and only if the proposed expansion is consistent with the review criteria and does not increase adverse impacts on surrounding properties.

3. Alteration or Expansion of Nonconforming Structures

A nonconforming structure may be altered or expanded only if:

- The alteration does not increase the degree of nonconformity;
- The expansion complies with all applicable dimensional standards of the zoning district;
- or
- A variance is granted in accordance with Article IX.

4. Cumulative Expansion Limits

The Zoning Administrator may require that cumulative expansions of a nonconforming structure or use over time be reviewed to determine whether a Special Exception or variance is required due to the total change in intensity or character of the use or structure.

5. **No Expansion onto Adjoining Property**

A nonconforming use or structure may not be expanded onto adjoining property unless the entire use or structure, including the proposed expansion, can be brought into full compliance with this Ordinance.

ARTICLE VII – ADMINISTRATION AND ENFORCEMENT

SECTION 8.1 – PURPOSE AND APPLICABILITY

This Article establishes the administrative structure and procedures for implementing, interpreting, and enforcing the provisions of this Zoning Ordinance. It identifies the roles and responsibilities of the Zoning Administrator(s), describes the permitting process, outlines procedures for addressing violations, and establishes enforcement tools and penalties. These provisions apply to all properties and development activities regulated by this Ordinance.

SECTION 8.2 – ZONING ADMINISTRATOR(S)

The Zoning Administrator(s) is designated by the Town to administer and enforce the provisions of this Zoning Ordinance. The Zoning Administrator(s) shall have the authority and responsibility to:

1. **Interpret the Ordinance**

Issue official interpretations of the zoning regulations, including use classifications, district boundaries, and application of development standards.

2. **Review Applications**

Review and make determinations on zoning compliance applications, and other ministerial approvals required under this Ordinance.

3. **Advise on Applications Requiring Discretionary Review**

Provide information, staff reports, and recommendations to the Zoning Commission, and governing body for applications requiring public hearings or discretionary decisions.

4. **Conduct Site Inspections**

Enter properties at reasonable times and with notice to property owner to conduct inspections related to permit review, compliance, or enforcement, in accordance with applicable law.

5. **Maintain Records**

Maintain official zoning maps, zoning permit files, interpretations, and records of approvals, denials, and enforcement actions.

6. **Enforce the Ordinance**

Issue notices of violation, initiate enforcement proceedings, and coordinate with other departments or agencies as necessary to ensure compliance with this Ordinance.

7. **Provide Public Guidance**

Provide information and assistance to applicants and the general public regarding zoning regulations, procedures, and application requirements.

8. **Refer Discretionary Matters**

Refer applications to the Zoning Commission, or governing body when discretionary interpretation or authority beyond administrative review is required.

9. Issue Written Determinations

Prepare and issue written findings, decisions, or interpretations as appropriate to support official actions taken under this Ordinance.

SECTION 8.3 – ZONING COMPLIANCE CERTIFICATE

A Zoning Compliance Certificate is required to verify that any proposed use, structure, or development activity complies with this Zoning Ordinance. This certificate ensures that the proposed project is consistent with applicable zoning district regulations, permitted uses, and development standards.

1. When Required

A Zoning Compliance Certificate shall be required for the following:

- New construction or placement of any structure;
- Expansion, relocation, or alteration of an existing structure;
- Change of use or occupancy of land or buildings;
- Any other activity requiring Town review under this Ordinance.

2. Application Requirements

The Zoning Administrator(s) shall prescribe the form and content of applications for Zoning Compliance Certificates. Applications must include sufficient detail to determine compliance with applicable standards.

3. Approval Criteria

The Zoning Administrator(s) shall approve the certificate only if the proposed use and development conform to:

- The use regulations of the zoning district;
- All dimensional, design, and performance standards;
- Conditions of prior approvals, if applicable.

4. Effect of Approval

An approved Zoning Compliance Certificate shall authorize the applicant to proceed with construction or other required approvals, in accordance with **Montana Code Annotated Section 76-2-309**. It shall not be construed as approval of a subdivision, special exception, or other discretionary review unless such approvals are separately granted.

