

CITY OF THREE FORKS, MONTANA

ORDINANCE #407-2025

AN ORDINANCE ADOPTING THE REVISE MUNICIPAL ORDINANCE TITLE 11 ZONING REGULATIONS, CHAPTER 1: PURPOSE – AUTHORITY – JURISDICTION – BASIC PRINCIPLES

WHEREAS, §76-2-301, MCA authorizes the City to establish zoning regulations, which include promoting health, safety, morals and general welfare as well as regulating height, number of stories, size of buildings and other structures, percentage of lot occupied, size of yards/courts or other open spaces, density, and uses.

WHEREAS, the City of Three Forks completed an update to its Growth Policy in September 2022. The Three Forks Zoning & Planning Board repeatedly expresses the need to update the zoning based on the policies in the revised Growth Policy.

WHEREAS, the City of Three Forks put a Request for Proposals out in 2024 to revise the City's Zoning Code. Lee Nellis was retained to work in conjunction with the City's already-appointed City Planner Randy Carpenter to propose revisions to the existing zoning. Together they began working with the Zoning & Planning Board to draft new regulations.

WHEREAS, the Zoning & Planning Board held meetings open to the public to discuss Title 11 Zoning Regulations, Chapter 1 on 9/19/2024; on 6/18/2025 to refine the draft; and on 8/27/2025 to forward a final draft recommended by the Zoning & Planning Board to the City Council for consideration to be adopted as an ordinance.

WHEREAS, all these meetings were advertised on the City's website, the City's Facebook page, emails sent directly from those who have signed to receive news on the City's website and MailChimp subscriptions, posted around town at various locations as is City policy.

WHEREAS, pursuant to §7-1-4127 and -4131, MCA the City Clerk published notice for the first reading of this ordinance in the Bozeman Daily Chronicle on 9/30/2025, in the Belgrade News on 9/25/2025, and in the Three Forks Voice on 10/1/2025, as well as posted on the City's Facebook page, website, and around town at various physical locations as is City policy.

WHEREAS, the existing City Code as codified, is not being rescinded until the "Zoning Code Rewrite Project" is complete to ensure the newly discussed and accepted chapters are enacted as a whole reducing the potential for conflict or leave gaps between the existing and new regulations during the enactment process. As each new chapter is adopted, they will be held until the entire Title 11, Chapters 1 - 21 are complete. Pursuant to §7-5-105, MCA an ordinance becomes effective 30 days after its second reading. It is the intention of the City of Three Forks to conduct the second reading for Title 11, Chapters 1-21 at the same meeting. In order to maintain clarity in the Three Forks Title 11 Zoning Code, these ordinances will take effect and become law 30 days after the final chapter is adopted by the City Council.

NOW THEREFORE BE IT ORDAINED by the Three Forks City Council, that Title 11, Chapter 1 adopted as follows:

TITLE 11, CHAPTER 1: PURPOSE - AUTHORITY – JURISDICTION - BASIC PRINCIPLES

11-1-1: PURPOSE:

These regulations are adopted for the purposes established by §76-25-102, MCA and to implement Three Forks' growth policy, as required by §76-25-301, MCA and §76-25-401, MCA.

11-1-2: AUTHORITY:

These regulations are adopted under the authority of §76-25-301, MCA, which allows local governments to adopt zoning regulations, and §76-25-401, MCA, which requires local governments to adopt subdivision regulations.

11-1-3: JURISDICTION:

These regulations apply within the City of Three Forks Municipal Code.

11-1-4: PRINCIPLES:

The applicant's signature on any application for a permit required by these regulations is an acknowledgement that they have read and are following these basic principles.

- A. Other regulations may apply.** No one should apply for a permit until they have a clear understanding of how state and federal regulations affect their project. If an applicant obtains a permit, then finds that they must make a substantial change in the approved plans to comply with state or federal regulations, they may have to apply for and obtain a new permit from the City.
- B. Private agreements may apply.** No one should apply for a permit until they have a clear understanding of how private agreements like covenants, deed restrictions, and easements affect their project. If an applicant obtains a permit, then finds that they must make a substantial change in the approved plans to comply with a private agreement, they may have to apply for and obtain a new permit from the City.
- C. Applicants bear the burden of proof.** Applicants should be sure they understand the relevant requirements of these regulations before applying for a permit and clearly demonstrate compliance in the materials they submit. Applicants may need, and in some cases, are required to retain professional help in preparing applications.
- D. Incomplete applications will never be accepted.**
- E. All representations are binding.** All representations made on application forms and checklists, and in the drawings and other materials that accompany an application, are binding. This means that projects must be built as described and depicted in the application approved by the City and in compliance with any conditions of approval. Minor changes in approved plans may be permitted as explained in Section 11-5-8. Substantial changes require a new permit.
- F. Applicants must be present.** Where these regulations require a public hearing on an application, the applicant must be present. Applicants are not required to make a statement, but must be there to answer questions.
- G. Zoning permits do not last forever.** The approval of a zoning permit is valid for one year (365 calendar days) from the date the application for a permit was approved. Permits may, upon the filing of the application form provided by the City, be renewed after approval by Staff for an additional six months. If SUBSTANTIAL WORK has not begun within that time, the permit will be void and the proposed development may proceed only with a new permit,

(re)payment of the then current permit fees, and compliance with the then current version of these regulations.

11-1-5: SAVINGS CLAUSE:

If any provision of these regulations or their application in particular circumstances is found to be invalid by a court, the entire remainder of the regulations and their application in all other circumstances shall be unaffected.

11-1-6: CITATION:

- A. The term ‘these regulations’ refers to and includes all provisions of Title 11 of the Three Forks Municipal Code.
- B. Title 11 is divided into numbered chapters, 11-1, for example, which are divided into numbered sections, for example Section 11-1-6. Sections may be divided into items, which are denoted by capital letters, for example Section 11-1-6.B. The chapters are named, but the chapter name need not appear in a citation. Chapter 11-1 would, for example, be sufficient to refer to this chapter.
- C. The terms ‘above’ and ‘below’ may be used to refer to items within the same section without giving the full citation of the item. That is, an item may be referred to as ‘A, above’, rather than to Section 11-1-6.A.
- D. All terms will be defined in a DEFINITIONS chapter and will be written in all capitals to instruct the reader to see the specific definition for that term.

1st Reading and Approval: DATED this 14th day of October 2025.

Mayor Randy Johnston

Attest: Crystal Turner, City Clerk

2nd Reading and Approval: DATED this _____ day of _____.

Mayor Randy Johnston

Attest: Crystal Turner, City Clerk