

# TOWN OF BROADUS ZONING ORDINANCE

## Section 4-1 General Provisions and Definitions.

1. **Purpose:** The purpose of these regulations is to insure the orderly development of the Town of the corporate limits, by providing a proper arrangement of the streets in relation to other existing and planned streets, and to the master plan, and to provide for adequate and convenient open spaces for traffic, utilities, recreation and to avoid congestion of population. In interpreting an applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare and are to regulate and restrict location of trades and industries and location of buildings designed for specific uses, the intensity of the use of lot areas, the height size of buildings, the area of yards, courts and other open spaces, and the areas where mobile homes may be parked, establishing the boundaries and districts for the said purposes. This chapter sets forth the powers of the town council to accomplish such purposes, prescribing the procedure for change of regulations, restrictions and boundaries, providing for zoning powers and duties, and providing for appeals, providing this chapter is not to affect buildings under existing permits, with certain limitations, providing procedures in case of noncompliance with this chapter, and prescribing penalties for the violation of its provisions.
2. **Definitions:** For the purpose of this ordinance, certain terms and words are hereby defined as follows: Words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; the word "building" includes the word "structure"; the word "person" includes a corporation or other organization; the term "used" includes the term "arranged" or "intended to be used" or "designed"; and the word "shall" is mandatory and not directory.
  1. *Accessory use of Building:* A use of building customarily incidental to, and accessory to the principal and ordinary use of a building or premise located on the same premises with such principal use or building.
  2. *Apartment house:* see "Multiple Dwelling".
  3. *Automobile storage:* The storage of new and used cars which are capable of immediate operation under their own power.
  4. *Automobile tourist court:* A group of three (3) or more units used either for sleeping or housekeeping purposes, other than apartment courts, bungalow courts, hotels, lodging houses, for temporary use of motorists and travelers. The term "automobile tourist court" shall also include "automobile cottage camp", "tourist camp", "motel" or any other name which pertains to such use.
  5. *Boarding house:* A building, other than a hotel or club, where meals are regularly served for compensation to more than six (6) persons not members of the family there residing.
  6. *Building:* A structure having a roof supported by walls, and when separated by a party wall without openings, it shall be deemed a separate building.
  7. *Dwelling, One Family:* A detached building designed for or occupied exclusively by one family.
  8. *Dwelling, Two Family:* A detached building designed for, or occupied exclusively by two (2) families living independently of each other.
  9. *Dwelling, Multiple:* A building or portion thereof designed for or occupied as the home of three (3) or more families living independently of each other, including tenement houses, apartment houses and apartment hotels.
  10. *District:* Section of the Town for which regulations governing the area, height and use of buildings and premises are the same.
  11. *Family:* One or more persons, living, sleeping and usually cooking and eating on the premises, as a single housekeeping unit.
  12. *Filling stations:* A filling station is a building and appurtenances located on a lot where gasoline, oil and other liquids used in the operation of motor vehicles are retailed and usually delivered directly into such vehicles.
  13. *Front lot line:* The line separating the lot from the street, as officially platted.
  14. *Front yard:* An open space extending across the full width of the lot from the front line of the building proper to the front lot line and occupied only by uncovered steps and open or closed porches. (Porches shall not exceed one-third (1/3) of the building proper in width.)
  15. *Hardship:* Hardship is a condition immediately brought upon a property owner by a zone change, and not personal hardship growing out of the owner's infirmities or financial standing.
  16. *Height of building:* The vertical distance from the ground in front of the building to the highest point of the coping of the flat roof; to the deck line of a mansard roof; to the junction of the wall and eaves of a building with a gable or hip roof.
  17. *Home occupation:* A minor use of home where there is no sign or display that will indicate from the exterior that the building is being used in whole or in part for any other purposes than that of a dwelling; in connection with which there is kept no stock in trade or commodity sold upon the premises; and in which no person employed other than a member of the immediate family residing in the home.
  18. *Hotel:* A building in which lodging is provided with or without meals, and open to transient guest.
  19. *Lodging House:* A building other than a hotel where lodging is provided for six (6) or more persons not members of the family.