5. Expiration

A Zoning Compliance Certificate shall expire if the approved activity is not commenced within 180 days of the date of approval. Upon written request submitted before expiration, the Zoning Administrator(s) may grant one extension of up to one year for good cause shown.

SECTION 8.4 – ENFORCEMENT, VIOLATIONS, AND PENALTIES

Any violation of the provisions of this Zoning Ordinance, including violations of conditions of approval or the terms of permits, shall constitute a zoning violation and may be subject to enforcement and penalties as provided herein.

1. Types of Violations

Violations include, but are not limited to:

- Initiating or maintaining a use or structure not authorized by this Ordinance;
- Constructing, altering, or relocating any building or structure without required approvals;

- Failing to comply with conditions of approval imposed through permits, variances, or special exceptions;
- Obstructing, delaying, or refusing inspection by the Zoning Administrator(s);
- Misrepresentation or omission of relevant facts in any application or proceeding under this Ordinance.

2. Responsibility for Violations

The property owner, tenant, occupant, lessee, contractor, agent, or any other person responsible for the use or development of property in violation shall be subject to the enforcement provisions of this Ordinance.

3. Continuing Violations

Each day a violation continues shall be considered a separate offense subject to penalties.

4. Notice of Violation

Upon identification of a violation, the Zoning Administrator(s) shall issue written notice to the responsible party identifying the nature of the violation, the corrective actions required, and a reasonable deadline for compliance.

5. Enforcement Actions

If the violation is not remedied within the time specified in the notice, the Town may pursue one or more of the following remedies:

- Issuance of a stop work order;
- Withholding or revocation of permits or approvals;
- Initiation of legal proceedings for injunctive relief;
- Assessment of civil fines or penalties as authorized by law.

6. Remedies Not Exclusive

The remedies provided in this section are not exclusive and may be used in combination or in addition to any other remedy authorized by law or by the Town's Municipal Code.

7. Penalties

Penalties for zoning violations, including fine amounts, are set forth in the Town's Municipal Code, consistent with the civil infraction model. Unless otherwise provided by ordinance, zoning violations may be punishable by fines not to exceed \$300 per offense or \$500 for repeat violations. Zoning violations shall remain enforceable regardless of subsequent amendments and may result in stop-work orders, permit withholding, or other enforcement actions authorized under Municipal Code §§ 1.20.010–1.20.020 or their successors.

SECTION 8.5 – FEES

This section establishes the authority and procedures for adopting and collecting fees related to the administration of this Zoning Ordinance. Fees help offset the cost of reviewing applications, conducting public hearings, providing notice, and administering zoning permits and approvals. This section applies to all zoning-related requests processed under this Ordinance, including those addressed in subsequent articles.

1. Purpose

Fees are established to recover the costs associated with administering and enforcing the

provisions of this Zoning Ordinance, including the review and processing of zoning applications, permits, and other actions.

2. **Adoption of Fee Schedule**

The Town Council shall adopt a schedule of fees by resolution. The fee schedule may include charges for zoning compliance permits, special exceptions, zoning amendments, variances, appeals, and any other administrative actions authorized under this Ordinance. The schedule may also include fees for required public notices, legal advertisements, and other direct costs.

3. **Third-Party Review Fees**

The Town may require reimbursement of costs for professional or technical review conducted by third-party consultants, such as engineering, legal, or planning services, when necessary to evaluate an application. The applicant shall be notified in advance if such fees are required.

4. **Payment Required**

No application, permit, or request for action under this Zoning Ordinance shall be processed until all required fees have been paid in full. Fees are nonrefundable, except as expressly authorized in the adopted fee schedule.

DRAFT

ARTICLE IX – BOARDS AND REVIEW BODIES

SECTION 9.0 – PURPOSE AND OVERVIEW

This Article establishes the roles, responsibilities, and procedures of the public bodies charged with administering and interpreting this Zoning Ordinance. These include the Zoning Commission, the Board of Adjustment, and the Town Council. Each review body plays a distinct role in reviewing applications, conducting public hearings, making recommendations or decisions, and ensuring that land use actions align with the Sheridan Growth Policy and the provisions of this Ordinance.

This Article outlines the composition, authority, and operational procedures of each board, including their roles in reviewing zoning amendments, special exceptions, variances, and appeals, as authorized by Title 76, Chapter 2, MCA.

