

BOZEMAN PASS ZONING REGULATION

GALLATIN COUNTY, MONTANA



Adopted May 16, 2006

Amended August 3, 2021

County Commission Resolution No. 2021-102

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SECTION 1 ADMINISTRATION

- 1.1 Title and Creation. This Regulation shall be known as the Bozeman Pass Zoning Regulation (Zoning Regulation). It is adopted for the Bozeman Pass Zoning District (Zoning District), which was created by Resolution of the Board of County Commissioners, Gallatin County, Montana, on December 6, 2005.
- 1.2 Adoption. The Zoning Regulation was adopted by the Bozeman Pass Planning and Zoning Commission (Planning and Zoning Commission) on April 13, 2006. The Zoning Regulation was adopted by the Gallatin County Board of County Commissioners on May 16, 2006.
- 1.3 Growth Policy. These Regulations are adopted pursuant to [Section 76-2-101](#) MCA, and in accordance with the Gallatin County Growth Policy (Growth Policy).
- 1.4 Development Pattern. Pursuant to [Section 76-2-101 through 76-2-117](#) MCA, there is hereby adopted a development pattern for the Zoning District consisting of the Development Pattern and Development District for the Bozeman Pass Zoning District (Development Pattern and Development District), and the Zoning Regulation.
- 1.5 Sub-Districts. The jurisdiction of the Zoning District is hereby divided into Sub-districts", as shown on the Official Zoning Map. Together with all explanatory matter thereon, the Official Zoning Map is hereby adopted by reference and declared to be a part of this Regulation.
- 1.6 Zoning Map. 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 designation of property in the Zoning District.
 - a. Zoning Map Certificate. The Official Zoning Map shall be available in the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairman of the County Commissioners attested by the County Clerk, including the Resolution of Adoption number and the date of adoption.

- b. Zoning Map Changes. If any changes to the Official Zoning Map are made by amendment to this Zoning Regulation in Accordance with Section 14 of the Administrative Regulation, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the Map.
- c. Zoning Map Replacement. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret due to changes or additions thereto, the County Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map.

1.7 Administrative Regulation. Pursuant to County Commission Resolution No. 2019-047 adopted May 21, 2019, there is hereby adopted the Gallatin County “Part 1” Zoning Administrative Regulation (Administrative Regulation). The Administrative Regulation supplements these Regulations. In the case of a conflict between the Administrative Regulation and these Regulations, the Administrative Regulation shall control, only as it pertains to administrative procedure. The Administrative Regulation is not intended to modify and shall not be interpreted as modifying the purpose, intent, development pattern, or Uses specifically authorized under the District Regulation, subject to the Interpretation of Use Classification provision in Section 3 of the Administrative Regulation. The Administrative Regulation includes the following administrative rules and procedures:

- Title, Adoption, and Applicability
- Definitions
- Application of Zoning Regulations
- Administration
- Non-Conforming Parcels, Uses, and Structures
- Land Use Permits
- Change of Use Permits
- Certificate of Completion
- Zoning Improvements Agreement
- Conditional Uses
- Variances
- Complaints and Enforcement
- Appeals

- Amendments

1.8 Definitions. The definitions in [Appendix B](#) and the Administrative Regulation are hereby included as part of the Zoning Regulation.

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SECTION 2 INTENT AND PURPOSE

- 2.1 The Zoning Regulation has been made in accordance with the Growth Policy (adopted April 15, 2003) and the Development Pattern and Development District for the purpose of furthering the health, safety, and general welfare of the people of the District, pursuant to [§76-2-104](#), MCA. Additionally, these Regulations are designed to maintain the rural residential and agricultural character of the neighborhoods within the District by planning and guiding future growth. The Development Pattern and Development District, adopted by the Bozeman Pass Planning and Zoning Commission on April 13, 2006 and adopted pursuant to Resolution 2006-052 by the Gallatin County Board of County Commissioners on May 16, 2006, establishes the goals and implementing objectives of the District, and shows the Planning and Zoning Commission's recommendations for the physical and economic development of the District. The goals and implementing objectives, as well as all policies as established in the Development Plan and the Development District, are hereby incorporated into these Regulations as if those goals, objectives, and policies were part of these Regulations.
- 2.2 The goal of protecting and enhancing the rural residential and agricultural character of the Bozeman Pass area will be protected and maintained through the following implementing objectives:
- Maintaining or enhancing the quantity and quality of ground and surface waters;
 - Maintaining open space and scenic views;
 - Sustaining wildlife habitat and migration;
 - Preserving and enhancing fish habitats;
 - Maintaining the night sky visibility and low noise levels of the area; and
 - Controlling noxious weeds
- 2.3 The goal of protecting and enhancing the character and freedoms associated with living in a rural area will be protected and maintained through the following implementing objectives:
- Ensuring that land use maintains rural character, wildlife, open space, and agriculture;
 - Respecting property rights while ensuring that land use remains compatible with existing uses;

- Protecting landowners from industrial and commercial development that is inconsistent with the character of the area;
- Protecting landowners from the impacts associated with oil and gas development and mining;
- Conserving property values;
- Ensuring that residential development is consistent with existing residential uses; and
- Encouraging agricultural uses.

2.4 The Zoning Regulation is intended to aid residents of Gallatin County and the Zoning District, as well as property owners, interested citizens, area business persons, agricultural enterprises, governmental agencies, County planning staff, and members of the Planning and Zoning Commission and Board of County Commissioners in reaching decisions regarding future land use in the Bozeman Pass area. The scope and content are designed to focus on the above objectives and to minimize undue restrictions on the use of private property. To this end, Non-Conforming Parcels, Uses, Signs, and Structures are allowed to remain in the state and location in which they existed at the time of adoption or amendment of this Regulation, pursuant to MCA [§76-2-105](#) and Section 5 of the Administrative Regulation.

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SECTION 3 AGRICULTURAL AND RURAL RESIDENTIAL SUB-DISTRICT (AR40): 40-ACRE DENSITY

3.1 Intent. The intent of this sub-district is to:

- Preserve and maintain agricultural lands, wildlife habitat and migration routes;
- Protect and maintain agricultural uses;
- Preserve and maintain the rural character and scenic, open space qualities;
- Allow for development that is compatible with agriculture;
- Mitigate the impacts of resource extraction activities; and
- Respect property rights.

3.2 Uses Allowed by Right. (No land use permits required.)

a. Agriculture:

- The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grain and other crops;
- The maintenance and use of pasture and range lands for agricultural purposes;
- The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals, that do not fall under the definition of animal feeding operations;
- The construction and maintenance of barns, corrals and other agricultural buildings and structures accessory to the foregoing uses; or
- Other facilities for the purpose of preparing and selling products produced on the land, including any value added process, together with accessory accommodation for the convenience of patrons.

b. Cemetery and burial grounds; including use and maintenance of land.

c. Residential dwelling (1).

d. Signs specifically permitted in General Building and Development Standards, [Section 6.7](#).

