

New Church in Ennis
Using Draft Zoning Ordinance
TABLE ONE

A group of local citizens wishes to build a new church within the Town of Ennis. They investigate the possibility of siting their church in town.

GOOD NEWS: The new zoning ordinance allows for church construction in several of the zoning districts:

Ordinance Section	Title	Min Lot Size	Min Lot Width	Min Front Set Back	Maximum Height	Max Coverage
R 11-3-4 RILD	Residential Low Density	1/2 acre	75 feet	20 feet	30 feet	40% 8,000 s.f.
11-3-4-2 R-MD	Residential Med. Density	1/4 acre	50 feet	20 feet	25 feet	40% 4,000 s.f.
11-3-4-5 R-TD	Residential Town Density	1/8 acre	50 feet	10 feet	25 feet	40% 2,000 s.f.
11-3-5 MCR	Mixed Commercial	5000 s.f.	50 feet	n/a	40 feet	85% 4,250 s.f.
11-3-5-2 CC	Core Commercial	2500 s.f.	???	???	40 feet	90%
11-3-5-3 HE-C	Highway Entrance	n/a	???	10 feet	40 feet	???
C11-3-5-4 C-I	Commercial Industrial	1/2 acre	???	10 feet	40 feet	???

**Finding a Location
for a
Church in the Town of Ennis
Under the Draft Zoning Ordinance**

Introduction.

The following is an example of applying the proposed draft zoning ordinance to a fictional group of local citizens interested in building a new church within the current town limits of Ennis , Montana under the requirements of the proposed zoning ordinance. This discussion is based upon our interpretation of the new ordinances.

Step 1. Good News.

The draft zoning ordinance allows the construction of a church in one of 7 zoning districts. Please refer to Table One attached. Each of these districts have their separate restrictions on minimum lot size, set backs, building heights, and maximum allowable coverage of the lot. Each zoning district has allowable minimum lot widths too.

Step 2. The group then investigates the availability of lots greater than $\frac{1}{2}$ acre inside the Town limits. They go to the current Growth Policy (2014) and read that there are 9 lots between the sizes of 1 to 2 acres in Town. They feel that they need at least 1 acre to build the church and have room for adequate parking, and automobile circulation, etc. They believe that the Zoning Ordinance is in support of the Town's Growth Policy as they read in Section 11-1-1 INTENT AND PURPOSE is that the zoning ordinance supports the "implementation of the Ennis growth policy...."

They look at Table One and determine that either a district zoned 11-3-4 Low Density Residential or 11-3-5-4 Commercial/Industrial may meet their land requirements as they both state a minimum acreage of $\frac{1}{2}$ acre lot size.

Step 3. The group visits with the Zoning Administrator who must receive all applications and review these applications. The Zoning Administrator pulls out the Official Zoning Map (11-1-7) that is the "final authority" on the zoning districts in the Town.

They discover there is only one lot left that is zoned 11-3-4 Low Density Residential that has an area of approximately $\frac{3}{4}$ acres. They believe they can build what they want on this lot.

They understand that the height limit for this zone is 30 feet but they also believe they can get a height variance for a church.

Step 4. They negotiate a first right of refusal with the land owner contingent upon the group's ability to be authorized to build the church by the Town.

Step 5. They apply for a Zoning Permit with the Zoning Administrator (11-2-6) as they have been told that this permit must be obtained before any land or building may be used or occupied, or before any building or structure may be erected.....

Step 6. The group wants to build a church with a 45 foot high steeple. This height is not acceptable in the area of their parcel. They will file for a variance with the Zoning Administrator.

Step 7. The group then goes to the Zoning Commission that is made up of Town Commissioner(s) and a citizen that lives in Ennis and is also a member of the Madison County Planning Board.

Step 8. The Zoning Commission requires the group to go to the Design Review Committee (11-2-5) to provide full architectural details, site plans and all information required for review. The Design Review Committee reports to the Town Commission. They review Mass, scale, size, height, materials, colors, lighting and the site plan.

Step 9. The group finds out that their plans are not adequate. They have parking in front of the future church close to the front door. All parking must be on the side and in the back of the church. (11-4-7) All parking must be paved. They don't have enough money to fully pave the parking lot per the zoning ordinance. They also find out that the parking lot they did propose does not conform to the Town's required off street parking ordinance. They have 200 seats in their main assembly area and the Town requires 50 parking spaces. They only have 40. They will need to request another variance.

In addition their parking does not conform to the Town's landscaping requirements for parking lots.(11-4-7 N) in which they must have 20 square feet of landscape area for each off street parking space. There are a lot of landscape details they must adhere to, but the most difficult is to provide tree cover (shade) for at least fifty percent of the area of the parking lot as measured on August 15th at noon, 15 years after installation.....(11-4-7-N b. iv)

Step 10. Other requirements to be met by the group. The group finds out that the sign they wanted to erect in front of the church does not meet the Town's ordinance as set forth in 11-3-6-3 Community Signage Overlay. The sign is too big, and in the opinion of the Zoning Administrator does not meet the "western character" of the Town.

The group finds out they don't have a bike access on their property as required by the Town. They did not provide bike racks either.(11-4-9 I) They did not provide a

sidewalk across the front of their lot (11-3-6 Zoning Overlay Districts paragraph R. pedestrian and bicycle access per the Town's Transportation Design Standards

Step 11. Request a Variance. The group goes back to the Zoning Administrator to request a variance based upon hardship of not being able to afford these expensive requirements. They request a variance on building height to accommodate their steeple, they request a variance on parking, and they request variances for bike racks, and frontage sidewalk. They just wanted to build a church for their members in the community. The Zoning Administrator points out a hardship should not be based upon financial difficulty.

The group sets up an appointment with the Board of Adjustment (11-2-14) who is made up of Town Commissioners. The BOA does have jurisdiction to hear height, parking and landscape requirement variance request. This meeting must be delayed until 15 calendar days prior to the next regular meeting of the BOA (unscheduled meetings) to provide time to advertise in the newspaper. The Zoning Administrator also must mail letters to all property holders within 150 feet of the subject property 15 calendar days ahead of the meeting. The BOA has 20 working days to make a decision.

The BOA recommends the variance for the height of the steeple. They also recommend a minor variance concerning handicap parking to be allowed in front of the church near the front door. The BOA maintains all other requirements for landscaping, parking, and sidewalks. The BOA makes its recommendation to the Town Commission.

The BOA's decision can be appealed to district court as set forth in Montana Code Annotated.

Step 12. Public Comment. This review process goes on and on. Then someone who lives in the neighborhood of the future church who disagrees with the variance on building height points out to the Town Commission Section 11-4-9 STANDARDS FOR CERTAIN USES AND STRUCTURES (see page 72) This section falls in CHAPTER 4: SUPPLEMENTARY REGULATIONS:

C. Churches and other Religious Institutions

The paragraph states in Item 1. No structure shall exceed three thousand (3,000) square feet gross floor area, and Item #5 ... that all parking shall be to the rear of the primary structure.

At this point the group decides to relinquish it's first right of refusal with the landowner and to build their church in Sheridan.