

SPRINGHILL ZONING ORDINANCE

SPRINGHILL COMMUNITY BELGRADE, MONTANA

PREPARED BY

GALLATIN COUNTY PLANNING DEPARTMENT

AND

SPRINGHILL COMMUNITY PLANNING ADVISORY COMMITTEE

FOR

SPRINGHILL PLANNING AND ZONING COMMISSION

GALLATIN COUNTY, MONTANA

ADOPTED JULY 20, 1992

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SECTION 1 TITLE, CREATION AND ADOPTION

- 1.1 This ordinance shall be known as the "Springhill Zoning Ordinance", and is adopted for the Springhill Planning and Zoning District. The district was created by resolution of the Board of County Commissioners, Gallatin County, Montana, April 9, 1990.

- 1.2 Pursuant to Section 76-2-101 M.C.A., there is created a Planning and Zoning Commission for the Springhill Planning and Zoning District which consists of the three (3) County Commissioners, the County Surveyor, and the County Assessor.
 - 1.2.1 The Springhill Planning and Zoning Commission shall have all the powers delegated to it by the laws of the State of Montana and by this Ordinance.

- 1.3 Pursuant to Section 76-2-104 M.C.A., there is adopted a development pattern. The development pattern shall consist of the Springhill Community Plan and the Springhill Zoning Ordinance.

SECTION 2 INTENT

- 2.1 The intent of these zoning regulations is to regulate and promote the orderly development of the area. These regulations are set up to fully utilize lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an ordinance, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

SECTION 3 PURPOSES AND BOUNDARIES

- 3.1 Purposes: To promote health, safety, and general welfare and to:
- a. Prevent overcrowding;
 - b. Avoid undue population concentration;
 - c. Conserve property values;
 - d. Preserve fish and wildlife habitat;
 - e. Reduce soil erosion;
 - f. Preserve the scenic resources;
 - g. Ensure high water quality standards;
 - h. Protect the planning district from the effects of urban encroachment;
 - i. Encourage innovations in residential housing so that growing demands may be met by more efficient use and conservation of open space;
 - j. Protect open space and the rural atmosphere;
 - k. Preserve and maintain agricultural lands;
 - l. Carry out the general plan for the Springhill Planning and Zoning District.
- 3.2 The Springhill Planning and Zoning District is described in zones as set forth on that certain map entitled "Springhill Zoning Map," dated July 20, 1992. The map and all notations thereon are certified boundaries of zones adopted by this Ordinance.
- 3.3 The Springhill Zoning Map shall be kept on file in the office of the County Clerk and Recorder and shall be referred to as the official map for the Springhill Planning and Zoning District.

SECTION 4 DEFINITIONS

The following definitions are provided for clarification, but do not necessarily imply permissible uses within the Springhill Planning and Zoning District.

- 4.1 Accessory Building or Use: A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; and, (2) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
- 4.2 Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; forestry; and the science and art of the production of plants and animals for sale. This includes all uses customarily incidental thereto, but does not include any agricultural industry or business such as packing plants, fur farms, animal hospitals, commercial dog kennels, commercial feed lots or similar uses.
- 4.3 Airstrip: A place where aircraft (including helicopters) may land and take off.
- 4.4 Animals: Species domesticated for agricultural uses including livestock, poultry, fish, birds, and llamas.
- 4.5 Bed and Breakfast Inn: An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves meals to registered guests.
- 4.6 Building: Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 4.7 Building, Agricultural: Any structure located on agricultural land that is used in the pursuit of agriculture.
- 4.8 Building Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- 4.9 Building Site: A parcel of land occupied or intended to be occupied by buildings permitted herein and which includes such size, dimension, open space, and parking as are required in the Zoning District in which such site is located.

- 4.10 Business, Retail: The retail sale of any article, substance, or commodity for profit or livelihood.
- 4.11 Campgrounds: Land or premises which are temporarily used or intended to be used, let, or rented for occupancy by campers traveling by automobile, recreational vehicles or otherwise, or for occupancy by tents or similar quarters.
- 4.12 Caretaker's Residence: Dwelling unit for a person who takes care of the house or land of an owner who may be absent.
- 4.13 Club, Private hunting or fishing: A facility for an organization of persons whose special purpose is hunting or fishing. Such facility shall be open only to members and not to the general public.
- 4.14 Commercial Feed Operations: Any premises on which animals are held or maintained for the purpose of feeding for market. An operation shall be considered a commercial feed operation where there are 300 head or more cattle, 300 head or more hogs, 1,000 head or more sheep, 1,000 or more poultry or rabbits, and 300 or more of any other animal. Livestock which have access to natural forage on a regular seasonal basis shall not be considered as a commercial feed operation.
- 4.15 Conditional Use: Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the planning and zoning commission to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Springhill Zoning District.
- 4.16 Condominium: The ownership of single units with common elements.
- 4.17 Density: The total number of acres required per dwelling unit.
- 4.18 Development Rights: The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- 4.19 Dwelling, Single Family: A building designed with complete, permanent, and independent living facilities for one family.
- 4.20 Dwelling, Multiple Family: Any building or portion thereof containing two or more apartments or dwelling units.
- 4.21 Dwelling, Employee: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities provided by an employer for persons who are employed on a ranch, farm or guest ranch.
- 4.22 Dwelling Unit: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities for one family.

- 4.23 Family: Any individual or two or more persons related by blood or marriage, or a group of persons (excluding servants) who are not related by blood or marriage, living together as a single, permanent non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity house, etc.
- 4.24 Farm Produce Stand: A structure on the premises for the sale of locally grown produce.
- 4.25 Floor, Ground: That portion of a building or structure located with its floor between the average ground elevation and the ceiling directly above.
- 4.26 General Plan: General plan shall include any document or portion of any document duly adopted by the Zoning Commission which is intended to guide the growth and development of the area.
- 4.27 Guest House: Detached living quarters of a permanent type of construction, clearly subordinate and incidental to the principal residence building. Guest houses shall not be offered for rent or sale as an individual dwelling unit.
- 4.28 Guest Ranch: Facility which provides accommodations to the general public, offers recreational and/or educational programs, and features central dining facilities.
- 4.29 Home Occupation: The use of a portion of a dwelling or accessory structure as an office, studio, or work room for occupations at home. The activity must be clearly incidental to the use of the dwelling for a residence and shall not change the character or appearance thereof. In addition, the activity shall not result in any smells, noise, or create additional traffic greater than that caused by normal residential use.
- 4.30 Junk Yard: The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 4.31 Lodges or Resorts: Any building or portion thereof, including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests, whether rent is paid in money, goods, labor or otherwise. Additional services include restaurants, meeting rooms, and recreational facilities which may be provided to guests and the public.
- 4.32 Manufactured Housing: Residential dwellings constructed off-site and transported to the district and placed on a parcel of land.
- 4.33 Mobile Home: A portable unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.

