



ADMINISTRATIVE RULES OF MONTANA



18.6.203 UNZONED COMMERCIAL ACTIVITY

- (1) The following criteria shall be used to determine whether an activity qualifies an area to be considered unzoned commercial:
 - (a) the commercial activity and its associated buildings used to qualify an area must be located within 660 feet of the right-of-way of a controlled route;
 - (b) the commercial activity may not be located inside a structure which is also used as a residence, or in a building intended for use by the resident such as a garage or other outbuilding. If a residence exists on the location, the commercial activity must be located in a separate building from the residence, and must meet all requirements in this rule for utilities, etc.;
 - (c) the commercial activity shall have been in business at least one year prior to being considered as qualifying the area as an unzoned commercial area;
 - (d) the commercial activity must be clearly visible to the traveling public on the controlled route, be easily recognizable as a commercial activity, and have an on-premise sign, visible from the controlled route, which identifies the commercial activity;
 - (e) the commercial activity's associated building must be connected to two or more utilities; have a restroom; and be open to the public during regularly scheduled hours in excess of 20 hours per week, at least six months of a calendar year;
 - (f) the commercial activity must include a commercial building with a permanent foundation equipped with a permanent floor from material other than dirt, gravel, or sand;
 - (g) the commercial activity must have vehicular access that is normal and customary for ingress and egress to the commercial activity;
 - (h) the commercial activity must hold a current, valid business license issued by a local, county, or state government which authorizes the commercial activity to operate from that location. If no business license is required for the location, a government-issued authorization for the business operation which establishes the length of time for the business operation at the specific location may be substituted with department approval;
 - (i) where a trailer, mobile home, or similar structure is used for the commercial activity's associated building, all wheels, axles, and springs shall be removed. The mobile home or similar structure must be permanently secured on piers, pad, or foundation; and
 - (j) a self-propelled vehicle shall not qualify for use as a commercial business or office for the purpose of these rules.

- (2) A maximum of two signs may be permitted from a qualifying commercial activity and its associated building, regardless of the number of qualifying commercial activities conducting business from the same building.
- (3) Signs must meet the following requirements:
 - (a) the sign(s) must be located on the same side of the controlled route as the qualifying activity;
 - (b) if the qualifying activity is separated from the controlled route by a frontage, access, or other type of road parallel to the controlled route, the sign(s) must be located on the same side of the parallel road as the qualifying activity and must not be located between the parallel road and the controlled route.
- (4) Unzoned commercial areas are not created when:
 - (a) a commercial activity is located either partially or totally within an area which has been zoned by a bona fide state, county, or local zoning authority;
 - (b) a commercial activity is engaged in or established primarily for the purpose of qualifying an area for the displaying of outdoor advertising;
 - (c) the building associated with the commercial activity is used solely to store trade equipment or is not integral to the business operation where actual business transactions take place.
- (5) If the qualifying commercial activity at the sign location ceases for a period of nine months, the sign will be deemed nonconforming, and must adhere to all outdoor advertising statutes and rules on repair of nonconforming signs found at ARM 18.6.251. If a qualifying commercial activity again becomes operational at the sign location, the sign will revert to its former conforming status for the duration of the commercial activity's operation and nine months thereafter.

Authorizing statute(s): 75-15-121, MCA

Implementing statute(s): 75-15-103, 75-15-111, 75-15-113, MCA

History: NEW, 1986 MAR p. 339, Eff. 3/14/86; AMD, 1996 MAR p. 1855, Eff. 7/4/96; AMD, 2005 MAR p. 89, Eff. 1/14/05; AMD, 2008 MAR p. 2476, Eff. 11/27/08; AMD, 2012 MAR p. 185, Eff. 1/27/12; AMD, 2016 MAR p. 1440, Eff. 8/20/16.