20. *Lot*: The land bounded by definite lines, and occupied by a building and its accessory buildings, and including the open spaces required under these regulations. It may, or may not, be a definite parcel as shown on the recorded plat.
21. *Community Garage*: A series of private garages of capacity of not more than one automobile each, located jointly on a common lot, and having no public shop or service in connection therewith.
22. *Mobile home*: means any dwelling unit larger than 256 square feet in area which is either wholly or in substantial part manufacture at an offsite location, and any movable or portable dwelling over 32 feet in length and over eight feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.
23. *Nonconforming use*: A use of a building or premises that does not conform with the regulations of the district in which it is situated.
24. *Nursery*: A building or part of a building where six (6) or more children, not members of the same family are cared for.
25. *Nursing Home*: A building or part of building where six (6) or more sick or infirm persons are cared for.
26. *One Family Dwelling*: A detached building designed for, or occupied exclusively by one family.
27. *Open porch*: Any porch with a roof without walls or glassed windows.
28. *Porch*: A covered entrance to a building commonly enclosed in part, projecting out from the main wall and having a separate roof.
29. *Private garage*: A garage with capacity of not more than four (4) motor-driven vehicles, and having no public shop or service in connection therewith, and if it is attached to a dwelling.
30. *Public garage*: Any premises used for housing of cars of more than four (4) motor-driven vehicles, or, where any such vehicles are equipped for operations, repaired, or kept for remuneration, hire or sale, not including show rooms or exhibition for model cars.
31. *Rear lot line*: The lot line which is opposite to the front lot line.
32. *Rear yard*: An open unoccupied space between the rear line of the building and the rear lot line, for the full width of the lot, and unoccupied except by accessory buildings.
33. *Side lot line*: Any lot line other than a front lot line or a rear lot line.
34. *Side Street or Avenue*: A street or avenue not running parallel to an alley and having the lesser number of building sites fronting upon it.
35. *Side yard*: An open, unoccupied space on the same lot with a building, between the building and the side line of the lot, and extending through from the front yard to the rear yard.
36. *Structural alteration*: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders; excepting such alterations as may be required for the safety of the building.
37. *Trailer, camp car, trailer house*: Any unit used for living or sleeping purposes which is equipped with wheels or similar devices, used for the purpose of transporting said unit from place to place, whether by motor power or other means and such vehicles that are used as aforesaid that have had the wheels or equipment removed.
38. *Trailer court or park*: Any premises where two (2) or more trailer coaches are parked for living or sleeping purposes, or any premises used or set apart for the purpose of supplying to the public a parking space for one or more trailer coaches for living or sleeping purposes, and any building, structures, vehicles, and enclosures used or intended for use as a part of the equipment of such trailer park.
39. *Two family dwellings*: A building designed for, or occupied exclusively by two (2) families living independently of each other.
40. *Used car sale lot*: A lot where new and used cars which are capable of immediate operation under their own power are on display.
41. *Variance*: A relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship.
42. *Wall sign*: Any sign which painted or otherwise depicted directly upon a wall, or any sign so affixed to a wall of a building, which does not project more than ten inches (10") from the building wall.
43. *Yard areas*: Areas comprising front yard, side yards and rear yard are the portions of the lot in relation to the front and rear of the lot, regardless in which direction the building faces.
44. *Zoning Commission*: Also known as the Broadus Planning Board, recommends to the Town Council zoning boundaries, appropriate regulations and changes.
3. **Town of Broadus divided into districts**: For the purpose of regulating, enterprises and the location of buildings designed, erected or altered for specified uses, and limiting the height and size of such buildings, and the use of areas in this Municipality, and regulating and determining the area of the yards and other open spaces surrounding buildings hereafter erected, and preventing additions to, and alterations or remodeling of, existing buildings or structures in such manner as to avoid the restrictions and limitations in this ordinance contained, the Town is hereby divided into the following four (4) districts:

1. A –Residence District
  2. B –Residence District
  3. C –Residence District
  4. D –Commercial District
4. **Determining zone classification:** In determining whether a proposed use of any real property located within any of the Zoning Districts described herein is lawful and in accordance with the Town of Broadus Zoning Ordinance, the Town of Broadus shall apply the following rules (together with all other applicable state and local laws, ordinances, regulations, and policies):
1. The subject use shall be compatible with the uses permitted in the district wherein the proposed use is to be located;
  2. The subject use shall be similar to any of the uses permitted in the district which it is proposed to be located;
  3. The subject use will not cause substantial injury to values of the property in the neighborhood or district within which it is proposed to be located;
  4. The subject use will be so designed, located and operated that public health, safety and welfare will be protected;

In the event that the Town of Broadus determines that the proposed use of such real property does not meet all the foregoing requirements, then the Town of Broadus shall not approve any such proposal.