The Town may elect to create a Consolidated Land Use Board per 76-1-114 MCA, combining one or more of the roles described below into one Board, exclusive of the Town Council. The Board bylaws must reflect the procedures listed below for each land use role, responsibility, and decision-making authority held by the Board.

SECTION 9.1 – ZONING COMMISSION

1. Purpose and Role

The Zoning Commission has been established by Resolution No. [] of the Sheridan Town Council in accordance with §76-2-307, MCA. The Commission functions as the Town's planning board and serves an advisory role in the administration of this Zoning Ordinance.

The Commission shall conduct public hearings and provide written recommendations to the Town Council on proposed zoning text amendments, zoning map amendments, and other land use matters referred to it under this Ordinance. The Commission ensures that land use decisions are consistent with the Sheridan Growth Policy and the intent of this Ordinance.

2. Powers and Duties

The Zoning Commission shall:

- (a) Hold public hearings on proposed zoning map amendments and zoning text amendments, in accordance with the procedures in **Article X – Amendments**.
- (b) Evaluate proposals for consistency with the Growth Policy and the intent of this Ordinance.
- (c) Provide written recommendations to the Town Council.
- (d) Review other land use matters as directed by the Town Council.
- (e) Maintain a record of all proceedings as part of the public record.

SECTION 9.2 – BOARD OF ADJUSTMENT: AUTHORITY, MEMBERSHIP, AND PROCEDURES

1. Establishment and Purpose

The Board of Adjustment is established pursuant to §76-2-321, MCA, for the purpose of hearing and deciding variances, appeals, and special exceptions as provided in this Ordinance. The Board ensures that the application of zoning regulations is carried out in a fair and lawful manner, and that relief is available in cases of unnecessary hardship, error, or special circumstances.

2. Membership

The Board of Adjustment shall consist of not less than five (5) members or more than seven (7) members appointed by the Town Council in accordance with §76-2-322, MCA. Members must reside within the Town and shall serve staggered three-year terms. If the Town Council elects to appoint more than five (5) members, the additional members shall serve as alternate members to serve when regular members are absent or recused. Vacancies shall be filled in the same manner as original appointments. Members may be removed for cause after public hearing. If vacancies occur, they shall be filled for the unexpired term of any member whose term becomes vacant.

3. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

- (a) To hear and decide appeals from administrative decisions made in the enforcement or interpretation of this Ordinance, in accordance with Section 9.5 and §76-2-326, MCA.
- (b) To hear and decide applications for variances from the dimensional and design standards of this Ordinance, pursuant to the procedures and criteria in Section 9.4 and §76-2-323(c), MCA.
- (c) To impose reasonable conditions upon the granting of any appeal, variance, or special exception to ensure compatibility with the intent of this Ordinance.
- (d) To keep a public record of all proceedings, findings, decisions, and official actions in accordance with §76-2-325, MCA.

4. Meetings and Procedures

- (a) **Public Meetings and Hearings:** All meetings of the Board of Adjustment shall be open to the public and conducted in accordance with Montana's Open Meeting Laws (§2-3-201, MCA et seq.). Public hearings shall be required for all appeals, variances, and special exceptions, and shall be noticed in accordance with the procedures established in this Ordinance and applicable state law.
- (b) **Quorum and Voting:** A quorum shall consist of three (3) members of the Board. The concurring vote of a majority of the entire Board (not just those present) shall be required to decide in favor of an applicant or appellant on any matter.
- (c) **Conduct of Hearings:** Hearings shall be conducted in a fair and orderly manner. The Chair shall preside and may administer oaths and compel the attendance of witnesses when necessary. All persons interested in the matter shall be given an opportunity to be heard.
- (d) **Record of Proceedings:** The Board shall keep minutes of its proceedings, including the vote of each member, findings of fact, decisions, and all official actions. The minutes and records shall be filed with the Town Clerk and made available to the public.
- (e) **Conflict of Interest and Disqualification:** A member shall disqualify themselves from participating in any matter in which they have a personal or financial interest or where their impartiality may reasonably be questioned. If a member is disqualified, an alternate may serve in their place.