3.3 Accessory Uses. (Uses allowed by right and no land use permits required.)

- a. One accessory residential dwelling: for example caretaker residence or guesthouse (non-commercial).
- b. Agricultural employee housing, including mobile homes, to house persons and their families whose income is derived from the same farm, ranch, or land unit on which such buildings are situated (development right not required).
- c. Use of primary or accessory dwelling unit as family day care home.
- d. Excavation of earth and the drilling of wells, exclusively for agricultural and domestic uses.
- e. Garage, private residential.
- f. Home occupations. Refer to General Building and Development Standards, [Section 6.5](#).
- g. Incidental uses customarily and necessarily related to and included in agriculture.
- h. Incidental uses customarily and necessarily related to rural residential.
- i. Private electrical generation facilities and lines, which have the purpose of generating and transmitting energy to be used primarily on the property on which the facilities are located.

3.4 Conditional Uses. (Uses allowed upon obtaining a Conditional Use Permit and land use permits required.)

- a. Licensed and/or commercial residential rentals, including accessory rental structures, guest ranches, vacation rentals, and accessory bed and breakfast operations.
- b. Residential dwellings for immediate family members (“immediate family” as defined by Montana law).
- c. Commercial quarries less than five acres in size.
- d. Commercial uses and structures that are in keeping with the goals of the regulation and the character of the district.
- e. Community receiving and broadcasting antennas, cell towers, microwave relay stations.
- f. Houses of worship.
- h. Schools, public and private.

- i. Signs not specifically permitted.

3.5 Natural Resources Conditional Uses. (Uses allowed upon obtaining a Natural Resource Conditional Use Permit, as described in [Section 7](#) of the Zoning Regulation, and land use permits required.)

- a. Coalbed methane exploration and development.
- b. Commercial quarries greater than five acres in size.
- c. Mining (surface and underground).
- d. Oil and gas exploration and development

3.6 Development Density.

- a. One single-family residence per 40 acres or per parcel of record at the time of adoption of these Regulations. There shall be no minimum lot area and width. Variations in lot size are permitted.
- b. Parcels must be 72 acres or larger to subdivide. For parcels 72 acres or larger, the number of allowable development rights is determined by dividing the parcel size by 40 and then using normal means of rounding to arrive at the nearest whole number. Refer to table below.

| Number of Development Rights | AR40: Parcel Acreage |
|-------------------------------------|-----------------------------|
| 2 | At least 72 |
| 3 | At least 100 |
| 4 | At least 140 |
| 5 | At least 180 |

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|---|--------------|
| 6 | At least 220 |
| 7 | At least 260 |
| 8 | At least 339 |

c. Refer to General Building and Development Standards.

3.7 Required Setbacks. Except as stated in [Section 6.6](#), zero lot line setbacks shall apply to all uses allowed by right and all accessory uses allowed by right. For any Conditional Use or Natural Resource Conditional Use, a reasonable setback may be imposed if required to mitigate impacts resulting from the conditional or natural resource conditional use.

3.8 Maximum Height. Unlimited height restrictions shall apply to all uses allowed by right.

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SECTION 4 AGRICULTURAL AND RURAL RESIDENTIAL SUB-DISTRICT (AR80): 80-ACRE DENSITY

4.1 Intent. The intent of this sub-district is to:

- Preserve and maintain agricultural lands, wildlife habitat and migration routes;
- Protect and maintain the agricultural economic base;
- Preserve and maintain the rural character and scenic, open space qualities;
- Allow for development which is compatible with agriculture;
- Mitigate the impacts of resource extraction activities; and
- Respect property rights.

4.2 Uses Allowed by Right. (No land use permits required.)

a. Agriculture:

- The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grain and other crops;
- The maintenance and use of pasture and range lands for agricultural purposes;
- The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals, that do not fall under the definition of animal feeding operations;
- The construction and maintenance of barns, corrals and other agricultural buildings and structures accessory to the foregoing uses; or
- Other facilities for the purpose of preparing and selling products produced on the land, including any value added process, together with accessory accommodation for the convenience of patrons.

b. Cemetery and burial grounds; including use and maintenance of land.

c. Residential dwelling (1).

d. Signs specifically permitted in General Building and Development Standards, see [Section 6.7](#).

4.3 Accessory Uses. (Uses allowed by right and no land use permits required.)

- a. One accessory residential dwelling: for example caretaker residence or guesthouse (non-commercial).
- b. Agricultural employee housing, including mobile homes, to house persons and their families whose income is derived from the same farm, ranch, or land unit on which such buildings are situated (development right not required).
- c. Use of primary or accessory dwelling unit as family day care home.
- d. Excavation of earth and the drilling of wells, exclusively for agricultural and domestic uses.
- e. Garage, private residential.
- f. Home occupations. Refer to General Building and Development Standards [Section 6.5.](#)
- g. Incidental uses customarily and necessarily related to and included in agriculture.
- h. Incidental uses customarily and necessarily related to rural residential.
- i. Private electrical generation facilities and lines, which have the purpose of generating and transmitting energy to be used primarily on the property on which the facilities are located.

4.4 Conditional Uses. (Uses allowed upon obtaining a Conditional Use Permit and land use permits required.)

- a. Licensed and/or commercial residential rentals, including accessory rental structures, guest ranches, vacation rentals, and accessory bed and breakfast operations.
- b. Residential dwellings for immediate family members (“immediate family” as defined by state statute).
- c. Commercial quarries less than five acres in size.
- d. Commercial uses and structures that are in keeping with the goals of the regulation and the character of the district.
- e. Community receiving and broadcasting antennas, cell towers, microwave relay stations.
- f. Houses of worship.
- h. Schools, public and private.

- i. Signs not specifically permitted.

4.5 Natural Resources Conditional Uses (Uses allowed upon obtaining a Natural Resource Conditional Use Permit, as described in [Section 7](#) of the Zoning Regulation, and land use permits required.)

- a. Coal bed methane exploration and development.
- b. Commercial quarries greater than five acres in size.
- c. Mining (surface and underground).
- e. Oil and gas exploration and development.

4.6 Development Density.

- a. One single-family residence per 80 acres or per parcel of record at the time of adoption of these Regulations. There shall be no minimum lot area and width. Variations in lot size are permitted.
- b. Parcels must be 144 acres or larger to subdivide. For parcels 144 acres or larger, the number of allowable development rights is determined by dividing the parcel size by 80 and then using normal means of rounding to arrive at the nearest whole number. Refer to table below.

| Number of Development Rights | AR80: Parcel Acreage |
|-------------------------------------|-----------------------------|
| 2 | At least 144 |
| 3 | At least 200 |
| 4 | At least 280 |
| 5 | At least 360 |

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|---|--------------|
| 6 | At least 440 |
| 7 | At least 520 |
| 8 | At least 600 |

c. Refer to Development Standards.

4.7 Required Setbacks. Except as stated in [Section 6.6](#), zero lot line setbacks shall apply to all uses allowed by right and all accessory uses allowed by right. For any Conditional Use or Natural Resource Conditional Use, a reasonable setback may be imposed if required to mitigate impacts resulting from the conditional or natural resource conditional use.