5. **Elevation Certificates:** Are required for all areas, regardless of the district, if the area is in the Floodplain determined by the Town.
6. **Compliance with District regulations:** Except as hereinafter provided, no building shall be erected or structurally altered to exceed in height the limit established for the district in which such building is located, as provided in the following chapters of this ordinance. No lot area shall be so reduced or diminished that the yard or other open spaces shall be smaller than prescribed by this ordinance nor shall the lot area per family be reduced except in conformity with the area regulations hereby established for the district in which such building is located. No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than that permitted in the district in which such building or premises are located.
7. **Exceptions to height regulations:**
  1. This ordinance shall not be deemed to limit or restrict the height of belfries, chimneys, clock towers, calling towers, elevators, bulkheads, grain elevators, stacks, water towers or any similar appurtenances to buildings, but these structures shall be subject to such restrictions and regulations as may be imposed by other Town code regulations.
  2. Churches, public or semi-public buildings, hospitals, schools, colleges and private clubs may exceed the height restrictions of the district in which they are constructed, provided such structures shall have side yards on both sides, complying with the area regulations of the district, and in addition the side yards shall be increased one foot (1') in width for each five feet (5') that the height of the building exceeds the height regulations of the district.
8. **Exceptions to area requirements:**
  1. Where churches, schools, hospitals or colleges are located in any "A" or "B" district and have no portion used as a place of habitation, the depth of the rear yard may be reduced to six feet (6').
  2. The front, side and rear yards shall be waived where dwellings are erected above stores, shops or other commercial uses.
  3. No lot area shall at any time be so reduced or diminished that the front, rear or side yards shall be smaller than prescribed by this title.
  4. Obstruction of view: On any corner lot in which a front yard is required by this chapter, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained in such location between such front yard line and the street line as to cause danger to traffic by obscuring the view.
9. **Exceptions: General:**  
Houses per lot: No more than one dwelling structure will be permitted on any one lot in any of the districts.
10. **Amendment of ordinance or district map: Generally,** The town council may from time to time, amend this ordinance by supplementing, changing, modifying or repealing any of the regulations, restrictions or other provisions hereof, or the district map, or the districts on said map or the boundaries of such districts. A proposed amendment may be initiated by the town council upon its own motion or upon receipt of a request from the zoning commission or the planning board, or upon receipt of a petition therefore from any interested person or persons.
11. **Amendment of chapter or district map: Application,** The application shall include:
  1. Name and address of applicant
  2. Date of application
  3. The applicant's statement of interest
  4. The present zoning district designation and the proposed designation.
  5. Names and addresses of property owners who are within 150 feet, excluding the width of the streets, of the property for which the zoning district boundary change is being requested.
  6. A fee of \$50.00 to cover the costs of the clerical work, advertising, posting of the notices, publication, and other administrative expenses, shall be deposited with the Town Clerk. The money collected will be deposited into the General fund.

**12. Amendment of chapter or district map: Hearing; recommendation to council.**

1. The applicant shall file the application with the town clerk.
2. The town clerk shall present the application to the Broadus Planning Board.
3. The Broadus Planning Board will hold a public hearing and set a time, place and date for such public hearing.
  - a. The town clerk shall notify the applicant of the hearing.
  - b. Notice of the hearing shall be published at least ten days prior to said hearing in the official newspaper of the town.
  - c. Notice of the hearing shall be sent to the adjacent property owners and may be posted on the affected site.
4. Following the public hearing, the Broadus planning board shall submit its recommendations concerning the proposed amendment to the town council.
5. Upon receipt of the Broadus planning board's recommendations, the town council shall set a hearing date for the proposed amendment.
  - a. The town clerk shall notify the applicant of the hearing.
  - b. Notice of the hearing shall be published at least ten days prior to said hearing in the official newspaper of the town.
  - c. Notice of the hearing shall be sent to the adjacent property owners and may be posted on the affected site.