SECTION 9.3 – VARIANCES

A variance is a request to deviate from the specific dimensional or design standards of this Zoning Ordinance due to unique conditions or hardships affecting a particular property. Variances are intended to provide limited and carefully considered relief in cases where strict compliance would result in practical difficulties or unnecessary hardship, while still maintaining the overall purpose and integrity of the zoning regulations. Variances do not permit uses not otherwise allowed in a zoning district. All variance requests are subject to review and decision by the Board of Adjustment.

1. Purpose

The variance process is intended to provide relief from the dimensional or design standards of this Ordinance when, due to special physical circumstances of a property, strict application of the

regulations would result in an unnecessary hardship. The process ensures that such relief is granted only when it is justified and will not adversely affect the character of the neighborhood or undermine the intent of the zoning regulations.

2. Applicability

A variance may be requested to deviate from requirements related to lot size, setbacks, height, lot coverage, and similar dimensional standards. A variance may not be granted to allow a use not otherwise permitted in the zoning district.

3. Review Authority

The Board of Adjustment shall review and decide all variance applications in accordance with the provisions of this Ordinance and §76-2-323, MCA.

4. Review Criteria

The Board of Adjustment may approve a variance only upon making all of the following findings:

- (a) **Unnecessary Hardship:** The strict application of this Ordinance would result in an unnecessary hardship due to the physical characteristics of the site.
- (b) **Unique Conditions:** The hardship results from conditions unique to the property, such as irregular shape, steep topography, or other physical constraints, and not from the actions of the applicant.
- (c) **No Special Privilege:** The variance will not confer a special privilege not enjoyed by other properties in the same zoning district.
- (d) **Minimum Necessary Relief:** The variance is the minimum relief necessary to address the hardship.
- (e) **No Harm to Public Health or Safety:** The variance will not be detrimental to the public health, safety, or general welfare or injurious to property in the vicinity.
- (f) **Consistent with Intent:** The variance is consistent with the purpose and intent of this Ordinance and the adopted Sheridan Growth Policy.

5. Application Requirements

Applications for variances must be submitted on forms provided by the Town and shall include at minimum:

- (a) A completed application form signed by the property owner and authorized agent if applicable;
- (b) A narrative describing the request and addressing the applicable review criteria;
- (c) A site plan drawn to scale showing existing and proposed structures and improvements;
- (d) Any supporting documentation necessary to evaluate the request; and
- (e) Payment of the applicable fee established by the Town Council.

6. Review Procedure

- (a) Upon receipt of a complete application, the Zoning Administrator shall prepare a staff report and schedule the request for a public hearing before the Board of Adjustment.
- (b) The Board shall conduct a public hearing in accordance with Article IX and applicable Montana law. Notice of the hearing shall be provided as required.
- (c) The Board shall consider the staff report, public testimony, and all evidence presented in making its decision.
- (d) A written decision with findings of fact shall be issued and filed with the Town Clerk.

7. Conditions of Approval

The Board of Adjustment may impose reasonable conditions upon the granting of any variance to ensure the public interest is protected and the intent of this Ordinance is maintained.

8. Expiration and Revocation

A variance shall expire if the authorized work has not commenced within one (1) year of the date of approval. A variance may be revoked by the Board of Adjustment if the terms or conditions of approval are violated.

9. Appeals of Board Decisions

Any person aggrieved by a decision of the Board of Adjustment may appeal the decision to District Court pursuant to §76-2-327, MCA. Appeals must be filed within 30 days after the Board's decision is issued.

SECTION 9.4 – APPEALS

This section establishes the procedures for appealing decisions made under this Zoning Ordinance. It is intended to ensure that any person aggrieved by an administrative interpretation, or a decision of the Zoning Administrator or Board of Adjustment has an opportunity to seek review through a fair and transparent process. Appeals are reviewed by the Board of Adjustment, except where otherwise directed by law.

1. Right to Appeal

Any person aggrieved by a final decision or determination made by the Zoning Administrator or other administrative officer related to the enforcement or interpretation of this Ordinance may appeal the decision to the Board of Adjustment. Any person aggrieved by a decision of the Board of Adjustment may appeal to the District Court pursuant to §76-2-327, MCA.