4.8 Maximum Height. Unlimited height restrictions shall apply to all uses allowed by right.

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SECTION 5

PUBLIC LANDS SUB-DISTRICT (PL640): 640-ACRE DENSITY

5.1 Intent. Public Lands are not subject to the requirements of these Regulations. These Regulations shall apply only in the event any parcel of public land within this sub-district is transferred to private ownership. The intent of this sub-district is to:

- Preserve and maintain agricultural lands, wildlife habitat and migration routes;
- Protect and maintain the agricultural economic base;
- Preserve and maintain the rural character and scenic, open space qualities;
- Allow for development that is compatible with agriculture;
- Mitigate the impacts of resource extraction activities; and
- Respect property rights.

5.2 Uses Allowed by Right. (No land use permits required.)

a. Agriculture:

- The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grain and other crops;
- The maintenance and use of pasture and range lands for agricultural purposes;
- The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals, that do not fall under the definition of animal feeding operations;
- The construction and maintenance of barns, corrals and other agricultural buildings and structures accessory to the foregoing uses; or
- Other facilities for the purpose of preparing and selling products produced on the land, including any value added process, together with accessory accommodation for the convenience of patrons.

b. Cemetery and burial grounds; including use and maintenance of land.

c. Residential dwelling (1).

d. Signs specifically permitted in General Building and Development Standards, see [Section 6.7](#).

5.3 Accessory Uses. (Uses allowed by right and no land use permits required.)

- a. One accessory residential dwelling: for example caretaker residence or guesthouse (non-commercial).
- b. Agricultural employee housing, including mobile homes, to house persons and their families whose income is derived from the same farm, ranch, or land unit on which such buildings are situated (development right not required).
- c. Use of primary or accessory dwelling unit as family day care home.
- d. Excavation of earth and the drilling of wells, exclusively for agricultural and domestic uses.
- e. Garage, private residential.
- f. Home occupations. Refer to General Building and Development Standards [Section 6.5](#).
- g. Incidental uses customarily and necessarily related to and included in agriculture.
- h. Incidental uses customarily and necessarily related to rural residential.
- i. Private electrical generation facilities and lines, which have the purpose of generating and transmitting energy to be used primarily on the property on which the facilities are located.

5.4 Conditional Uses. (Uses allowed upon obtaining a Conditional Use Permit and land use permits required.)

- a. Licensed and/or commercial residential rentals, including accessory rental structures, guest ranches, vacation rentals, and accessory bed and breakfast operations.
- b. Residential dwellings for immediate family members (“immediate family” as defined by state statute).
- c. Commercial quarries less than five acres in size.
- d. Commercial uses and structures that are in keeping with the goals of the regulation and the character of the district.
- e. Community receiving and broadcasting antennas, cell towers, microwave relay stations.
- f. Houses of worship.

- h. Schools, public and private.
 - i. Signs, not specifically permitted.
- 5.5 Natural Resources Conditional Uses (Uses allowed upon obtaining a Natural Resource Conditional Use Permit, as described in [Section 7](#) of the Zoning Regulation, and land use permits required.)
- a. Coalbed methane exploration and development.
 - b. Commercial quarries greater than five acres in size.
 - c. Mining (surface and underground).
 - e. Oil and gas exploration and development.
- 5.6 Development Density.
- a. One single-family residence per 640 acres or per parcel of record at the time of adoption of these Regulations. There shall be no minimum lot area and width. Variations in lot size are permitted.
 - b. Parcels must be 1152 acres or larger to subdivide. For parcels 1152 acres or larger, the number of allowable development rights is determined by dividing the parcel size by 640 and then using normal means of rounding to arrive at the nearest whole number.
 - c. Refer to Development Standards.
- 5.7 Required Setbacks. Except as stated in [Section 6.6](#), zero lot line setbacks shall apply to all uses allowed by right and all accessory uses allowed by right. For any Conditional Use or Natural Resource Conditional Use, a reasonable setback may be imposed if required to mitigate impacts resulting from the conditional or natural resource conditional use.
- 5.8 Maximum Height. Unlimited height restrictions shall apply to all uses allowed by right.

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SECTION 6

GENERAL BUILDING AND DEVELOPMENT STANDARDS

6.1 Intent. The purpose of this section is to establish general development standards applicable throughout the District. These standards are intended and designed to respect property rights, assure compatibility of uses, protect the environment, protect the rural residential and agricultural character of the District and to enhance the public health, safety and general welfare of District residents and the County by planning for and guiding future growth. These standards supplement the specific sub-district provisions set forth in these Regulations and apply to any and all conditional uses.

6.2 Subdivision Development Standards.

- a. The number of resulting parcels permitted upon subdivision per existing parcel is determined by dividing the total parcel acreage by the allowable density (40 in the AR40 district, 80 in the AR80 district, and 640 in the PL640 district) and then using normal means of rounding to arrive at the nearest whole number. For example, a 150-acre parcel in the AR40 District could be divided into four (4) resulting parcels (150 divided by 40 = 3.75, which rounds to 4). Refer to [Sections 3.6](#), [4.6](#), and [5.6](#) for additional requirements and tables.
- b. Lot size and width may vary, provided that the resulting development complies with all other requirements of these Regulations and all other state and County regulations.
- c. These Standards pertain to all divisions of land (major subdivision, minor subdivision, and any exemptions from subdivision review permissible under Montana law, etc.)
- d. For the purpose of tracking any use of development right(s) (or transfer of development right(s) if such transfer is specifically authorized by these Regulations) sufficient documentation of such use or transfer of any development right(s) shall accompany every division of land, as defined by Montana law, describing tracts of land created after adoption of these Regulations. For each development right being used or transferred from a "Sending Tract of Record" one document shall be recorded for the development right(s) being used or transferred and a separate document shall be recorded for any development rights being used on or transferred to a "Receiving Tract of Record." Such documentation shall be in recordable form and be duly recorded with the Gallatin County Clerk and Recorder concurrently with any division of land. The following requirements apply to such documentation and shall include, at a minimum, for each development right being used or transferred:

- i. Sending Tract of Record. Indicate by legal description the tract of record from which the development right is being used or transferred from (“sending tract of record”) and whether any development right(s) continue to exist on the sending tract of record.
 - ii. Receiving Tract of Record. Indicate by legal description the tract of record for which the development right is being used or transferred to (“receiving tract of record”).
- e. Subdivision of any land within the Bozeman Pass Zoning District is subject to the Montana Subdivision and Platting Act, the Montana Sanitation in Subdivision Act, other applicable Montana law and the Gallatin County Subdivision Regulations.

6.3 Animal-Proof Refuse Containers. All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.

6.4 Bed and Breakfast Homes. All bed and breakfast homes shall be subject to the following regulations:

- a. The proprietor or operator shall reside in the bed and breakfast home.
- b. Food service shall be limited to breakfast, which may be served to overnight guests only, and shall be prepared from a central kitchen facility.
- c. There shall be no alteration to the exterior of the structure, which would detract from the residential character. 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.
- d. One parking space per guest room plus one additional space for each non-resident worker shall be provided.
- e. Additional standards in these Regulations shall apply, including but not limited to stream setback and sign standards.