**13. Amendment of chapter or district map: Protests:**

1. If a protest against an amendment is signed by the owners of 20 percent or more either:
  - a. Of the area of the lots included in such proposed change;
  - b. Of those immediately adjacent in the rear thereof extending 150 feet there from;
  - c. Of those adjacent on either side thereof within the same block; or
  - d. Of those directly opposite thereof extending 150 feet from the street frontage of such opposite lots;

Then such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the town council.

2. A public hearing shall be held on all protests to amendments, as per state law.
3. At least ten days' notice of the time and place of the hearing shall be published in the official newspaper of the town.
4. All protests to amendments shall be filed in writing with the town clerk prior to the time set for the hearing.

**14. Amendment of chapter or district map: Final action by council.** Final action shall be taken by the town council, which shall approve, conditionally approve or disapprove the action. The initiating petitioner shall be advised of the decision in writing within 15 days of the decision.

**15. Nonconforming uses: Regulations:**

1. The lawful use of land, existing at the time of the adoption of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for a period of one year any future use of said premises shall be in conformity with the provisions of this ordinance.
2. The lawful use of a building existing at the time of the adoption of this ordinance, may be continued although such use does not conform to the provisions hereof, and such use may be extended throughout the building provided no alterations, except those required by this Title are made therein.
3. When a district shall hereafter be changed any than existing nonconforming use in such changed district may be continued or changed to any use permitted, provided that all other regulations governing the new use are complied with.
4. It is not the purpose of this ordinance to undertake a widespread correction of undesirable conditions resulting from lack of proper control in the past. It is the purpose to prevent future development of such conditions. It is therefore provided that the provisions of this article as to uses of buildings, structures or premises shall not be construed to prevent the continued use of existing buildings for other uses than those permitted in this article during the reasonable life of said building provided that any building or structure damaged to an extent of more than 50 percent of its valuation by fire, explosion, act of God or the public enemy shall not be repaired, altered or used except as provided in this article for new building and structures.
5. No building which has been damaged as provided in this section, to the extent of more than 50 percent of its replacement cost, shall be rebuilt or repaired, except in conformity with the regulations in this article.
6. When the boundary line of any district divides a plot or area in single ownership at the time of the adoption of this ordinance nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of land for a distance of not greater than twenty five feet (25').
7. The Broadus Planning Board may authorize in a residence district for a period of not more than two (2) years from the date of such permit, a temporary building for commerce or industry incidental to the residential development; provided however such permit shall not be renewed.
8. The Broadus Planning Board may grant a permit for the enlargement of an existing building or buildings, or erection on the same lot or plot of ground, of additional buildings for trade, business or industry located in a district restricted against its use, where such enlargement or expansion of facilities will not be detrimental to or tend to alter the character of the neighborhood.

9. Any structure vacant at the time of the adoption of this ordinance shall be classified as to use, in accordance with its previous use, arrangement, design or intended use.

**16. Maximum height of fences and hedges; projecting tree branches or shrubbery.**

1. No fence, hedge or other visual obstruction exceeding three feet in height measured from the street grade shall be constructed in any residential district or mobile home park district in the front yard, and no fence hedge or other visual obstruction exceeding three feet in height shall be constructed in the front or side yard if the lot is situated on a corner.
2. It shall be unlawful for the owner or occupant of any premises within the city to suffer or permit any branches of any trees, bushes, shrubs, or shrubbery to project over any sidewalk or street at a height less than eight feet.

**17. Enforcement of chapter; remedies.**

1. The Town council shall provide for the enforcement of this chapter and of any regulation or ordinance made there under. A violation of this chapter or of such ordinance or regulation is hereby declared to be a misdemeanor, and the town council shall provide for the punishment thereof by fine not to exceed \$500.00 or imprisonment or both. It is also empowered to provide civil penalties for such violation.
2. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, or of any ordinance or other regulation made under the authority conferred by this chapter, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.

**Section 4-2 A RESIDENCE DISTRICT**

1. **Height:** No building shall exceed forty feet (40') or three (3) stories in height, in the A Residence District.
2. **Front Yard:** There shall be a front yard having a depth of not less than twenty five feet (25'); provided however, that where lots comprising forty percent (40%) or more of the frontage developed with buildings between cross streets having an average front yard with a variation in depth of not more than six feet (6'), no building hereafter erected or altered shall project beyond the average front yard line so established.

Where buildings front on a side street (or a street not parallel to an alley), the front yard shall have a depth of not less than eight feet.