- 4.34 Motor Home: A Travel Trailer.
- 4.35 Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural or agricultural state is necessary for the enhancement of living conditions in the Springhill Planning and Zoning District.
- 4.36 Parcel: An area of land shown as an individual unit of ownership on the most recent Certificate of Survey, Deed, Subdivision Plat, or other document.
- 4.37 Parking space, off-street: A space located off any public right-of-way which is at least 9x20 feet in size for parking of any vehicle and with access to a public street or road.
- 4.38 Principal Use: A primary purpose for which a land area, building or structure is used.
- 4.39 Sign: Any face of any lettered or pictorial device and/or structure designed to inform or attract attention.
- 4.40 Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.
- 4.41 Structural Alteration: Any change in the shape or size of any portion of a building or of the supporting members of the building or structures such as walls, columns, beams, arches, girders, floor joist, or roof joist.
- 4.42 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 4.43 Structure, Agricultural: Any structure for which the primary purpose or use is agriculture.
- 4.44 Structure, Principal: Primary building or structure upon a parcel which houses the principal use of the premises.
- 4.45 Structure, Residential: Any structure for which the principal use is for residential housing or related uses.
- 4.46 Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument, authorized by the Springhill Zoning Ordinance, to another parcel of land and the recording of that conveyance at the Office of Clerk and Recorder.
- 4.47 Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than nine (9) feet in body width during transportation.

- 4.48 Transmission Line: Any electrical lines energized at more than 60,000 volts.
- 4.49 Use: The purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- 4.50 Variance: A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience.
- 4.51 Zoning Enforcement Agent: The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this ordinance.

SECTION 5 ESTABLISHMENT OF DISTRICTS AND ZONING MAP

5.1 Districts.

The jurisdiction of the Springhill Planning and Zoning District is hereby divided into districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

For the purpose of this Ordinance, the Springhill Planning and Zoning District is divided and classified into the following districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>
Agriculture and Rural Residential	AR
Public Lands	PL
Community Facilities & Institutions	CFI

5.2 Certificate.

The Official Map shall be kept in the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairperson of the Springhill Planning and Zoning Commission attested by the County Clerk and Recorder and the date of the adoption of this Ordinance. The Certificate shall read as follows:

This is to certify that this is the
Official Zoning Map referred to in
Section 5 of the Springhill Zoning Ordinance.

CHAIRPERSON, SPRINGHILL PLANNING AND ZONING
COMMISSION

Attested _____
Date of Adoption _____

If any changes to the map are made by amendment of this Ordinance in accordance with Section 21 hereof, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the County Clerk and Recorder shall be the final authority as to

the current zoning status of land and water areas, buildings, and other structures in the zoning district.

5.3 Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions thereto, the Springhill Planning and Zoning Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof. The new official zoning map shall contain a certificate that reads:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted July 20, 1992, as part of the zoning ordinance for the Springhill Planning and Zoning District, Gallatin County, Montana.

CHAIRPERSON, SPRINGHILL PLANNING AND ZONING COMMISSION

Attested: _____

Date: _____

5.4 Interpretation of Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

- a. Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;
- d. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;

- e. Boundaries indicated as following section lines or quarter section lines or quarter-quarter section lines shall be construed as following such lines;
- f. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or where other circumstances or controversy arise over district boundaries, the Springhill Planning and Zoning Commission shall interpret the district boundary.

5.5 Interpretation of Similar Uses.

If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Springhill Planning and Zoning Commission shall determine the appropriate classification for that use.

In interpreting use classification, the Springhill Planning and Zoning Commission shall determine:

- a. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
- b. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.
- c. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.
- d. That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.

SECTION 6 APPLICATION OF DISTRICT REGULATIONS

Except as herein provided in Sections 12, 13, 14 15, and 16, with respect to supplementary regulations, conditional uses, non-conforming rights, and variances, the regulations set by this ordinance shall be minimum regulations, and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- 6.1 No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

- 6.2 No building or other structure shall hereafter be erected or altered: a) to exceed the height or bulk: b) to accommodate or house a greater number of families; c) to have narrower or smaller rear yards, front yards, side yards, or other open spaces as established by this Ordinance.

- 6.3 No parcel existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Parcels created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 7 AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT (AR)

7.1 Intent and Purpose:

The intent of this district is:

- a. to preserve and maintain prime agricultural lands;
- b. to preserve and maintain the agricultural economic base of the area by maintaining agriculturally productive parcels of land;
- c. to preserve and maintain the rural character and scenic, open space qualities of the community by protecting existing developed and undeveloped farm lands from unplanned residential, commercial, and industrial development;
- d. to allow for individual rural homesites in locations less conducive to agricultural uses;
- e. to prohibit subdivision developments as a permitted use due to the incompatibility of such development in agricultural areas; and,
- f. to recognize the area's limited services (gravel roads, one room school house, volunteer fire department) to support additional population.

Residential uses within this district are limited, and any future inhabitants in this district must be willing to accept the impacts associated with normal farming practices and related businesses.

The purpose of this Agricultural and Rural Residential District is, when applied to particular land, to provide for the following land use:

- a. The cultivation of ground, including the preparation of soil, planting or seeding and raising and harvesting of crops;
- b. The raising, feeding and managing of livestock, poultry and other animals;
- c. Incidental uses which are customarily and necessarily related to and included within an agricultural pursuit;
- d. Residential uses which are compatible with the rural setting;

- e. Other incidental uses which are necessary to protect and promote the health, safety, welfare, and convenience of rural residential citizens.

7.2 Uses Allowed as a Matter of Right:

- 7.2.1 The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops.
- 7.2.2 The maintenance and use of pasture and range lands for agricultural purposes.
- 7.2.3 The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals, that do not fall under the definition of commercial feed operation.
- 7.2.4 The excavation of earth and the drilling of wells, exclusively for agricultural and domestic uses.
- 7.2.5 Signs warning against trespass, shooting and hunting on premises.
- 7.2.6 Signs in accordance with Section 11.10.
- 7.2.7 One single-family detached dwelling per parcel or per 160 acres.
- 7.2.8 Barns, corrals and other agricultural buildings and structures accessory to the foregoing uses.
- 7.2.9 The sale on the premises of products produced thereon.
- 7.2.10 The packing, storing and processing of products grown or raised on the premises, together with accessory buildings and structures required therefore.
- 7.2.11 Home occupations.

7.3 Uses Permitted After Securing Approval of a Conditional Use Permit:

- 7.3.1 The subdivision of parcels for residential development in accordance with Sections 10 and 13 of this ordinance.
- 7.3.2 Other facilities for the purpose of selling products produced on the land, together with accessory picnic facilities and similar accommodations for the convenience of patrons.

- 7.3.3 Non-commercial airstrips for the use of aircraft, together with accessory buildings and structures.
- 7.3.4 Agricultural or guest ranch employee housing, including mobile homes, to house persons and their families whose main source of income is derived on the same farm, ranch, or land unit on which such buildings are situated (development right not required), see Section 11.3.
- 7.3.5 Commercial game farms.
- 7.3.6 Commercial feed operations.
- 7.3.7 Public and private schools for the academic education of children.
- 7.3.8 Quarries and quarrying operations.
- 7.3.9 Oil wells, gas wells, and mining.
- 7.3.10 One guest house or one caretaker house per parcel (development right not required).
- 7.3.11 Bed and breakfast inns, private hunting and fishing clubs, and guest ranches.
- 7.3.12 Accessory buildings and structures, the principal use of which is the pursuit of non-agricultural home occupations and hobbies.
- 7.3.13 Community receiving antennas, microwave relay stations, and electric transmission lines.
- 7.3.14 Lumber and logging mills.
- 7.3.15 Churches, public playgrounds, parks, community centers, special events facilities, libraries, museums, and similar uses and buildings.
- 7.3.16 Retail business.
- 7.3.17 Special events facilities.

7.4 Similar Uses:

Uses which in the opinion of the Springhill Planning and Zoning Commission are similar to those listed in Section 7.2 and 7.3 above may be permitted therein.