6.5 Home Occupations. Home occupations are defined as the use of a portion of the property, dwelling or accessory structure as an office, studio, or workshop for occupations at home. The activity must be clearly incidental to the agricultural or residential use of the property. In addition, the activity shall not cause a nuisance to surrounding landowners.

- 6.6 Perennial Stream Setbacks. All buildings and site improvements shall maintain a minimum setback from the ordinary high water line of all perennial streams. The minimum setback shall be in accordance with the requirements for watercourse setbacks established by the Gallatin County Subdivision Regulations and any other applicable provision of Montana law.
- 6.7 Signs. Signs, not exceeding 32 square feet in area, are permitted. Flashing or blinking lights shall be prohibited.
- a. Illuminated signs for advertising goods or services provided on the property on which the signs are located, and which are lit without direct light escaping, are allowed.
- 6.8 Wildfire Mitigation.
- a. All structures shall use only Class A or B fire-rated roofing materials.
- b. Spark arrestor screens shall be placed on fireplace and wood stove chimneys.
- c. Smoke detectors shall be installed on each level of every dwelling unit.
- d. Defensible space shall be created and maintained in accordance with the vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* (or other manual acceptable to the Zoning Enforcement Agent).
- e. “Defensible space” shall be defined as a designated area around a home or other structure the size of which is dependent on the vegetation, proximity of tree crowns, slope and distance to adjacent buildings. Within this area all weeds, dry grass, slash, flammable debris and flammable fuel is removed. This managed buffer surrounding buildings and structures is designed to reduce the chances of a fire spreading to or from the buildings or structures.
- 6.9 Weeds. All property owners must meet the Gallatin County standards for weed control.
- 6.10 Fences. All fences bordering agricultural lands shall be maintained by the property owners in accordance with Montana law.

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SECTION 7

NATURAL RESOURCES CONDITIONAL USE PERMITS

- 7.1 Natural Resources CUP Requirements. In addition to any applicable requirement in Section 10 of the Administrative Regulation, any use classified as a conditional use requiring a Natural Resource Conditional Use Permit shall comply with the requirements of this Section. In addition to all uses listed in each sub-district that require review under this Section, all uses and structures incidental to such use shall require review under the conditional use permit process described in this Section. The Planning and Zoning Commission may grant a permit for a use classified as a Natural Resource Conditional Use only if it is found:
- a. The use conforms to the objectives of the Gallatin County Growth Policy, the goals and implementing objectives of the Development Pattern and Development District, and the intent of these Regulations;
 - b. The use will not adversely affect nearby properties, residents, groundwater, streams and wetlands;
 - c. That non-renewable resource exploration and development occurs in a responsible manner;
 - d. The use contributes and guarantees payment of an appropriate share of the costs for public services and facilities;
 - e. That adequate financial security, as determined by the Gallatin County Attorney, has been provided to mitigate any such adverse effect;
 - f. The use meets density, coverage, yard, height, and all other regulations of the district in which it is located, unless otherwise provided in these Regulations;
 - g. The use meets all other applicable federal, state, and local regulations; and
 - h. A public hearing, after notice has been given, has been held.
- 7.2 Procedure for Obtaining a Natural Resources CUP. An applicant for a Natural Resources CUP shall submit the preliminary application, as described in [Section 7.3](#), accompanied by the appropriate fee, to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a hearing before the Planning and Zoning Commission and provide the required legal notice. The Planning and Zoning Commission may not deny a preliminary application but shall take public comment on the content of the Initial Development Plan. The Planning and Zoning Commission shall provide the applicant with its comments on the Initial Development Plan in writing within 15 working days of the public hearing on the preliminary application.

Subsequent to completion of the preliminary application process, an applicant for a Natural Resources CUP may submit the final application, as described in [Section 7.4](#), accompanied by the appropriate fee, to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a hearing before the Planning and Zoning Commission and provide the required legal notice. The Planning and Zoning Commission shall consider the application material, applicant testimony, the Staff Report and public comment. The Planning and Zoning Commission shall not grant a Natural Resources CUP unless the findings required under [Section 7.1](#) are satisfied. The Planning and Zoning Commission shall provide the applicant with written findings regarding its decision.

7.3 Preliminary Application. Applicant shall submit a Preliminary Application to the Planning Department. The full fee established under the Planning Department Fee Schedule shall accompany all Preliminary Applications. The Preliminary Application shall include the following:

- a. Twelve Copies of a completed conditional use permit application form and an Initial Development Plan, prepared by the Applicant or Applicant's agent. Said plan, which shall be the preparatory basis for the Environmental Impact Study, shall address all of the following:
 - i. Cover letter describing project and submittal material;
 - ii. Copy(s) of all associated mineral leases;
 - iii. Copy(s) of all applicable orders from the Montana Board of Oil and Gas Conservation, and with associated stipulations;
 - iv. Name and location of all water wells, springs, and surface water within a one-and-a-half mile radius of proposed site;
 - v. Detailed site inventory map and site development plan (1" = 50'), to include all existing and proposed structures, well pad location(s), rights-of-way, fencing, lighting, pipelines, pertinent surface features, areas of wildlife and wildlife habitat, and all development and mitigation measures associated with application. Applicant shall submit color photos of well location and of area from proposed well to north, south, east and west;
 - vi. Complete written description of project including but not limited to: proposed hours of operation; duration of project; operation of project, including staffing schedule(s) and estimated trips per day; traffic study and/or other information as required by the Gallatin County Road and Bridge Superintendent; fire and disaster mitigation plan(s); etc.;

- vii. An approved Noxious Weed Control and Revegetation Plan through the Gallatin County Weed Control District;
 - viii. Plans for reclamation of all disturbances associated with project(s); and
 - vix. Any additional information as deemed necessary by the Planning Department during the Planning Department's initial review.
- b. Name and address of all property owners within a one-and-a-half mile radius of proposed project, including postage for certified mail to each address.

7.4 Final Application. Applicant shall submit a Final Application to the Planning Department. The full fee established under the Planning Department Fee Schedule shall accompany all Final Applications. The Final Application shall include a completed conditional use permit application, a Final Development Plan, and an Environmental Impact Statement, (EIS) conducted by a third-party Montana State licensed professional engineer (PE) qualified to evaluate the project's impacts, at the Applicant's expense. The Final Application shall also contain all required Performance Bonds and other securities and fees as indicated below.