3. **Rear Yard:** There shall be a rear yard having a depth of not less than forty feet where the rear lot line coincides with an alley line.
4. **Side Yard:** There shall be a side yard on each side of the building, each yard on each side of the building having a width of not less than eight feet; and where a building fronts the street parallel to an alley, on a corner lot, it shall have the side yard on the street side not less than eight feet in width.

On corner lots, the side yard regulations shall be the same as for the interior lots, except as noted above, but in the case of reversed frontage, where the corner lot is developed so that the buildings face an intersecting street, there shall be a side yard on the street side of the corner lot, of not less than the front yard required on the lots in the rear of such corner lot; and no accessory building on said corner lot, shall project beyond the front yard line of the lots in the rear.

5. **Lot Area:** Every building hereafter erected, structurally altered or maintained shall provide a lot area of not less than seven thousand square feet per family.
6. **Off Street Parking:** Parking shall be provided for not more than one motor vehicle, for each 1500 square feet of the total area of the lot, not more than one commercial vehicle being allowed per lot.
7. **Use:** No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:

One-family dwellings	Schools
Two-family dwellings	Public Fire Station
Churches and Temples	Necessary public utility building
Libraries	Parks and playgrounds

Accessory buildings incidental to the above uses and located on the same lot must conform to A Residential requirements with the exception of Public Utility Building which must be located not less than 50 feet (50') from the front line of said lot.

8. **Restrictions:** No person operating a business in his home shall erect a name plate exceeding one square foot in area, however, signs pertaining to the lease, hire or sale of a building or premises may be eight square feet in area, and signs on premises occupied by Churches, Temples, libraries and schools may be eight square feet in area.

No trailer house or mobile home may be used as a residence in the A Residential District.

## Section 4-3 B RESIDENCE DISTRICT

1. **Height:** No building shall exceed forty feet (40') or three (3) stories in height, in the A Residence District.
2. **Front Yard:** There shall be a front yard having a depth of not less than twenty five feet (25'); provided however, that where lots comprising forty percent (40%) or more of the frontage developed with buildings between cross streets having an average front yard with a variation in depth of not more than six feet (6'), no building hereafter erected or altered shall project beyond the average front yard line so established.

Where buildings front on a side street (or a street not parallel to an alley), the front yard shall have a depth of not less than eight feet.

3. **Rear Yard:** There shall be a rear yard having a depth of not less than forty feet where the rear lot line coincides with an alley line.
4. **Side Yard:** There shall be a side yard on each side of the building, each yard on each side of the building having a width of not less than eight feet; and where a building fronts the street parallel to an alley, on a corner lot, it shall have the side yard on the street side not less than eight feet in width.

On corner lots, the side yard regulations shall be the same as for the interior lots, except as noted above, but in the case of reversed frontage, where the corner lot is developed so that the buildings face an intersecting street, there shall be a side yard on the street side of the corner lot, of not less than the front yard required on the lots in the rear of such corner lot; and no accessory building on said corner lot, shall project beyond the front yard line of the lots in the rear.

5. **Lot Area:** Every building hereafter erected, structurally altered or maintained shall provide a lot area of not less than thirty five hundred (3500) square feet per family, provided however, that a maximum of one residence building is allowed on each lot, and said residence must be in accordance with A Residential District.
6. **Off Street Parking:** Parking shall be provided for not more than one motor vehicle, for each 1500 square feet of the total area of the lot, not more than one commercial vehicle being allowed per lot.
7. **Use:** No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:

One-family dwellings

Schools

Two-family dwellings

Public Fire Station

Churches and Temples

Necessary public utility building

Libraries

Parks and playgrounds

Accessory buildings incidental to the above uses and located on the same lot must conform to A Residential requirements with the exception of Public Utility Building which must be located not less than 50 feet (50') from the front line of said lot.

8. **Restrictions:** No person operating a business in his home shall erect a name plate exceeding one square foot in area, however, signs pertaining to the lease, hire or sale of a building or premises may be eight square feet in area, and signs on premises occupied by Churches, Temples, libraries and schools may be eight square feet in area.

No trailer house or mobile home may be used as a residence in the A Residential District.