7.5 Setback Requirements:

7.5.1 Minimum setbacks for all structures shall be 50 feet from any property line.

7.5.2 Minimum setbacks for all structures shall be 125 feet from the center line of the right-of-way of Springhill Road, Springhill Community Road, Walker Road, Forswall Road, Gee Norman Road and Corbly Gulch Road. From all other public roads, the minimum setback of all structures shall be 80 feet from the center line of the right-of-way.

7.5.3 Minimum setbacks for all structures unrelated to the procurement of water shall be fifty (50) feet from the high water mark of any stream or creek.

SECTION 8 PUBLIC LANDS DISTRICT (PL)

8.1 Intent:

Forestry, wildlife habitat, recreation, and grazing on public lands are occupational and leisure pursuits important to the aesthetics and economy of Springhill Community. The amount of land suitable for recreation and forestry is limited due to the area's geographical location, climate and topography. It is the intent of this section to preserve existing multiple uses on Gallatin National Forest lands from unplanned residential, commercial and industrial development by enacting this district. It is also the intent of this district to recognize the adopted policies of the Gallatin National Forest Plan for public lands within the planning district.

National Forest lands are not assigned any development rights within the Springhill Planning and Zoning District. Therefore, in the event that such lands are sold or traded to a private entity, development rights compatible with the Springhill Community Plan and the physical characteristics of the land will be assigned by the Springhill Planning and Zoning Commission. Public hearing and notice requirements will be followed for redesignation of such lands.

Sections 8.2, 8.3, 8.4, and 8.5 only apply to privately owned lands within the Public Lands District.

8.2 Uses Allowed as a Matter of Right:

- 8.2.1 Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith.
- 8.2.2 Road building.
- 8.2.3 Crop farming and harvesting.
- 8.2.4 Forest stations and lookouts.
- 8.2.5 Grazing.
- 8.2.6 Non-motorized riding and hiking trails.
- 8.2.7 Structures accessory to any use listed above.

8.3 Uses Permitted After Securing Approval of a Conditional Use Permit:

- 8.3.1 Development and processing of natural resources, including lumber mills, logging camps, mines and mining structures.
- 8.3.2 Campgrounds and seasonal recreational campsites.
- 8.3.3 Stables and corrals.
- 8.3.4 Pack stations.
- 8.3.5 Guest ranches.
- 8.3.6 Cross county ski facilities.
- 8.3.7 Structures and uses accessory to the uses listed herein.
- 8.3.8 Accessory utility buildings and structures.
- 8.3.9 Community-receiving antennas, microwave relay stations and electric transmission lines.

8.4 Similar Uses:

Uses which in the opinion of the Zoning Commission are similar to Section 8.2 and 8.3 above may be permitted therein.

8.5 Parcel Size and Setback Requirements:

- 8.5.1 Parcel size shall not be less than 160 acres.
- 8.5.2 Minimum setbacks for all structures shall be 50 feet from any property line.
- 8.5.3 Minimum setbacks for all structures shall be 80 feet from the center line of all public roads.
- 8.5.4 Minimum setbacks for all structures unrelated to the procurement of water shall be fifty (50) feet from the high water mark of any stream or creek.

SECTION 9 COMMUNITY FACILITIES AND INSTITUTIONS DISTRICT (CFI)

9.1 Intent:

The intent of this district is to provide for public and quasi-public uses throughout the planning district.

9.2 Uses Allowed as a Matter of Right:

1. Community facilities, including fire stations, churches, schools and cemeteries.
2. Accessory uses and buildings customarily appurtenant to a permitted use.

9.3 Similar Uses:

Uses which in the opinion of the Springhill Planning and Zoning Commission are similar to those listed in 9.2 above may be permitted therein.

9.4 Height, Area and Setback Requirements:

- 9.4.1 Height Regulations: No building shall exceed thirty-five (35) feet in height.
- 9.4.2 Parcel width for this district shall not be less than one hundred fifty (150) feet, nor shall the minimum parcel size be less than one (1) acre.
- 9.4.3 Minimum setbacks for all structures shall be 50 feet from any property line.
- 9.4.4 Minimum setbacks for all structures shall be 125 feet from the center line of the right-of-way of Springhill Road, Springhill Community Road, Walker Road, Forswall Road, Gee Norman Road and Corbly Gulch Road. For all other roads, structure setbacks shall be 80 feet from the center line of the right-of-way.
- 9.4.5 Minimum setbacks for all structures unrelated to the procurement of water shall be fifty (50) feet from the high water mark of any creek or stream.

SECTION 10 DEVELOPMENT RIGHTS AND USE

10.1 General:

- 10.1.1 Development rights granted by this Ordinance will be determined according to parcels on certificates of survey, deeds, subdivision plats or other documents showing ownership as recorded in the office of the Clerk and Recorder.
- 10.1.2 Development rights only exist in the Agricultural and Rural Residential District (AR) created by this Ordinance. They may not be transferred to any other district. For a development right to be granted in any other district requires an amendment to this Ordinance.
- 10.1.3 Development rights are valued by the private market and may be conveyed and reconveyed.
- 10.1.4 A current record of development rights shall be maintained by the Gallatin County Planning Office. Any use or transfer of development rights shall be recorded with the office of Clerk and Recorder. Notification of the use or transfer shall be provided to the Planning Office.

10.2 Development Rights as a Matter of Right:

- 10.2.1 For each parcel containing 160 acres or less, existing on the date of adoption of this Ordinance, there is one (1) development right.
- 10.2.2 For each parcel containing more than 160 acres, existing on the date of the adoption of this Ordinance, there is a development right for each 160 acres. In the event the acreage is within 95% or higher of the 160 acre minimum there is a development right for that acreage.

10.3 Additional Development Rights:

- 10.3.1 For every 80 acres within an original parcel, there is one (1) additional development right. The additional development right can be used to subdivide the original parcel, or be transferred to another parcel to be subdivided (see Section 10.4). In the event the acreage of the original parcel is within 95% or higher of the 80 acre minimum, the parcel would qualify for an additional development right.

10.3.2 An additional development right can only be used through the conditional use permit procedure. An owner desiring to use an additional development right on the original parcel shall apply for a conditional use permit and follow the procedures specified in Section 13 of this Ordinance.

10.4 Transferred Development Rights:

10.4.1 A development right existing as a matter of right or an additional development right may be transferred from one parcel to another.

10.4.2 An owner of property intending to use a development right transferred from another parcel shall apply for a conditional use permit. The application shall include documentation between the owner of the property transferring the development right and the owner of the property receiving the development right specifying the arrangements for the transfer.

10.5 Standards for Use of Additional or Transferred Development Rights:

10.5.1 Additional or transferred development rights shall only be used on 15% or less of the total original parcel area. The 15% area designated for development may be separated within the original parcel.

10.5.2 Minimum lot sizes within the designated areas shall be one (1) acre.

10.5.3 When a total of 15% of the original parcel is platted for development purposes, the owner must then place a permanent open space restriction on the remaining 85% of the original parcel prohibiting further subdivision of the open space for residential uses. The deed restriction shall be filed with the certificate of survey or subdivision plat creating the new parcels.

10.5.4 A site for the use of an additional or transferred development right shall be designed to achieve as many of the following conditions as possible. However, at least three (3) of the conditions shall be required for permit approval:

- a. The building site is located in an area least likely to interrupt or detract from scenic vistas, as seen from public roads and neighboring properties.
- b. The building site is located on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such use.
- c. The building site is located within any woodland contained in the original parcel, or along the edges of open field adjacent to any woodland in order to reduce impact upon agriculture; to provide summer shade and shelter from winter wind; and to enable new construction to be visually absorbed by natural landscape features.
- d. The building site is located with the least disturbance to the natural topography, landscape, and vegetation.
- e. The building site location avoids exposed hillsides, ridgetops, and creekbanks.
- f. The building site is in close proximity to existing homes and roads.