2. Filing an Appeal

- (a) Appeals must be submitted in writing to the Town within thirty (30) days of the date the decision being appealed was issued.
- (b) The appeal shall include a statement identifying the decision being appealed, the grounds for the appeal, and any supporting documentation.
- (c) The appellant shall pay the required appeal fee established by the Town Council.

3. Effect of Filing an Appeal

The filing of a timely and complete appeal stays all proceedings in furtherance of the decision being appealed unless the Zoning Administrator certifies in writing that such a stay would cause imminent peril to life or property.

4. Scheduling and Notice of Hearing

Upon receipt of a complete appeal, the Zoning Administrator shall schedule the appeal for a public hearing before the Board of Adjustment and provide notice in accordance with Article IX.

5. Hearing and Decision

- (a) The Board of Adjustment shall hold a public hearing and render a decision based on the record, applicable law, and the standards of this Ordinance.
- (b) The Board may affirm, reverse, or modify the administrative decision in whole or in part.
- (c) The decision shall be in writing and include findings of fact and conclusions of law.

6. Judicial Review

A person aggrieved by a decision of the Board of Adjustment may appeal the decision to District Court pursuant to §76-2-327, MCA. Appeals must be filed within thirty (30) days after the Board's decision is issued.

SECTION 9.5 – SPECIAL EXCEPTIONS

The Town Council shall have the authority to hear and decide Special Exception applications in accordance with the procedures and review criteria established in Section 6.2. The application process, required findings, notice requirements, and conditions of approval are governed by Article VI. Appeals of Special Exceptions shall follow the procedures outlined in and **§76-2-327, MCA.**

SECTION 9.6 – TOWN COUNCIL

The Town Council is the governing body of the Town of Sheridan and has final decision-making authority on zoning map amendments, text amendments, and other legislative actions related to this Zoning Ordinance. The Council may also adopt fees, establish procedures, and act on recommendations from the Zoning Commission or Board of Adjustment as provided in this Ordinance and by state law.

1. Legislative Actions

The Town Council shall consider and act upon the following:

- (a) Amendments to the zoning map or text (see Article X);
- (b) Adoption of fees and penalties related to zoning administration;
- (c) Other zoning-related legislative matters as authorized by law;
- (d) To hear and decide upon Special Exception applications.

2. Final Authority

The Town Council may approve, deny, modify, or refer back any recommendation from the Zoning Commission or other review body. Decisions shall be made in accordance with the procedures set forth in this Ordinance and applicable statutes.

3. Public Hearings

The Council shall conduct public hearings as required by this Ordinance and the Montana Code Annotated.

4. Resolutions and Ordinances

All final decisions of the Town Council regarding zoning amendments shall be enacted by resolution or ordinance, as appropriate, and shall include findings of fact supporting the decision.

5. Effective Date

Zoning decisions of the Town Council shall become effective upon adoption unless otherwise specified in the adopting ordinance.

ARTICLE X – AMENDMENTS

This Article establishes the procedures for amending the text of this Zoning Ordinance or the official zoning map. Amendments are a legislative tool used to respond to changing conditions, correct errors, and ensure that the regulations remain aligned with the goals and policies of the Town's Growth Policy. All proposed amendments shall be subject to public review, a recommendation from the Zoning Commission, and final action by the Town Council with documented findings of fact and conclusions of law.

SECTION 10.1 – PURPOSE AND APPLICABILITY

The purpose of this Article is to provide a clear and consistent process for reviewing and approving amendments to the zoning text or official zoning map. These procedures apply to all proposed changes initiated by the public, the Zoning Commission, Town staff, or the Town Council. The amendment process ensures that any changes support the intent of the Zoning Ordinance, align with the Sheridan Growth Policy, and promote the general health, safety, and welfare of the community.

SECTION 10.2 – INITIATION OF AMENDMENTS

An amendment to the text of this Ordinance or the official zoning map may be initiated by any of the following:

1. Any person, for a proposed amendment to the text of this Ordinance;
2. A property owner or authorized agent, for a proposed amendment to the zoning map affecting their property;
3. The Zoning Administrator, based on identified inconsistencies, errors, or changing conditions;
4. The Zoning Commission, through a formal recommendation; or
5. The Town Council, by motion or resolution.