- a. Applicant shall provide the Final Development Plan based on information provided in the (EIS). The Final Development Plan shall:
- i. Provide evidence of the fee simple surface owner's consent;
 - ii. Document plans to protect property values of surrounding properties;
 - iii. Document plans for fire protection and emergency response;
 - iv. Document adequate water quantity for the proposal;
 - v. Demonstrate plans for protecting surface and ground water quality;
 - vi. Demonstrate plans for conservation of important fish, wildlife and plant habitat;
 - vii. Demonstrate plans for compliance with local, state and federal air quality regulations and/or standards;
 - viii. Demonstrate plans for landscaping and its long-term maintenance so as to limit soil erosion and be in compliance with all local, state and federal soil management and conservation regulations and/or standards;
 - vix. Demonstrate plans to comply with all applicable weed control regulations;

- x. Include a schedule of phased-in development to diffuse impacts over time;
 - xi. Demonstrate plans for compliance with §§ [85-2-505](#) and [82-11-175](#), MCA, and any other applicable local, state and federal laws or regulations regarding disposal of all ground water involved with the proposal; and
 - xii. Demonstrate plans for sufficient reclamation for any and all disturbances associated with the project(s).
 - xiii. Address all comments raised by the Planning and Zoning Commission as a result of their review of the Preliminary Application.
- b. The EIS shall include:
- i. Appraisal of current property values for all properties within one-and-a-half miles of the boundaries of the proposal;
 - ii. An analysis of effects of proposed development on fire and emergency response systems;
 - iii. Thorough collection of fish, wildlife and plant inventories within the proposal's boundaries;
 - iv. Collection of baseline data of existing surface and ground water quality and quantity;
 - v. Collection of baseline data of existing air quality;
 - vi. Collection of baseline data of existing noise levels;
 - vii. An analysis by a qualified person or entity of the Final Development Plan's specific measures to protect and conserve: (1) property values; (2) water quality and quantity; (3) agricultural and conservation usage; (4) plant and wildlife habitat; (5) air quality; and (6) noise levels; and
 - viii. A Monitoring Schedule for effective third party monitoring, on at least a monthly basis, by a State of Montana licensed and bonded environmental engineer, of all development, as stated in the submitted Final Development Plan. The Planning and Zoning Commission shall approve the Monitoring Schedule. The licensed and bonded environmental engineer third party monitor shall be agreed upon by the Planning and Zoning Commission and the Applicant. The Monitoring Schedule shall contain all the requirements listed in [Section 7.4](#).

7.5 Monitoring Schedule. The Monitoring Schedule must provide a mechanism for prompt notification to any and all local, state, or federal agencies involved in any permit or certification required for the proposal. The purpose of such notification is to ensure adequate enforcement of existing local, state and federal laws and regulations to protect private property and other rights of Montana citizens and Montana's natural resources. The Monitoring Schedule shall require the Applicant to prepare and submit to the Planning Department a Monthly Monitoring Report.

a. Monthly Monitoring Report. The Monthly Monitoring Report shall include a description of all data collected during the period, as well as data trends collected over time, detailed descriptions of any and all spills, leaks, contaminations, regardless of whether the spill, leak or contamination is a violation of local, state or federal laws or regulations. The Monthly Monitoring Report shall also include a detailed description of any violation of local, state, or federal laws or regulations and any corrective action taken. The Monthly Monitoring Report shall be a requirement of conditional approval and the failure to supply such Monthly Monitoring Report may be grounds for revocation of a Natural Resource Conditional Use Permit.

b. Monitoring Expenses/Performance Bonds. Such monitoring shall be at the sole expense of the Applicant, and a specific Monitoring Performance Bond shall guarantee all costs of monitoring. The Monitoring Performance Bond shall be approved by the Gallatin County Attorney and made payable to the environmental engineer selected as the third party monitor. Gallatin County shall be a beneficiary of the Monitoring Performance Bond and shall have express authority to collect upon said bond in the event Applicant, their successors or assigns, fails to adequately monitor the project. The Monitoring Performance Bond shall be updated annually and shall provide for payments and expenses of all monitoring for no less than a 10-year period from the date of each update. Failure to maintain payment to the monitor and failure to maintain an adequate Monitoring Performance Bond for all monitoring expenses for no less than 10 years from the date of each update shall be cause for revocation of the conditional use permit. The Monitoring Performance Bond shall be in addition to any required reclamation bond or other performance bond required by any other local, state, or federal agency.

7.6 Conditional Approval. Final Applications for a Natural Resource Conditional Use Permit may be approved, conditionally approved or denied by the Planning and Zoning Commission. If a Final Application is denied, the denial shall constitute a finding that the Applicant has failed to sufficiently demonstrate that the conditions required for approval do exist. The Planning and Zoning Commission shall make the granting of the Natural Resource Conditional Use Permit subject to reasonable limitations or conditions as it may deem necessary to protect the health, safety, and general welfare

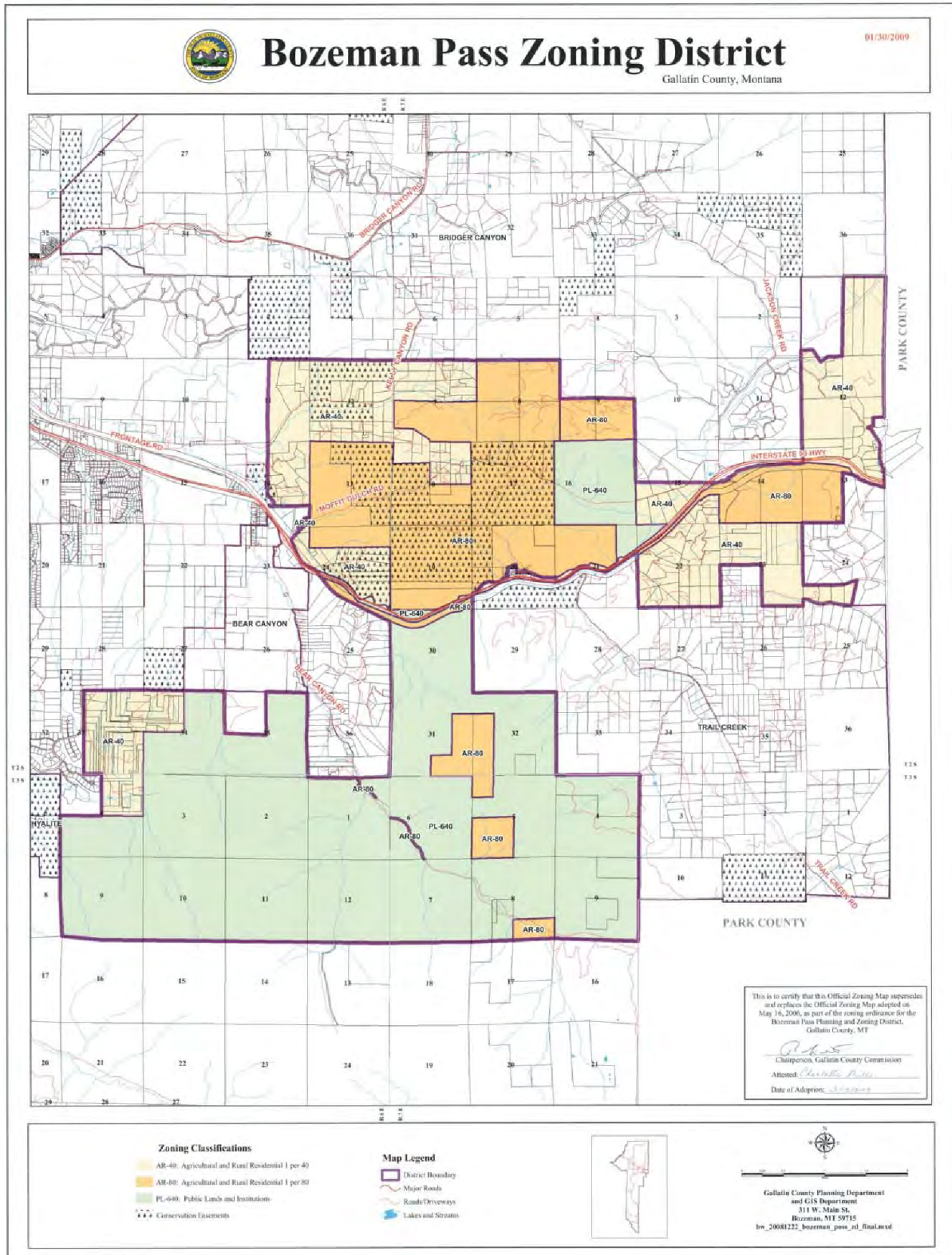
of the citizens of the County and District; to mitigate or avoid any and all adverse impacts on nearby property, residents, groundwater, streams and wetlands; to ensure that resource exploration and development occurs in a responsible manner and contributes and guarantees payment of an appropriate share of the costs for public services and facilities; and to make the proposed natural resource conditional use more compatible and consistent with the intent of the Development Pattern and Development District, Zoning Regulations, and the Gallatin County Growth Policy. Said conditions may include but not be limited to the following:

- i. Specific requirements for vehicular ingress and egress;
- ii. Specific requirements of hours of operation;
- iii. Specific requirements for the discharge of groundwater and surface water;
- iv. A fee for discharged effluent, based upon one and one-half times the total estimated or actual costs of all environmental cleanup or mitigation performed by or for any public agency, in order to achieve compliance with these Regulations;
- v. Specific requirements for control of odors, smoke, dust, airborne particles, vibration, glare and noise emissions from point and non-point sources;
- vi. Specific requirements for placement and height of structures required for the conditional use on the subject property;
- vii. Specific requirements for dedication, improvements and/or maintenance of rights-of-way;
- viii. Limitation of length of time or term such conditional use may be permitted;

- ix. Conditions for the approval may include changes to the Development Plan based upon information and data from the EIS and the public hearing(s) and the written comments from the public, so as to improve environmental and property protection;
- x. The Planning and Zoning Commission shall impose conditions requiring the developer to use best available low-impact technologies, such as aquifer recharge, clustered development, directional drilling, mufflers for compressor stations, discharge water desalination, infiltration or treatment, etc., to minimize impacts on underground water reserves, rivers and streams, and surface resources.
- xi. The Planning and Zoning Commission shall impose conditions requiring the Applicant to guarantee complete reclamation of all disturbed areas. This guarantee shall be accomplished by requiring, in addition to the Monitoring Performance Bond, *supra*, any Applicant for any mineral, oil and gas exploration or extraction, along with all contractors and subcontractors to post separate site-

specific performance bonds for each tract of property affected by the proposed Natural Resource CUP. Said performance bonds shall be approved by the Gallatin County Attorney, payable to Gallatin County, and shall be equal to or greater than the current value of the property plus the potential cleanup cost of any resultant air, land or water pollution or degradation, as estimated by the required Development Plan and Environmental Impact Study. Failure to maintain adequate performance bonding shall be cause for revocation of the CUP.

- 7.7 Expiration/Extension. The Planning and Zoning Commission may issue a Natural Resource Conditional Use Permit for a definite term. Extensions can be obtained through written application with accompanying fee made at least thirty (30) days prior to expiration. A public hearing will be held and adjacent property owners will be notified by certified mail. Notice of the public hearing shall be published at least fifteen (15) days prior to the hearing, in a newspaper of general circulation.



APPENDIX B

DEFINITIONS

Intent. For the purposes of the Zoning Regulation, certain words and terms used herein as defined. All words in the Regulation shall be first defined as provides herein, and if not defined herein, shall be defined in the Administrative Regulation and the Gallatin County Growth Policy, and if not defined therein, shall have customary dictionary definitions.

The Rules of Interpretation. The following rules of interpretation and definitions apply to the definitions for the Zoning District. The Rules of Interpretation include: (1) the present tense includes the future tense; and (2) all words in the plural number include the singular number unless the natural construction of the wording indicates otherwise; and (3) the word *shall* is always mandatory; and (4) the word *person* includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or individuals; and (5) the word *used* as applied to any land or structures, shall be construed to include the words *intended, arranged, or designed to be uses, or occupied.*

A:

Accessory Structure. A subordinate structure, or portion of the principal structure, located on the same lot as the principal building, which is customarily incidental to the principal structure. When part of an accessory structure is connected to a part of the principal structure by a common wall, such accessory structure shall be counted as part of the principal structure. Individual public utility installations aboveground are considered accessory buildings.

Accessory Use. A subordinate use of land which is customarily incidental to the principal use of the land.

Acre. A measure of land area containing 43,560 square feet.

Affordable Housing. Housing for low- and moderate-income persons, defined as those who earn less than 50 percent or 80 percent respectively, of the area's annual median income for rental housing and 70 percent to 100 percent respectively of the area's annual median income for purchased housing.

Agriculture. The use of the land for grazing and cropping to produce food, feed, and fiber commodities. Examples may include: cultivation and tillage of the soil; dairying and animal husbandry; growing and harvesting of agricultural and horticultural commodities; and the raising of livestock, bees or poultry. Not including any agriculture industry or business such as game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, animal feeding operations or similar uses.

Agricultural Water User Facility. Facilities which include but are not limited to ditches, pipes, and other water conveying facilities, which provide water for irrigation and stock watering on agricultural lands.

Agricultural Lands. Bona fide agricultural lands are those classified and assessed at a value that is exclusive of values attributed to urban influences or speculative purposes, [Section 15-7-201](#), MCA; and is land that is not devoted to a residential, commercial, or industrial use, [Section 15-7-202](#), MCA.

Agricultural Structures, Exempt. All agricultural structures used exclusively for agricultural purposes on qualified agricultural lands.

Airfield, Personal Use. Unsurfaced earth or turf area of land privately owned and operated, set aside, used or intended to be used, for the landing and taking off by single-engine, fixed-wing aircraft, not exceeding 300 horse power; including not more than one support building for aircraft storage.

Airport. A place, either on land or water, where fixed-wing aircraft may land and take off and where additional space may be provided to discharge or receive cargo and passengers, make repairs, take in fuel, and aircraft storage.

Aliquot. An equal division of a government section in quarters as described by the *Manual for Survey of the Public Lands of the United States*.

Antenna. One or more rods, panels, discs or similar devices for transmission or reception of radio or electromagnetic signals, which may include omni directional antenna (rod), directional antenna (panel), and parabolic antenna (disc).

Antenna Support Structure. Any structure, mast, pole, or tower used for the purpose of supporting an antenna.

Antenna Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and antenna tower alternative structures.

Apartment. A habitable room or suite of two or more habitable rooms meeting the requirements of the International Building Code, located in an apartment building or used for residential purposes in nonresidential districts, as specified. Efficiency units and studios qualify as an apartment.