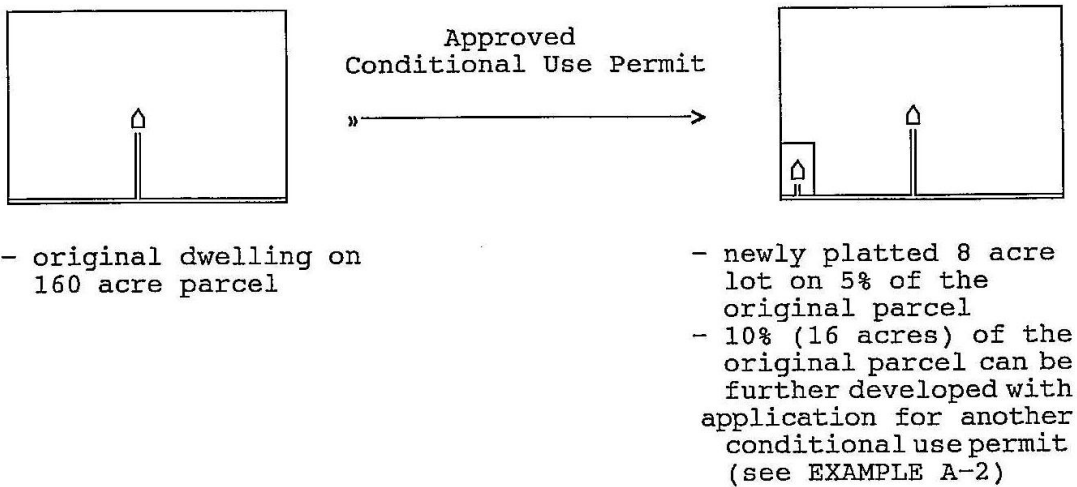
10.6 Examples of the Use of Development Rights:

10.6.1 EXAMPLE A ADDITIONAL DEVELOPMENT RIGHTS:

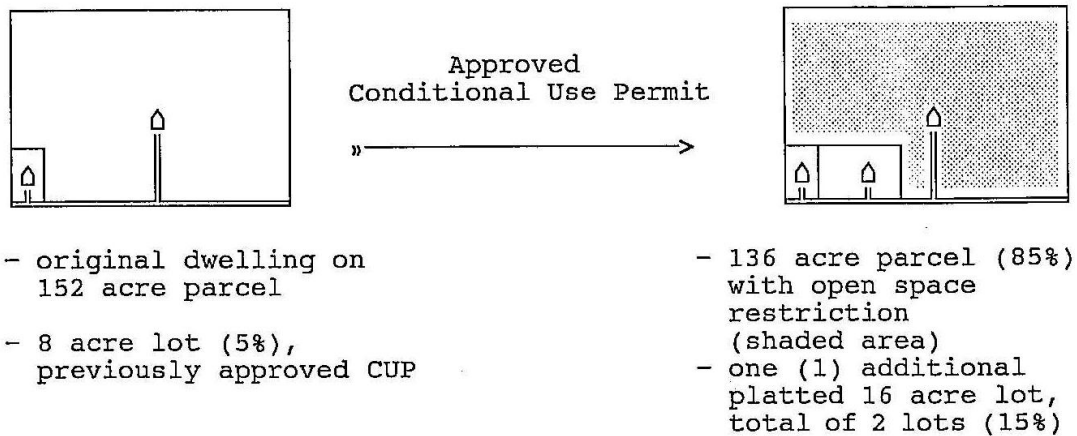
A-1 160 acre parcel using one (1) additional development right

Development Rights:

- 1 development right permitted as a matter of right
- 1 development right per additional 80 acres with an approved conditional use permit



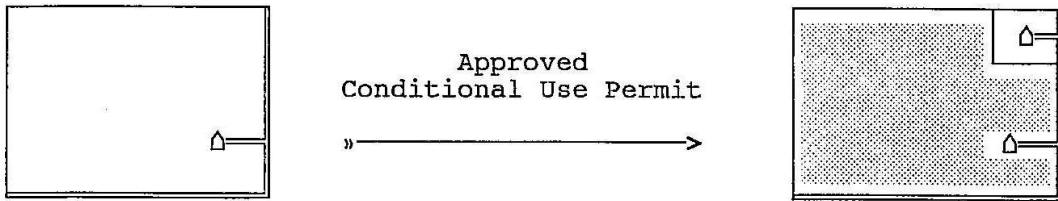
A-2 160 acre parcel using the second development right



A-3 100 acre parcel using one (1) additional development right

Development Rights:

- 1 development right (principal structure) permitted as a matter of right
- 1 additional development right per parcel with an approved CUP



- 1 dwelling per parcel

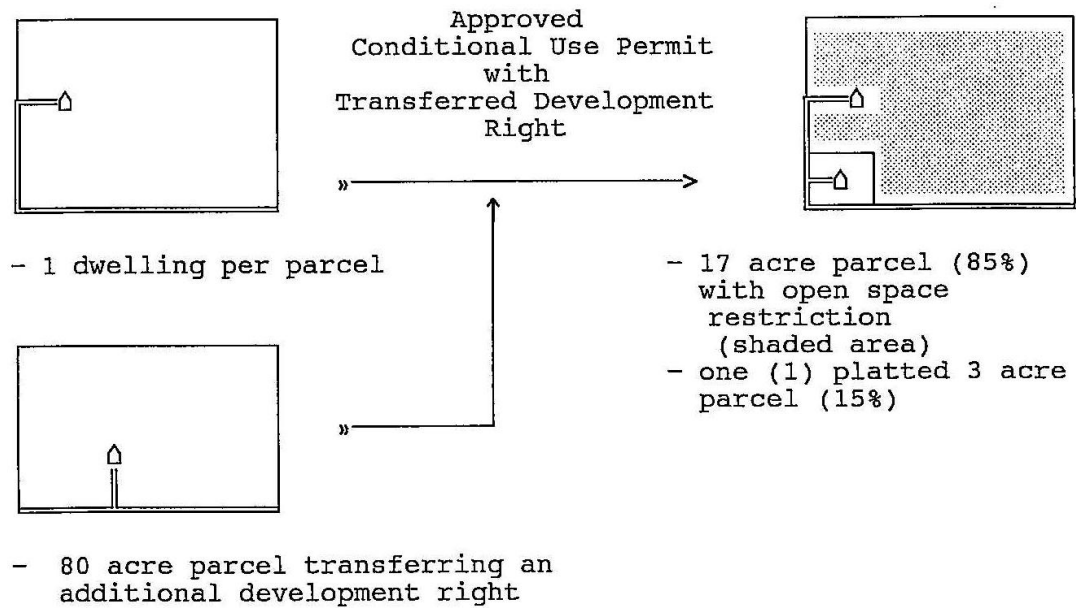
- 85 acre parcel (85%) with open space restriction (shaded area)
- one (1) platted 15 acre parcel (15%)

10.6.2 EXAMPLE B TRANSFERRED DEVELOPMENT RIGHTS:

B-1 20 acre parcel using one (1) transferred development right

Development Rights:

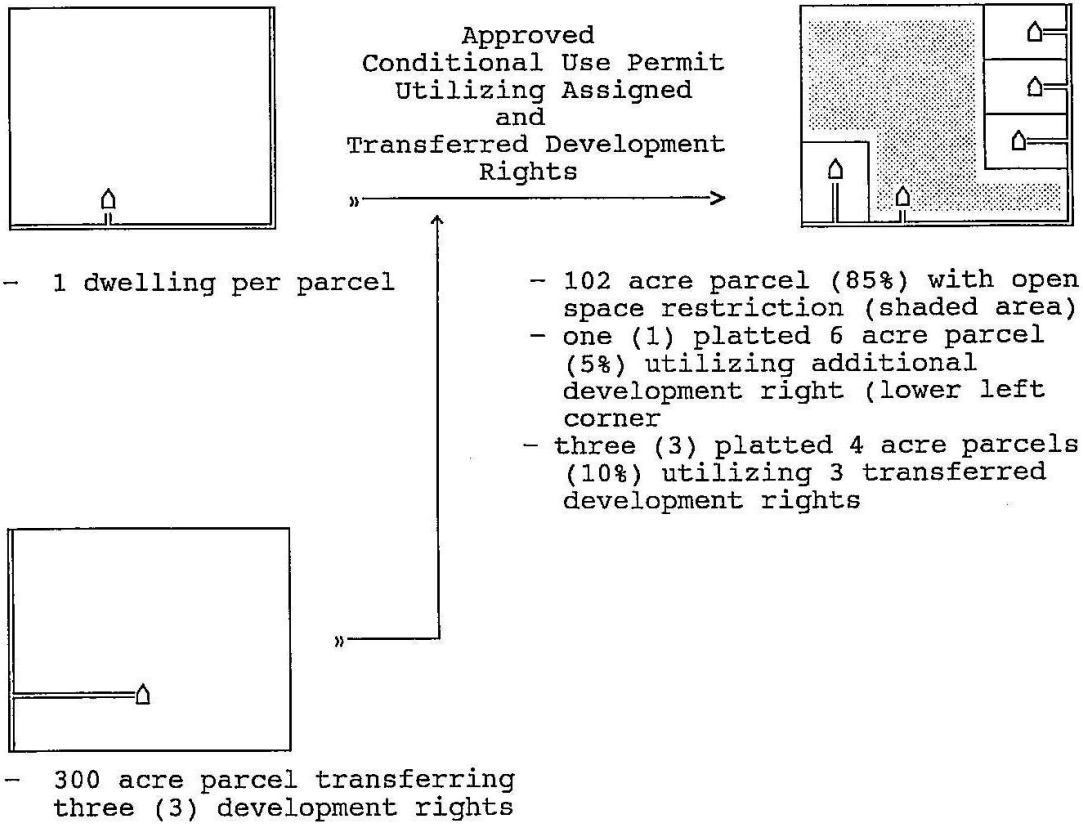
- 1 development right (principal structure) permitted as a matter of right



B-2 120 acre parcel using one (1) additional development right and three (3) transferred development rights

Development Rights:

- 1 development right (principal structure) permitted as a matter of right
- 1 additional development right per parcel with an approved CUP



SECTION 11 SUPPLEMENTARY REGULATIONS

11.1 Agricultural Structures and Practices:

The following agricultural uses are exempt from these regulations.

11.1.1 Agricultural activities as defined under Section 4.2 of this ordinance.

11.1.2 Agricultural structures subordinate to the principal residence. All structures however, shall comply with property line setbacks.

11.1.3 The creation of parcels for agricultural or open space purposes, provided that an agricultural use covenant is recorded with the parcel restricting its use for agricultural or open space purposes, and that no building or structure requiring water for human consumption or sewage facilities will be erected or utilized. The covenant shall run with the real property and be binding on all parties having any right, title or interest in the property, or any part thereof, their heirs, executors, successors, administrators, and assigns, and shall bind each owner thereof.

11.1.4 Yard lights used for agricultural activities and structures as described under Section 11.1.

11.2 Agricultural Nuisance Acknowledgement:

Most of the property within the Springhill Planning and Zoning District is used for agricultural production. Owners, residents and other users of adjacent property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise; odors; dust; the operation of machinery of any kind, including aircraft; the storage and disposal of manure; the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and the possibility of injury from normal agricultural operations, and are therefore required to sign an acknowledgement setting forth this subsection when applying for a land use permit, conditional use permit, or application for subdivision review.

11.3 Employee Housing:

- 11.3.1 In addition to permitted dwellings, additional single-family dwelling(s) or mobile home(s) shall be permitted provided that they are occupied by full-time agricultural or guest ranch employees, and are subordinate to the primary residence.
- 11.3.2 One (1) employee housing unit shall be allowed for every 320 acres. The Planning and Zoning Commission may allow additional housing units if they find the circumstances warrant.
- 11.3.3 Minimum building width shall be twelve (12) feet.
- 11.3.4 Prior to the issuance of a Land Use Permit for an employee housing unit, the property owner shall place on file with the Planning Office an affidavit that said housing unit will be used to house persons employed on the premises for agricultural or guest ranch purposes.

11.4 Parking Requirements:

- 11.4.1 Two (2) off-street spaces shall be provided for each dwelling.
- 11.4.2 One (1) off-street parking space shall be provided for each twenty (20) square feet in any stand for the sale of products produced on the premises.
- 11.4.3 Two (2) off-street parking spaces shall be provided for each classroom and administrative office in any school.
- 11.4.4 For public buildings, i.e., fire and police stations or sites for public utilities: one (1) off-street parking space for each two hundred (200) sq.ft. of gross floor area.
- 11.4.5 One (1) off-street parking space for every five (5) occupants in any building used for public assembly, including club meetings.
- 11.4.6 Parking required for other uses shall be set forth by the Gallatin County Zoning Enforcement Agent, subject to appeal as outlined in this Ordinance.

11.5 Utility Uses:

Radio and television receiving antennas, and public utility distribution and transmission lines, both overhead and underground, are permitted without the necessity of first obtaining a building permit.

11.6 Guest Ranch Facilities.

11.6.1 The following regulations shall apply to all guest ranches:

- a. Individual guest ranch quarters shall not contain kitchen or cooking facilities. Central kitchen and cooking facilities are allowed.
- b. Guest ranches shall provide or have direct access to riding trails or other recreational facilities which will tend to limit off-site automobile travel.

11.6.2 Guest ranch quarters shall not be offered for rent or sale as any dwelling unit.

11.7 Temporary Occupancy:

Temporary occupancy during the construction of a principal residence is a conditional use in all districts and is subject to the following requirements;

11.7.1 State Department of Health and Environmental Sciences permits must be obtained when required.

11.7.2 Temporary occupancy may be permitted with a special permit issued upon application by the Springhill Planning and Zoning Commission. Such occupancy shall be limited for a period not to exceed 18 months where all the following conditions exist:

- a. A land use permit for a permanent dwelling has been issued;
- b. A mobile home or other form of temporary housing must not violate any valid existing deed restrictions;
- c. Temporary housing must comply with all siting requirements in the Ordinance;
- d. The temporary site shall have bear-proof refuse facilities;

- e. Temporary housing shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are installed that meet all State and County Health Department regulations.

11.8 Site Distance at Intersecting Streets:

All intersections shall be free of visual obstruction for a distance of fifty (50) feet in any direction from the intersection.

11.9 Bed and Breakfast Inns:

All bed and breakfast inns shall be subject to the following regulations.

11.9.1 The bed and breakfast inn must be the proprietor's actual residence.

11.9.2 Meals shall only be served to registered guests.

11.9.3 There shall be no alteration to the exterior of the structure which would change the character thereof. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.

