



ADMINISTRATIVE RULES OF MONTANA



18.6.206 UNZONED INDUSTRIAL ACTIVITY

- (1) The following criteria shall be used to determine whether an activity qualifies an area to be considered unzoned industrial:
 - (a) the industrial activity and associated office building used to qualify an area must be located within 660 feet of the right-of-way of a controlled route;
 - (b) the industrial activity may not be located inside a structure which is used for 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 location shall not qualify for use as an unzoned industrial area;
 - (c) the industrial activity must have been in business at least one year prior to being considered as qualifying the area as an unzoned industrial area;
 - (d) the industrial activity must be clearly visible to the traveling public on the controlled route, and be easily recognizable as an industrial activity, and have an on-premise sign, visible from the controlled route, which identifies the industrial activity;
 - (e) temporary or transient industrial activities may not be considered as a qualifying activity;
 - (f) an industrial activity's associated areas may include readily identifiable areas for which the primary uses are the manufacturing, servicing, or storage of goods;
 - (g) an industrial activity shall hold a current, valid business license issued by a local, county, or state government which authorizes the industrial 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;
 - (h) the industrial activity must have an associated building with a permanent foundation, built or modified for its current industrial use. Where a trailer, mobile home, manufactured home, or similar structure is used for the associated building, all wheels, axles, and springs must be removed and the trailer, mobile home, or similar structure must be permanently secured on piers, pad, or foundation; and
 - (i) a self-propelled vehicle shall not qualify for use as the industrial activity's associated building for the purpose of these rules.
- (2) A maximum of two signs may be permitted from a qualifying industrial activity and its associated building, regardless of the number of separate qualifying industrial 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 industrial activity; and
 - (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 industrial areas are not created when:
 - (a) an industrial activity is located either partially or totally within an area which has been zoned by a bona fide state, county, or local zoning authority; or
 - (b) an industrial activity is engaged in or established primarily for the purpose of qualifying an area for the displaying of outdoor advertising.
- (5) If the qualifying industrial 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 industrial activity again becomes operational at the sign location, the sign will revert to its former conforming status for the duration of the industrial activity and nine months thereafter.
- (6) The department shall be the sole determinant as to whether an area qualifies as an unzoned industrial activity.

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

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

History: NEW, 2012 MAR p. 185, Eff. 1/27/12; AMD, 2016 MAR p. 1440, Eff. 8/20/16.