## Section 4-4 C RESIDENCE DISTRICT

1. **Height:** No building shall exceed forty feet (40') or three (3) stories in height, in the A Residence District.
2. **Front Yard:** no restriction
3. **Rear Yard:** no restriction
4. **Side Yard:** no restriction
5. **Lot Area:** Every building hereafter erected, structurally altered or maintained shall provide a lot area of not less than one thousand (1000) square feet per family.
6. **Off Street Parking:** Parking shall be provided for not more than one motor vehicle, for each 1500 square feet of the total area of the lot, not more than one commercial vehicle being allowed per lot.
7. **Use:** No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:

One-family dwellings

Multiple dwellings

Two-family dwellings

Trailer house

Churches and Temples

Motels and hotels

Libraries

Boarding and lodging house

Schools

Hospitals and clinics

Public Fire Station

Private Club

Necessary public utility building

Parks and playgrounds

Accessory buildings incidental to the above uses and located on the same lot must conform to A Residential requirements with the exception of Public Utility Building which must be located not less than 50 feet (50') from the front line of said lot.

### **Section 4-5 Mobile Home Regulations:**

1. **Mobile homes—permit required.** All persons placing trailers and/or mobile homes within the jurisdiction of this chapter, whether they are renting or leasing or they own the lot or site on which the mobile home is to be parked, shall apply for a permit at the town hall.
2. **Same—Footings, piers and caps.**
  1. Footings shall meet the following requirements:
    - a. All grass and organic material shall be removed from beneath the footings.
    - b. All footings shall be of a material impervious to rot which has a minimum weight bearing ability equal to or greater than a solid piece of wood having minimum nominal dimensions of two inches by 12 inches by 20 inches.
    - c. Each footing may be constructed from more than one piece of material provided that each piece of material has minimum nominal dimensions of not less than two inches by 12 inches by 20 inches, unless smaller dimensions are approved by building codes prior to use.
    - d. A footing shall be at least four inches longer and four inches wider than the pier resting upon it, unless smaller dimensions are approved by the building codes prior to use.
    - e. Tie downs are to be either one-half-inch (I) bolt or one-half-inch (J) bolt poured within the footing. A one-quarter-inch cable is to be used from the bolt to the frame of the mobile home, and a 3/16 inch turnbuckle to be used for adjustments.
  2. Piers shall meet the following requirements:
    - a. Wooden or concrete piers:
      1. A pier shall be constructed of a material or materials which have a minimum weight bearing ability equal to or greater than a standard eight-inch by eight-inch by 16 inch minimum celled concrete block. If a celled concrete block or an expanded shell is used to construct piers, the material shall be installed so the open end of each cell is perpendicular to the frame rail and to the ground.
      2. A pier shall be not less than eight nominal inches wide, and in any event shall be the same width as the cap resting upon it.
      3. A pier eight inches in height or less may be constructed of more than one piece of material, provided each piece has minimum nominal dimensions of two inches by four inches by 16 inches.
      4. A pier more than eight inches in height or less may be constructed of more than one piece of material having minimum nominal dimensions of eight inches wide, eight inches high and 16 inches long, provided that the pieces fit flush one to another.
    - b. Metal piers. Fabricated metal piers of equal load capacity and stability may be used.
  3. Caps shall meet the following requirements:
    - a. All piers, except metal piers with their own caps, shall be topped with a cap not more than six inches in height and not less than eight nominal inches wide and 16 inches long.
    - b. Each cap shall be constructed of the same material throughout, and may be constructed of more than one piece of material, each having minimum nominal dimensions of one inch by eight inches by 16 inches.
  4. Shims shall meet the following requirements:
    - a. All shims shall be two inches or less in thickness and wide enough to provide bearing over the width of the cap; the maximum included angle shall be one degree.
    - b. The shims shall be driven tight between the cap and the frame rail to provide uniform bearing.
  5. Footings, piers, caps and shims shall be installed directly under the main frame or chassis of the mobile home according to the manufacturer's recommendations, so long as those recommendations meet the minimum standards in this section.
  6. All footings, piers, caps and shims shall be located under the unit's support structure and shall be installed so the longest dimension of each piece of material used for the construction of a pier and of each footing, cap and shim is parallel with the ground and perpendicular to the frame rail. Those nearest each end of the mobile home shall be within five feet from the end of the home, and the maximum spacing shall be ten feet on the centers, or according to the manufacturer's instructions.
3. **Mobile Home Parks as Planned Unit Developments:**
  1. Design Requirements: Site designs must be submitted to the Broadus Planning Committee and must include:
    - a. Location and legal description.
    - b. Typical lot plan.
    - c. Plans for water supply and distribution.