11.9.4 The number of guest rooms shall be limited to four (4).

11.9.5 One parking space per guest room shall be provided, in addition to the two (2) parking spaces required for a single family dwelling unit. All parking shall be off-street.

11.9.6 Signs shall be of rustic wood with recessed lettering, illuminated by hooded spot lights directed at the sign. Signs shall be mounted or hung on wooden posts, and only one (1) sign per establishment shall be permitted. Moving signs and flashing, oscillating lights shall be prohibited. Maximum area of the sign shall be twelve (12) square feet.

11.10 Signs:

All signs shall be subject to the following requirements.

11.10.1 No blinking, neon, temporary, or portable signs shall be permitted in the planning district. Signs shall be made of wood, be rustic in appearance, and shall only be illuminated indirectly.

11.10.2 Agricultural Uses: One (1) identification sign, not to exceed twenty (20) square feet.

11.10.3 Residential Subdivisions: One (1) identification sign, not to exceed twenty (20) square feet.

11.10.4 Residential Uses: Signs identifying a residence may be placed by the owners on their property. It should be visible from the road but not be larger than three (3) square feet. It must be harmonious with the surrounding environment in its design, material, and color.

11.10.5 Real Estate, Architect, Contractor/Builder, Developer: One (1) identification sign, not to exceed six (6) square feet.

11.10.6 Commercial Business: One (1) identification sign, not to exceed (20) square feet.

11.10.7 Signs of a temporary nature not to exceed 18"x 24" such as "Open House", "Model", or political signs must be removed when not in use. Larger signs and banners are permitted only for community functions and must be removed immediately after the function.

11.11 Exterior Lighting:

Any exterior lighting for any use shall be arranged and shielded so that the light source cannot be seen from adjacent roads or property and so that no direct beams fall upon other private property.

11.12 Design Standards:

A design manual for the Springhill Planning and Zoning District has been prepared by the Springhill Community Planning Advisory Committee. It is highly recommended that all persons planning to purchase and develop property within the district carefully read the manual.

11.12.1 The location of sub-surface septic disposal systems shall be located on suitable soils. A septic permit shall be issued or applied for prior to the issuance of a Land Use Permit.

11.12.2 Residential structures, including caretaker homes, guest houses, mobile and manufactured homes, and accessory structures shall meet the following standards:

- a. No structure shall exceed thirty-five (35) feet in height. Structures on non-wooded sites shall not exceed twenty-four (24) feet in height.
- b. Minimum width for dwelling units shall be twenty-four (24) feet.
- c. All structures shall have a minimum roof pitch of not less than one (1) foot of rise for every four (4) feet of horizontal run (1:4).
- d. All dwelling structures shall be built on mortared block or concrete foundations. Exposed foundations must be painted, stained, stuccoed, board formed or textured. Unfinished concrete or masonry is not allowed, except for a minimum height of eighteen (18) inches above grade.
- e. Exterior siding shall not be made of asphalt.
- f. All waste containers shall be screened with materials that are compatible with the structures it serves.
- g. Where a building location for a dwelling is devoid of trees, three (3) trees shall be planted for every 1000 square feet of living space. Trees shall be planted within 100 feet of the exterior of the principal structure.

11.12.3 Mobile homes and manufactured housing shall meet current Department of Housing and Urban Development (HUD) codes.

11.12.4 Waste receptacles, refuse storage areas, and junked vehicles or equipment shall be screened from view from neighboring properties and public roads.

SECTION 12 NON-CONFORMING PARCELS, USES AND STRUCTURES

12.1 Intent:

Within the districts established by this ordinance or amendments thereto, there exist parcels, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under terms of this Ordinance or future amendments. It is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this Ordinance, and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

12.2 Non-Conforming Parcels of Record:

In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single parcel of record on the effective date of this ordinance. A parcel of record that does not meet parcel area or parcel width requirements must still meet other requirements of the district.

12.3 Non-Conforming Uses of Land:

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

12.3.1 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

12.3.2 No such non-conforming uses shall be moved in whole or in part to any portion of the parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

12.3.3 If any such non-conforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

12.3.4 No additional non-conforming structure in connection with the requirements of this ordinance shall be erected in connection with such non-conforming uses of land.

12.4 Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on parcel area, parcel coverage, height, yards, its location on the parcel, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

12.4.1 No such non-conforming structure may be altered or enlarged in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

12.4.2 Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to the extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

12.4.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

12.5 Non-Conforming Uses of Structures:

If lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

- 12.5.1 No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to a permitted use.
- 12.5.2 Any non-conforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- 12.5.3 Non-conforming use of building, structures, or premises may be changed to another non-conforming use, provided that a conditional use permit is obtained from the Springhill Planning and Zoning Commission. In determining whether or not to grant the conditional use permit, the Springhill Planning and Zoning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
- 12.5.4 Any structure, or structure and land, in or on which a non-conforming use, if superseded by a permitted use, shall thereafter conform to the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed.
- 12.5.5 Whenever a non-conforming use of a structure or a premises ceases, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of ninety (90) days.
- 12.5.6 Where non-conforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the non-conforming status of the land.

12.6 Repairs and Maintenance:

On any non-conforming structure or portion of the structure containing a non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of non-bearing walls, to an extent not exceeding 10 percent of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

12.7 Conditional Uses:

Conditional uses provided for under Section 13 of this Ordinance shall not be deemed a non-conforming use in the district in which it is permitted.

SECTION 13 CONDITIONAL USES

13.1 Intent:

The intent of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate under certain safeguards or conditions.

13.2 Conditional Use Requirements:

No structure or land may be used for any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use in that district and approval for that use is obtained through the proper procedure.

Conditional use permits shall be granted only by the Springhill Planning and Zoning Commission, when its findings are that:

- a. The use conforms to the objectives of The Springhill Community Plan and the intent of this Ordinance, and
- b. Such use will not adversely affect nearby properties or their occupants, and
- c. Such use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this ordinance, and
- d. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

13.3 Conditional Use Procedure:

13.3.1 All applications for conditional use permits shall be filed with the Gallatin County Planning Office, accompanied with the appropriate filing fee.

13.3.2 The Springhill Planning and Zoning Commission shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each application is consistent with the intent and purpose of this Ordinance.

13.3.3 Upon completion of such investigation the Springhill Planning and Zoning Commission shall hold a public hearing to gather needed facts from all interested parties. The Springhill Planning and Zoning Commission may continue such hearing, if need be, to take additional information. Thereafter, the Springhill Planning and Zoning Commission shall either approve or deny the application. A letter shall be sent to the applicant stating either conditions of approval or reasons for denial.

13.3.4 Notice of public hearing for conditional use permits shall be published at least once 15 days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be notified by certified mail.

13.4 Conditional Approval:

The Springhill Planning and Zoning Commission may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of the area or to make it more acceptable in other ways. Said conditions may include but not be limited to the following:

- a. Special setbacks, yards, open spaces, and buffers;
- b. Fences and walls;
- c. Lighting;
- d. Regulation of signs;
- e. Regulation of vehicular ingress and egress;
- f. Regulation of time of certain activities;
- g. Landscaping and maintenance thereof;
- h. Time schedule of proposed development;
- i. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat, and noise;
- j. Requiring dedication of rights-of-way;
- k. Requiring improvements of rights-of-way;
- l. Regulation of placement of uses on the property;

- m. Regulation of height;
- n. Regulation of the nature and extent of the use;
- o. Regulation of the length of time such use may be permitted.