SECTION 10.3 – APPLICATION REQUIREMENTS

Applications for an amendment to the zoning text or zoning map shall be submitted to the Zoning Administrator on forms provided by the Town. An application shall not be considered complete until all required materials and fees have been submitted. At a minimum, each application shall include the following:

1. **Applicant Information**
The name, mailing address, and contact information of the applicant and, if different, the property owner or authorized representative.
2. **Description of the Proposed Amendment**
A detailed description of the proposed text change or map amendment, including affected zoning districts and the purpose of the request.
3. **Justification Statement**
A written explanation of the rationale for the amendment and a statement addressing how the request meets the review criteria in Section 10.5.
4. **Legal Description and Map** *(for zoning map amendments only)*
A legal description of the subject property, along with a vicinity map showing the location, current zoning, and adjacent zoning districts.

5. **Supporting Documentation**

Any studies, technical reports, plans, or other materials necessary to evaluate the proposed amendment, as determined by the Zoning Administrator.

6. **Application Fee**

Payment of the applicable fee as established by resolution of the Town Council.

7. **Authorization of Agent** *(if applicable)*

Written permission from the property owner authorizing the agent to submit the application on their behalf.

SECTION 10.4 – REVIEW AND RECOMMENDATION

Upon determination that an application is complete, the Zoning Administrator shall schedule the request for review and public hearing by the Zoning Commission.

1. **Public Hearing by Zoning Commission**

The Zoning Commission shall conduct a public hearing to consider the proposed amendment. Notice of the hearing shall be provided in accordance with section 76-2-203 MCA. After reviewing the application materials, staff report, public comments, and applicable review criteria, the Zoning Commission shall make a written recommendation to the Town Council to approve, approve with conditions, or deny the proposed amendment.

2. **Public Hearing by Town Council**

Following receipt of the recommendation from the Zoning Commission, the Town Council shall hold a separate public hearing. Notice shall be provided in accordance with Article X. The Town Council shall consider the application materials, the recommendation of the Zoning Commission, the staff report, and public testimony, and shall make the final decision to approve, approve with modifications, or deny the amendment by ordinance.

3. **Continuation and Request for Additional Information**

The Zoning Commission or Town Council may continue the public hearing or request additional information if necessary to make a recommendation or decision.

SECTION 10.5 – REVIEW CRITERIA

In making a recommendation or decision on a proposed zoning text or map amendment, the Zoning Commission and Town Council shall consider the following:

1. Whether the proposed zoning amendment is consistent with MCA § 76-2-304:

- a. Whether the zoning is made in accordance with a growth policy;
- b. Whether the zoning is designed to secure safety from fire and other dangers;
- c. Whether the zoning is designed to promote public health, public safety, and the general welfare;
- d. Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- e. Whether the zoning considers the reasonable provision of adequate light and air;
- f. Whether the zoning considers the effect on motorized and nonmotorized transportation systems;
- g. Whether the zoning considers the promotion of compatible urban growth;

- h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses; and
 - i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.
2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition.
 3. Whether the proposed zoning amendment is in the best interests of the Town as a whole.

SECTION 10.6 – PROTESTS

In accordance with MCA § 76-2-305, an amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city or town council or legislative body of the municipality if a protest against a proposed zoning change (map or text) is signed by the owners of 25% or more of:

- (a) the area of the lots included in any proposed change; or
- (b) those lots or units, as defined in 70-23-102, 150 feet from a lot included in a proposed change.

(3) (a) For purposes of subsection (2), each unit owner is entitled to have the percentage of the unit owner's undivided interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located.

(b) The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change pursuant to subsection (2) or by the presiding officer of the association of unit owners..

To be valid, a written protest must be submitted to the Town Clerk prior to the final adoption of the ordinance enacting the zoning map amendment.

SECTION 10.7 – REAPPLICATION AFTER DENIAL

If a proposed zoning amendment is denied by the Town Council, a substantially similar application for the same property may not be submitted for a period of **one (1) year** from the date of denial, unless the Town Council determines that there has been a substantial change in circumstances or new evidence that warrants reconsideration.