Apartment Building. A building other than a hotel or motel containing five or more dwelling units.

Approved Subdivision. A subdivision of land, which has received approval from MDEQ and has a Release of Sanitary Restriction (RSR) or Certificate of Subdivision Approval Statement filed in the Covenants and Restriction (C&R).

Artist Studio, Individual. The use of premises by an artist, artisan, craftsperson engaged in the application, teaching, or performance of fine arts such as but not limited to dance, vocal or instrumental music, creative writing, painting, drawing, pottery, sculpture, video, still photography, foundry, welding, etc., including the sale of art produced on the premises.

Auto Repair, Minor. As a home based business for the replacement of any part or repair of any part that does not require the removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service to motorcycles, snowmobiles, and passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

B:

Bar. An establishment designated for the dispensing of alcoholic beverages on a retail basis.

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year. A base flood is the same as a 100-year flood.

Base Flood Elevation. The elevation above sea level of the base flood in relation to National Geodetic Vertical Datum of 1929 unless otherwise specified in the flood hazard study.

Basement. A portion of a structure located partially underground and having more than half its floor-to-ceiling height below the average grade of the adjoining ground.

Berm. A mound of earth used to shield, screen, and buffer undesirable views and to separate incompatible land uses.

Boarding (Rooming or Lodging) House. A residential structure that provides lodging with or without meals, is available for permanent or seasonal occupancy, and which makes no provisions for cooking in any of the rooms occupied by paying guests.

Bed and Breakfast Inn. A dwelling unit serving guests on a nightly basis, used as the primary residence of the owner; and serving meals to overnight guests only.

Bedroom. Any room used for sleeping, with a closet, a door and an ingress/egress window in conformance with the International Building Code (IBC). An unfinished basement shall be considered as an additional bedroom.

Building Envelope. The three-dimensional volume on a lot lying between the front, side and rear yard setback lines and between ground level and the maximum allowable building height, constitutes the area available for potential building construction.

Building Height. The vertical distance measured from the lowest point of elevation of the finished surface of the ground (including window wells, stairwells, or other similar features; excluding features such as usable patio areas) to the highest point on the roof or parapet wall. Where a building utilizes multiple roof styles or pitches, the highest point of each type of roof or parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district. Where the vertical difference between Grade is greater than two feet between opposite elevations of the building, the height of the building may be increased by one foot for every one foot in grade difference up to a maximum of six additional feet.

Business or Commerce. Engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices or recreational or amusement enterprises.

C:

Caretaker. A person who is employed (compensation may be in the form of free housing) to watch over and perform routine maintenance of a ranch, home, or business.

Caretaker's Residence. Dwelling unit for the family of a person who takes care of the property of an owner who may be absent. Caretaker residences may be located within a single-family dwelling unit, above a garage, within or above an accessory building, or as a separate living unit on a parcel with an existing dwelling unit.

Campground. Land which is used or intended to be used, let, or rented for temporary occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.

Certificate of Survey (COS). A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

Church. See Worship.

Cluster Development. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open spaces and/or preservation of environmentally sensitive features.

Commercial Feed Lot. Any premises on which livestock or poultry are held or maintained for the purpose of feeding and fattening for market and where a majority of the feed for such livestock or poultry is imported or purchased.

Commission, County. Refer to the Administrative Regulation's definition.

Commission, Planning and Zoning. The appointed Planning and Zoning Commission consisting of the three county commissioners, the county surveyor, two citizen members, each of whom resides in a different planning and zoning district, and a county official appointed by the county commissioners ([Section 76-2-102](#), MCA).

Community Character. The image of a community or area as defined by such factors as its built environment, natural features, open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

Compatible Land Uses. The characteristics of different uses, activities or by design which allow them to be located or adjacent to each other in harmony and without conflict. Compatibility allows development that maintains the character of existing development or land uses.

Comprehensive Plan. A general plan which includes any document or portion of any document duly adopted by the governing body which is intended to guide growth and development in an area. The terms general plan, master plan, and comprehensive plan are interchangeable. (See Gallatin County Growth Policy).

Condominium. The ownership of single units with common elements.

Conforming Use. Any use allowed by the regulations as a permitted use or conditional use.

Conservation District. Political subdivision of state government, possessing both public and private attributes, that is primarily concerned with the conservation of water and soil.

Conservation Easement. Property owner's voluntary conveyance of a property right or partial legal interest in land to a unit of government or qualified private organization stipulating that the described land shall remain in perpetuity, or for a minimum 15-year term ([Section 76-6-202](#), MCA), in its natural and open state, precluding future or additional development (with the exception of any allowable structures or facilities).

Construction, Light. Any change not construed as an alternation or repair, including paving of established driving and parking areas; construction of patios not greater than 120 square feet in size; construction of sidewalks not wider than five feet; and landscaping (but not including major changes in grading or site surface drainage).

Convenience Store. Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. May include the sale of fuel and gasoline.

Corral. A pen or enclosure for confining or capturing livestock.

Courtyard. A landscaped outdoor living space surrounded by walls, fences, or structures.

Covenant. A recorded agreement stating certain activities and/or practices that are required or prohibited. Subdivision covenants are not enforced by the Gallatin County Planning Department.

Cross-country Ski Facility. An area where trails are groomed for cross-country skiing, for a fee. May include snowshoeing; warming huts, lodges, and cabins for rent; skiing lessons and incidental sales of cross-country skiing and snow shoeing equipment.

Curb Cut. A cut in the curb to allow for vehicle passage.

Cut and Fill. The excavating of material in one place and depositing of it as fill in an adjacent place.

D:

Day Care Center. A place in which supplemental care is provided for 13 or more nonresident persons on a regular basis and which is licensed by the State of Montana.

Day Care Home, Family. Private residence in which supplemental care is provided to three to six nonresident persons from separate families on a regular basis and which is registered by the State of Montana.

Day Care Home, Group. A private residence in which supplemental care is provided for seven to 12 nonresident persons on a regular basis and which is registered by the State of Montana.

Dedication. The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the use to which the property has been devoted.

Deed. A legal document conveying ownership of real property.

Defensible Space. A designated area around a home or other structure the size of which is dependent on the vegetation, proximity of tree crowns, slope and distance to adjacent buildings. Within this area all weeds, dry grass, slash, flammable debris and flammable fuel is removed. This managed buffer surrounding buildings and structures is designed to reduce the chances of a fire spreading to or from the buildings or structures.

Density. The amount of residential development permitted on a given parcel of land.

Density, Base. The maximum number of dwelling units permitted outright by a particular land-use classification.

Density, Bonus. The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective such as open space.

Density, Gross. A calculation that divides the total residential units by the total area to be developed, excluding nothing.

Density, Net. A calculation that divides the total residential units by the total residential area to be developed (which is the total area to be developed excluding certain areas such as roads, easements, water area, lands with environmental constraints, and other uses).

Developer. Any person, firm, or corporation, or any other entity involved in the physical development of any land.

Development. Any manmade change to improve or alter real estate, including but not limited to subdivision of land, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Development Regulation. Any zoning, subdivision, site plan, official map, floodplain regulation, or other government regulation that affects the use and intensity of land development.