13.5 Security:

The Springhill Planning and Zoning Commission may require guarantees in the form of bonds, cash deposits, and/or other evidences of compliance in order to secure compliance with conditions imposed.

13.6 Expiration:

All conditional use permits issued for definite term shall automatically expire at the end of the term.

13.7 Authorized Use:

For purposes of this ordinance, a conditional use permittee shall not be considered as engaging in the authorized use on the site until the following conditions are satisfied:

- a. Buildings proposed for construction in connection with the proposed use are in the process of actual construction on the site, or
- b. If remodeling proposed for existing buildings in connection with the proposed use has actually been commenced on the site, or
- c. If no construction or remodeling is contemplated, then the permittee must be regularly engaged on the site in performing the services or in selling the goods, materials, or stocks in trade of the use, and has secured all necessary federal, state, and local permits and licenses.

13.8 Revocation or Modification of Conditional Use Permits:

13.8.1 A conditional use permits may be revoked or modified by the Springhill Planning and Zoning Commission.

13.8.2 A permit may be revoked or modified only under the following circumstances:

- a. A substantial change of conditions has occurred from the time that the permit was granted; and

- b. Revocation or modification is necessary to protect the health, safety, and welfare of the area in which the property is located or the residents of the county and to preserve the integrity of existing use patterns in the area in which the property is situated; and
- c. The person holding the permit has not materially changed his position by detrimentally relying on the permit; or
- d. If the person holding the permit has not complied with the conditions of the permit.

13.8.3 The same procedures for the consideration of an application for a conditional use permit shall be used for consideration of modification or revocation.

13.9 Conformance:

No conditional use permit shall be issued unless in conformance with this Ordinance. Permits issued on the basis of plans and specifications approved by the Springhill Planning and Zoning Commission or Zoning Enforcement Agent only authorize the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. A use, arrangement, or construction at variance with that authorized through the land use permit shall be a violation of this Ordinance.

13.10 Permits: Extensions:

13.10.1 No later than thirty (30) days prior to the expiration of the conditional use permit, the holder thereof may file written application with the Springhill Planning and Zoning Commission requesting an extension of time thereon and setting forth the reasons for such request. Each application shall be accompanied by the appropriate fee.

- 13.10.2 Within five (5) days from receipt of such application for extension, the Springhill Planning and Zoning Commission shall send a notice of such application by mail to persons, or their successors in interest of record in the County Clerk and Recorder's office, who received mailed notice of the original application. Attached to the application shall be a notice that any person objecting to the extension shall, within fifteen (15) calendar days from the date of posting, notify the granting authority of the objection.
- 13.10.3 If any objection is received from those notified, the procedures under Section 13.3 shall be followed.
- 13.10.4 If no objection is received, the Springhill Planning and Zoning Commission may extend the permit for a period equivalent to the original period for which granted, or for one (1) year, whichever is shorter.
- 13.10.5 An extension may only be granted upon finding of fact by the Springhill Planning and Zoning Commission that no change of condition or circumstances would have been grounds for denying the original application.
- 13.10.6 The Springhill Planning and Zoning Commission shall consider requests for extension only once at the end of the approval period. The decision of the Springhill Planning and Zoning Commission shall be final. No further requests for an extension on a project having already requested an extension shall be allowed.

SECTION 14 VARIANCES

14.1 Authorization to Grant or Deny Variances:

The Springhill Planning and Zoning Commission may authorize a variance from the requirements of this ordinance when it can be shown that because of special and unusual circumstances related to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use or development of property for a purpose not authorized within the district in which the proposed development would be located. In granting a variance, the Springhill Planning and Zoning Commission may attach conditions it finds necessary to achieve compliance with the criteria of Section 13.2.

14.2 Criteria For Granting a Variance:

A variance may be granted only upon finding compliance with all of the following criteria.

14.2.1 Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same district or vicinity and that result from lot size or shape, topography, or other circumstances over which the owners of property have had no control since enactment of this ordinance.

14.2.2 The variance is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same district.

14.2.3 The variance would not be materially detrimental to property in the same district or vicinity in which the property is located.

14.2.4 The variance requested is the minimum variance that would alleviate the hardship.

14.3 Procedure:

Written applications for variance shall be filed with the Gallatin County Planning Department. The appropriate fee shall accompany each application. An application shall not be regarded as having been filed until said fee is paid.

The Springhill Planning and Zoning Commission shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this Ordinance.

14.4 Hearing and Notice:

There shall be a hearing for each application. Testimony shall be taken by the Springhill Planning and Zoning Commission from persons interested in the application and from the Zoning Enforcement Agent.

Notice of hearing shall be published once in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing date. In addition, the Planning Office shall send a certified letter to record owners of property adjoining a proposed variance.

14.5 Approval:

In approving an application for a variance, the Springhill Planning and Zoning Commission may designate any conditions that will secure protection for the public health, safety, and general welfare and shall find the request to meet the criteria set forth in Section 14.2. Any approval under this section shall be subject to any terms and conditions required by the Springhill Planning and Zoning Commission.

14.6 Revocation and Modification of Variance:

A variance may be revoked or modified under the same circumstances and procedures specified for the revocation or modification of a conditional use permit in Section 13.8.

SECTION 15 LAND USE PERMITS

15.1 Procedures for Obtaining Land Use Permits:

- 15.1.1 No structure shall be built, moved or structurally altered until a land use permit has been issued under this Section.
- 15.1.2 Land use permits shall be issued only for uses in conformance with this Ordinance and the conditions and terms of a conditional use permit. No land use permit shall be issued until time for appeal on a conditional use permit or variance has elapsed and all appeals are finally decided.
- 15.1.3 Land use permits shall be in writing and shall be in the form specified by the Springhill Planning and Zoning Commission.
- 15.1.4 An application for a land use permit shall be filed with the Zoning Enforcement Agent. Land use permits may be issued by the Zoning Enforcement Agent.
- 15.1.5 If an application for a land use permit is denied by the Zoning Enforcement Agent, the applicant may apply for a variance or appeal to the Springhill Planning and Zoning Commission.
- 15.1.6 Where new sanitary facilities or the extension of the existing sanitary facilities are contemplated a land use permit shall not be issued until the applicant has first obtained a sewer permit from the County Health Department or approval of sanitary facilities from the Montana Department of Health and Environmental Sciences, whichever is appropriate.
- 15.1.7 A land use permit is required for agricultural structures in the Agricultural and Rural Residential District (AR), for the purpose of enforcing property line setbacks.

15.2 Certificate of Compliance:

A certificate of compliance shall be issued by the Zoning Enforcement Agent before any development is occupied. A certificate of compliance indicates that an on-site inspection has shown that the development complies with this Ordinance, including any conditions imposed upon the development. Occupancy of a development without a certificate of compliance shall be a violation of this Ordinance.

15.3 Conformance:

No land use permit shall be issued unless in conformance with this Ordinance. Permits issued on the basis of plans and specifications approved by the Zoning Enforcement Agent only authorize the use, arrangement, and construction set forth in the approved plans and applications and no other use, arrangement, or construction. A use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

15.4 Expiration of Permits:

15.4.1 A land use permit shall expire eighteen (18) months from the date of issuance.

15.4.2 A land use permit shall expire if the building or work authorized by the permit has not commenced within eighteen (18) months from the date of the issuance of the permit or if the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

15.4.3 After a land use permit has expired no work can be recommenced until a new permit is obtained. The fee for a new permit shall be one-half (1/2) of the amount required for the original permit, provided that no changes have been made or will be made in the original plans and specifications for the work and that abandonment has not exceeded one year.