- d. Plans for sewage collection and disposal.
- e. Plans showing size and arrangement of mobile home lots and stands, locations of roadways, greenbelts and parks.
- f. Cul-de-sacs, loops, curved street or other variations shall be utilized when possible so as to discourage rectangular development and enhance the esthetics of the site.
2. Park size and Mobile home density:
  - a. The size of the mobile home park or planned unit development shall be not less than two and one-half (2 ½) acres.
  - b. The park density shall not exceed eleven (11) mobile homes per acre.
  - c. Each mobile home lot shall contain a minimum area of four thousand (4000) square feet, with a minimum frontage width of thirty nine feet (39').
3. Access: All mobile home parks shall have access to a collector street.
4. Site Coverage: Maximum mobile home lot coverage shall not exceed fifty percent (50%). Coverage shall mean man-made apparatus.
5. Setbacks:
  - a. Front yard: Twenty five feet (25') minimum from property line.
  - b. Side yard: Ten feet (10') minimum from property line.
6. Streets, Roads, Alleyways, Parking Areas and Lighting:
  - a. Street with parking on both sides shall be minimum width of thirty six feet (36').
  - b. Streets with no parking shall be a minimum width of twenty feet (20').
  - c. Streets with parking on one side shall be a minimum width of twenty eight feet (28').
  - d. Alleyways shall be a minimum width of eleven feet (11').
  - e. One mercury vapor type street light shall be required for every four hundred fifty (450') of street length.
7. Utilities and Other services:
  - a. All sanitary sewage and water facilities, including connections to individual lots shall coincide with the Town's Water and Sewer Ordinances and the Department of Health and Environmental Services.
  - b. All electric, telephone, television cables and other lines throughout the site shall be underground.
  - c. When meters are installed they shall be uniformly located.
  - d. For trash and garbage collection, two (2) yard bulk containers shall be utilized with one container for every six (6) mobile homes. They shall be placed in designated open space areas which shall be convenient for the units served and pickup.
8. Signs:
  - a. One (1) identification, shall be permitted designating the name of the mobile home site.
  - b. The sign shall not exceed six (6) square feet in area.
  - c. The sign shall be structurally safe and securely anchored.
  - d. Lighting devices shall not constitute a nuisance to adjacent residents.
9. Height: Structures within the mobile home site shall not exceed twenty feet (20').
10. Skirting, Canopies and Awnings:
  - a. Each mobile home shall be skirted within ninety (90) days after establishment in a mobile home park.
  - b. Skirting shall be of twenty six (26) gauge metal, aluminum or other non corrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of rodents, flies or other insects.

#### **Section 4-6 General provisions affecting residential districts.**

1. Signs. No name plate exceeding one square foot in area is permitted, nor signs exceeding six square feet in area pertaining to the lease, hire or sale of a building or premises; except that bulletin boards not exceeding 12 square feet in area may be permitted on premises occupied by churches, temples, libraries, schools, colleges and playgrounds.
2. Vacant lots. Vacant lots may be used for gardening, tennis courts, playgrounds and other recreational facilities only, and shall be kept free of all rubbish and/or garbage at all times. No business equipment or other large equipment shall be stored on vacant lots in residential zones; provided that other uses of vacant lots may be permitted by written authority from the town council with the continuing consent of the owners of 85 percent of the property within 150 feet of the lot or lots.
3. Garages. Garages shall have the same setback requirements as residences, except for detached garages built in the rear yard. Detached garages may be built in the rear yard to the interior lot line and to the alley easement line. Where detached garages face the alley, the garage shall not be closer than 25 feet from the opposite alley easement line. All detached garages must be at least ten feet from the residence and shall not exceed 900 square feet and one story in height. A continuous open area of not less than ten percent of the total building site area located from the rear lot line to the rear of the principal building shall be maintained.
4. Townhouse developments. It is the intent of this subsection to provide for townhouse developments which will be compatible with the residential character of zoning districts A, B and C.
  - a. Two-unit developments. A two-unit townhouse development shall:
    1. Have a unit width of not less than 20 feet.
    2. Provide not less than 1,000 square feet of open space.



