

CITY OF THREE FORKS, MONTANA

ORDINANCE #410-2025

**AN ORDINANCE ADOPTING THE REWRITTEN TITLE 11 ZONING REGULATIONS,
CHAPTER 5: ZONING PERMIT PROCEDURES**

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 5, on 7/22/2025 to refine the draft, and on 8/27/2025 to forward a final draft to the City Council to be heard 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WHEREAS, the existing City Code as codified, is not being rescinded until the "Zoning Code Rewrite Project" is complete to ensure the newly discussed and accepted chapters are enacted as a whole reducing the potential for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 5 is adopted as follows:

CHAPTER 5 – ZONING PERMIT PROCEDURES

11-5-1: PURPOSE:

This chapter establishes the administrative procedures for zoning permits.

11-5-2: ZONING PERMIT REQUIRED:

- A. A zoning permit to proceed in compliance with these regulations is required for all development that is not specifically exempted by Section 11-4-4. Please note that some development exempted in this chapter may not be exempt from the requirements of Title 12 of this code.
- B. The requirement of A, above, applies to approved conditional uses and to all development pursuant to the approval of an annexation or subdivision.

11-5-3: ZONING PERMIT APPLICATION:

- A. Applications for zoning permits must be filed using the forms provided by the City. Applicants are encouraged to meet with Staff to ensure that they understand what is required before filing an application.
- B. Applications for zoning permits must be accompanied by the application fee set by resolution of the Council and any impact fees that would be due upon approval of the application.

11-5-4: ZONING PERMIT REVIEW:

Applications for zoning permits are reviewed and approved or rejected by the staff, as follows:

- A. Staff will first determine whether the application is complete. Incomplete applications will be returned to the applicant with a list of what is missing.
- B. Staff will review complete applications for compliance with these regulations and approve or reject them solely on the basis of compliance with this code. Staff must act on a complete application for a permit within ten (10) business days, except when a referral to the PBZC is made as allowed by C, below or if the application is for development within the floodplain (please see Title 12 of this code). If an application is referred to the PBZC, Staff must act on it within ten (10) business days after the PBZC meeting at which the referral was discussed. Staff may seek the advice of the PBZC before making the decision to approve or deny a zoning permit. Such consultations must occur at the first Board meeting after the application for a zoning permit is filed unless the required 48-hours notice for that meeting cannot be provided, in which case the consultation will happen at the next regular meeting or a special meeting set by the PBZC for that purpose.
- C. A zoning permit to proceed with the proposed development will be issued upon approval of an application. Issuance of the permit will be delayed if the required impact fees have been appealed as provided by Section 3-6-12 of this code. A permit will not be issued until that appeal has been resolved.
- D. A rejection letter will be issued when the staff finds that the proposed development fails to comply with these regulations. That letter will include a list of the specific provisions of these regulations with which the proposed development does not comply. The application fee is non-refundable, but the check required for any impact fees due will be returned with the rejection letter.

11-5-6: APPEAL OF ZONING PERMIT:

- A. Approval or rejection of an application for a zoning permit may be appealed to the Board of Adjustment. Please see Chapter 11-7 for the appeal procedure.
- B. Any work undertaken during the appeal period established at Section 11-7- is subject to removal and an order that the site be restored to its original condition.

11-5-7: EXPIRATION OF ZONING PERMIT:

- A. Zoning permits are valid for one calendar year from the date they are approved and may be renewed for an additional six months by filing the renewal form provided by the City.
- B. If substantial work has not been completed before the permit expires, a new zoning permit must be obtained, including payment of the then-current application fee and review for compliance with the then-current regulations.
- C. ‘**Substantial work**’ means that the building or structure is connected to city utilities and power and fully enclosed (sided and roofed with windows and doors in place). Landscaping and any other exterior improvements shown on the plans or required by these regulations are considered complete, as evidenced by issuance of a Certificate of Compliance, or their completion is required by a Temporary Certificate of Completion. The installation of exterior trim and interior work may continue.

11-5-8: CHANGES IN APPROVED PLANS:

It is understood that minor changes in plans approved by the City may be necessary. Substantial changes, including all changes in use, require a new zoning permit.

- A. A written request for a minor plan change must be filed with Staff before any work commences. Staff will strive for a prompt response to such requests, but must have at least 48 business hours advance notice during the business week.
- B. A request for a minor change in the approved plans does not allow the standards of these regulations to be changed. It allows flexibility for projects that will continue to comply after the minor change. Limits on minor changes are set in C, below.
- C. Changes of less than 10% in the exterior dimensions of buildings or structures or in the location of uses, buildings, or structures on a lot may be considered minor and permitted by Staff if they are in compliance with these regulations and any applicable conditions of approval.
- D. Minor changes in required public improvements must be approved by the City’s engineers.

11-5-9: CERTIFICATE OF COMPLIANCE:

- A. A Certificate of Compliance will be issued by Staff upon finding that the permitted work is complete and in full compliance with these regulations and any applicable conditions of approval.
- B. A request for a Certificate of Compliance shall be filed on the form provided by the City. Staff will strive for a prompt response to such requests, but must have at least 48 business hours advance notice during the business week.
- C. Staff may issue a Temporary Certificate of Compliance that permits temporary operation of a use, building, or structure when the season makes completion of landscaping or other outdoor improvements unrealistic. Temporary Certificates of Compliance must expire on a date certain that is no more than one hundred twenty (120) days in the future.
- D. Certificates of Compliance may be revoked as provided in Chapter 11-9.

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