15.4.5 All exterior construction shall be completed within eighteen (18) months of the date of issuance of the land use permit.

SECTION 16 ADMINISTRATION

16.1 Employees and Officers:

16.1.1 The Springhill Planning and Zoning Commission is authorized to appoint and hire employees and officers, including a Zoning Enforcement Agent, as is necessary to administer and enforce this Ordinance.

16.1.2 The Zoning Enforcement Agent may be an employee of Gallatin County, and if so, shall perform the duties under this Ordinance without remuneration in excess of the county salary.

16.2 Duties of the Zoning Enforcement Agent:

16.2.1 The Zoning Enforcement Agent shall issue all land use permits and review all applications for conditional use permits, variances, rezoning requests and amendments to this Ordinance.

16.2.2 If the Zoning Enforcement Agent finds that this Ordinance, permit, or condition is being violated, the Agent shall give written notice to the person responsible for the violation, indicating the nature of the violation and requesting the remedial action to be taken to correct or abate the violation.

16.2.3 If the Zoning Enforcement Agent finds a violation the Agent may request the discontinuance of the illegal use of land, buildings, or structures; removal of illegal buildings, structures or additions, alterations, or structural changes; or discontinuance of any illegal work being done.

16.2.4 The Zoning Enforcement Agent may take any other action authorized by this Ordinance to enforce the provisions of this Ordinance or prevent the violation of its provisions.

16.3 Appeals from Decisions of Zoning Enforcement Agent:

16.3.1 An appeal from a decision of the Zoning Enforcement Agent may be made to the Springhill Planning and Zoning Commission.

16.3.2 An appeal shall be in writing and shall be filed with the Gallatin County Planning Office within ten (10) working days after the decision which is appealed.

16.3.3 A public hearing will be held on an appeal by the Springhill Planning and Zoning Commission if the matter appealed was required by this Ordinance to be decided after holding a public hearing.

SECTION 17 FEES, CHARGES AND EXPENSES

17.1 Fees - All applications for permits, zone changes, conditional uses, or variances shall be accompanied by the applicable fees, which shall be established by the Planning and Zoning Commission by resolution after public notice and hearing.

17.2 Fees, charges, and expenses are not refundable.

SECTION 18 COMPLAINTS AND INVESTIGATIONS

18.1 Compliance:

Any person may file a written complaint with the Gallatin County Planning Department whenever a violation of this regulation occurs or is alleged to have occurred. The complaint shall state fully the facts supporting the complaint.

Upon receipt of a complaint, or upon its own initiative, Gallatin County Planning Department and/or Compliance Department staff shall immediately investigate and take action as provided by the regulation. The investigator shall notify the person of the alleged violation and request access for an inspection. If access is denied, the investigator may seek an administrative warrant. With reasonable cause, the Planning and/or Compliance departments may revoke any land use permit, issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of the regulation and require corrective action, including dismantling or removal of non-complying structures, to remedy the violation.

(Amended: County Commission Resolution No. 2004-67)

SECTION 19 ENFORCEMENT AND PENALTIES

19.1 Injunction:

After the exhaustion of administrative remedies and pursuant to MCA § 76-2-113, the County Attorney, in conjunction with the Code Compliance Specialist, may bring an action in the name of the County of Gallatin in the District Court to enjoin any violations of this ordinance.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person/entity who commits, participates in, assists or maintains such violation may each be held accountable for a separate violation.

The prevailing party may be awarded all costs, including attorney's fees.

19.2 Fines:

The Planning and Zoning Commission may assess violators fines of up to \$500 per day of violation for noncompliance until the violation is remedied. When determining the amount and duration of a fine, the Planning and Zoning Commission shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of culpability, and such other matters as justice may require. In addition, the violator may be required to pay administrative costs. If the fine is not paid, it shall become a lien upon the property. An alleged violator may appeal the assessment of a fine to the County Commission as set forth below.

19.3: Appeal Process (Violations)

An alleged violator may appeal a Gallatin County Planning or Compliance Department's decision regarding a violation in writing via certified mail to the Planning and Zoning Commission within ten (10) business days.

The Planning and Zoning Commission shall hold a hearing within 45 business days from the date that the appeal was received. The Planning and Zoning Commission shall, in writing, affirm, modify or withdraw the Department's decision within 20 business days after the hearing. Once an appeal for a hearing has been made, the Department's decision shall be stayed until the Planning and Zoning Commission has held the hearing and affirmed, modified or withdrawn the determination of the Department. Any final decision made by the Planning and Zoning Commission will be binding upon the Department.

Any person may appeal a final decision of the Planning and Zoning Commission within 30 days to the Eighteenth Judicial District Court.

19.4 Appeal Process (Fines)

An alleged violator may appeal a Planning and Zoning Commission's assessment of a fine for noncompliance to the County Commission with 10 business days in writing via certified mail. The County Commission shall hear the appeal at a regularly scheduled meeting within 45 business days from the date the appeal was received, and shall, in writing, affirm, modify or withdraw the Planning and Zoning Commission's decision within 20 business days after the hearing. Once an appeal for a hearing has been made, the Planning and Zoning Commission's decision shall be stayed until the County Commission has held the hearing and affirmed, modified or withdrawn the determination of the Planning and Zoning Commission.

Any person may appeal a final decision of the Board of County Commissioners within 30 days to the Eighteenth Judicial District Court.

(Amended: County Commission Resolution No. 2004-67)
(Amended: County Commission Resolution No. 2004-144)

SECTION 20 MINIMUM REQUIREMENTS

- 20.1 In the interpretation and application of this Ordinance, the provisions of the Ordinance shall be held to the minimum requirements adopted for the promotion of the health, safety and general welfare of the zoning district.
- 20.2 Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rule or regulation, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 21 AMENDMENTS AND CHANGES

- 21.1 This ordinance may be amended whenever the public necessity and convenience and general welfare require such amendment, according to the procedure prescribed by law, and this Ordinance.
- 21.2 An amendment may be initiated as follows:
- a. A land owner(s) of property effected by the proposed amendment may file a petition with the Zoning Enforcement Agent requesting an amendment. The petition shall be signed by the petitioning land owner(s).
 - b. The Gallatin County Commission or the Springhill Planning and Zoning Commission may initiate an amendment through a resolution of intention.
- 21.3 An amendment shall not become effective until a hearing is held before the Springhill Planning and Zoning Commission. Notice of the hearing shall be posted in at least three (3) public places within the area affected and given in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of hearing.

SECTION 22 INVALIDATION

If any Section or part of this Ordinance or any attachments or amendments hereto is for any reason held to be invalid, the remaining portions of this Ordinance shall be valid and effective.

SECTION 23 ADOPTION

This Ordinance was adopted on July 20, 1992.

DATED THIS 20 th day of July, 1992.

SPRINGHILL PLANNING AND ZONING COMMISSION

_____/s/_____
A. D. Pruitt, Chairperson

_____/s/_____
Jane Jelinski, Member

_____/s/_____
Arletta Derleth, Member

_____/s/_____
Deb Berglund, Member

_____/s/_____
Shelly Cheney, Member

Amended fees on August 12, 1993.

Amended by Resolution No. 2004-05 of the Planning and Zoning Commission on April 8, 2004, and by Resolution No. 2004-67 of the Gallatin County Commission on May 4, 2004.

Amended by Resolution No. 2004-21 of the Planning and Zoning Commission on October 14, 2004, and by Resolution No. 2004-144 of the Gallatin County Commission on October 20, 2004.