3. Provide not less than 1,200 square feet of off street parking.
4. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
5. Provide a front set back of not less than 25 feet.
6. Provide a rear set back of not less than 20 feet.
7. Occupy a contiguous land area of not less than 6,000 square feet.
8. Site plan approval. The Broadus Planning Board shall require a site plan review. The Broadus Planning Board shall make the following recommendations to the Town Council; approve, conditionally approve or disapprove the application for Two-unit Townhouse.

#### **Section 4-7 D COMMERCIAL DISTRICT**

1. **Height:** No restriction
2. **Front Yard:** no restriction
3. **Rear Yard:** no restriction
4. **Side Yard:** no restriction
5. **Lot Area:** Every building hereafter erected, structurally altered or maintained shall provide a lot area of not less than one thousand (1000) square feet per family plus off street parking provisions.
6. **Use:** No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:

Any use permitted in the "A", "B", or "C" districts	Feed store
Business or professional office	Butcher shop
Retail stores or trades	Laundry
Wholesale business	Machine shop
Amusement wholly within a building	Public Buildings
Assembly hall	Sheet metal and furnace shops
Automobile storage, parking, or repair	Printing and bookbinding
Bakery under 1000 sq fee in floor area	Restaurant
Barber or Beauty shop	Theater
Bank or financial institution	Dry cleaning or dyeing
Gasoline service station (retail)	Radio and television broadcasting station
Greenhouses	Real estate and Insurance office
Light manufacturing in connection with these uses is permitted.	

7. **Restrictions:** No business, trade or industry shall be permitted in the "D" Commercial District, which is noxious or offensive by reasons of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extra-ordinary hazard to life or property.

#### **Section 4-8 Enforcement of zoning regulations and ordinances:**

1. The town council shall provide for the enforcement of this chapter and of any regulation or ordinance made there under. A violation of this chapter or of such ordinance or regulation is hereby declared to be a misdemeanor, and the town council shall provide for the punishment thereof by fine or imprisonment or both. It is also empowered to provide civil penalties for such violation.
2. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, or of any ordinance, or other regulation made under the authority conferred by this chapter, the proper local authorities of the town, in addition to other remedies, may construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises. MCA 76-2-308.

#### **Section 4-9 Conflicts with other laws:**

Wherever the regulations made under authority of this chapter require a greater width or size of yards, courts or other spaces, require a lower height building or less number of stories, require a greater percentage of lot to be left unoccupied, or impose other higher standards that are required in any other statute or local ordinance or regulations, the provisions of the regulations made under authority of this chapter shall govern. MCA 76-2-309.

**Section 4-10 Penalty for violation of chapter:**

Any person, firm or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed, or there exists, anything in violation of the provisions of this chapter; any person firm or corporation who shall assist in the commission of any violation of this chapter or who shall build contrary to plans or specifications submitted to and approved by the building inspector; or any person, firm or corporation who shall omit, neglect or refuse to do any act required in this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10.00 nor more than \$500.00 for each offence, and may be imprisoned until such fine is paid, but not exceeding 50 days. Each day that a violation is permitted to exist shall constitute a separate offense. MCA 76-2-315.

**Section 4-11 Severability:**

Should any of the provisions of this ordinance be found to be invalid by any Court of competent jurisdiction, the remaining portions of the ordinance shall remain in full force and effect as though such provision was never made a part of this ordinance.

**Section 4-12 Effective Date:**

This ordinance shall be in full force and effect thirty (30) days after its second reading and final passage.

**Section 4-13 Prior Ordinance:**

This ordinance shall revoke all previous ordinances or resolutions in conflict with the provision of this ordinance; provided that, this ordinance shall not revoke any prior ordinance or resolution as to any defendant or accused who has been charged, accused, or later is charged or accused with any criminal offense state in this ordinance committed prior to the effective date of this ordinance.

Read, passed, and approved first reading this 3<sup>rd</sup> day of May, 2011.

Alveda Hurst  
Alveda Hurst, Mayor

Peggy Sue Fruit  
ATTEST: Peggy Fruit, clerk

Read, passed, and approved second reading this 17<sup>th</sup> day of May, 2011.

Alveda Hurst  
Alveda Hurst, Mayor

Peggy Sue Fruit  
ATTEST: Peggy Fruit, clerk

Effective date: June 17, 2011