Development Right. The right to develop property in accordance with applicable regulations.

District, Neighborhood Commercial. A small commercial area within a zoning district that provides limited retail goods and services for the nearby residential customers.

Division of Land. The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or property by filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to [Section 76-3-101](#), MCA. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

Drinking Establishment. A building where any amount of alcoholic beverages is sold and consumed on the premises, whether or not such sales are incidental to or accessory to its principal business.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping.

Drainage System. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the manufactured elements which includes culverts, ditches, channels, retention facilities, and the stormwater sewer system.

Dwelling, Accessory. A dwelling, subordinate to the principal dwelling, and which may be attached or detached from the principal dwelling, that provides separate and a complete living facilities which may further defined as a caretaker's residence, agricultural employee housing, guest house, or efficiency apartment.

Dwelling, Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family. A structure or portion thereof used for occupancy by two or more families living independently of each other in two or more dwelling units.

Dwelling Unit. Refer to the Administrative Regulation's definition.

Dwelling Unit, Single-Family. Refer to the Administrative Regulation's definition.

E:

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or other person or entity.

Eaves. The projecting lower edges of a roof overhanging the wall of a building.

Effluent. A discharge of liquid waste, with or without treatment, into the environment.

Egress. An exit.

Elevation. (1) A vertical distance above or below a fixed reference level; (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

Employee Housing. (1) An accessory dwelling subordinate to the principal dwelling, restricted by covenant for use by persons and their families employed onsite for full-time agricultural employment; (2) A designated use to house employees within the zoning district where the unit is located.

Encroachment. Any obstruction or illegal or unauthorized intrusion in a delineated floodplain, floodway, right-of-way, or on adjacent land.

Enlargement. An increase in the size of an existing structure or use, including physical size of the property, structure, parking, and other improvements.

Environmental Assessment. A statement of the effect of proposed development, and other major private or governmental actions, on the environment.

Equestrian Arena. An improved area, generally fenced, sized to accommodate equestrian activities involving horse riding or driving.

Equestrian Facility, Commercial. Commercial facilities that may include barns, stables, arenas, corrals, and paddocks for equine (horse, donkey, and mules) operations including: horse ranches, boarding stables, riding schools, equine exhibitions facilities and arenas accessory to the facility use.

Equestrian Facility, Personal. The use of structures and/or land to keep equine (horses, donkey, and mule) primarily for breeding and boarding and which operation is an incidental use of the

land and/or structures. Does not include riding arenas where events open to the public are staged.

Erosion. The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as water, wind, ice and gravity.

Essential Services (Type I). Water pumping stations; stormwater drainage facilities (including collection lines, retention / detention ponds and drainage ways); sanitary sewer and stormwater sewer lift stations; public domestic water storage facilities; water fill stations for fire fighting equipment; local service telephone lines and cables; local electrical distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers.

Essential Services (Type II). Pipelines to transport gas, oil and coal (interstate and intrastate); electric substations; electrical transmission lines (interstate and intrastate); public facilities (electric and gas); public treatment facilities (water, sanitary sewer and stormwater sewer); telephone satellite community dial offices; telephone exchanges and repeater stations, except those facilities which may be considered wireless facilities; other accessory facilities, equipment and structures; and police and fire stations.

Events Facility. Facilities that are privately owned, commercially operated, for profit, and available to the public for temporary rental. The facilities may include any indoor facility, either independent or in conjunction with an outdoor area, which is used exclusively for temporary assembly of people attending events such as: entertainment (musical, performance theatre), ceremony (wedding, group reception), or other special events, not longer than a 24 hour period, for the entertainment and pleasure of the patrons. These uses are intermittent and temporary. The uses shall not include overnight accommodations or the display or exhibition of animals.

Excavation, Commercial. Any excavation or removal of natural materials for profit, which is not related to site preparation for development.

Excavation, Personal. The process of altering natural (grade) elevation by any activity by which natural materials are cut, dug, quarried, uncovered, or relocated for personal use on site. Does not include ordinary gardening, ground care, or agricultural purposes.

Extended Care (includes Long Term and Nursing Care). A facility or a distinct part of a facility such as a nursing home, infirmary unit of a home for the aged, or a governmental medical

facilities, licensed or otherwise approved to provide healthcare under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority.

F:

Family. See Household.

Farm Produce Stand. A temporary structure on the premises for the sale of locally grown produce.

Feed Lot. An animal enclosure where the land is not grazed or cropped annually, either a secondary or an accessory use to an agricultural operation or a primary use as in commercial feed lot.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FEMA. Federal Emergency Management Agency.

Final Plat. The final drawing of a subdivision and dedication required by the Montana Subdivision and Platting Act to be prepared for filing with the Clerk and Recorder, and containing all elements and requirements set forth by the local governing body and the Montana Subdivision and Platting Act.

Flood, 100 Year. A flood having a one-percent chance of being equaled or exceeded in any given year. A 100-year flood is the same as a base flood.

Flood, 500 Year. A flood having a 0.2-percent chance of being equaled or exceeded in any given year.

Flood Insurance Rate Map. The map on which FEMA has delineated both the special hazard areas and the risk premium zones.

Flood Insurance Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and or flood-related erosion hazards.

Floodplain, Regulatory. Areas subject to regulation, generally adjoining a stream, which would be covered by floodwater of a base flood except for designated shallow flooding areas that receive less than one foot of water per occurrence. The floodplain consists of a floodway and floodway fringe.

Floodplain Regulation, Gallatin County. Regulations adopted in accordance with exercising the authority of the laws of the State of Montana to promote the public health, safety and general welfare; to minimize flood losses in the areas subject to flood hazards; to promote wise use of the floodplain; and to guide development of floodplain areas of the County outside the incorporated areas.

Floodplain Maps, Official. The Flood Insurance Rate Maps and Flood Boundary Floodway Maps provided by FEMA (dated July 15, 1988 for incorporated areas and August 1, 1984 for unincorporated) and incorporating and approved updates and revisions.

Floodway. The channel of a stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half foot.

Floodway Fringe. The portion of the floodplain that is outside the limits of the floodway.

Floor Area Ratio (FAR). The gross area of all structures on a lot divided by the total lot area.

Forest Products or Timber Harvest, Personal Use. The process of selectively removing trees for personal use on site.

Foundation, Permanent. Support footings and bearing walls constructed of masonry or concrete, meeting the standards of the International Building Code (IBC).

Frontage. The side of the lot abutting on a street; the front lot line.

Fireworks Stand. A temporary structure on the premises for the seasonal sale of fireworks.

G:

GCCHD (Gallatin City-County Health Department). The department responsible for the regulation and approval of water and septic permits throughout the Country.

Garage, Private Customer and Employee. A structure that is accessory to a nonretail commercial or manufacturing establishment or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

Garage, Private Residential. A structure that is accessory to a residential structure and that is designed or primarily used for the storage of vehicles owned and operated by the residents thereof.

Garage, Public. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

Glare. (1) The reflection of a harsh, bright light with an intensity great enough to reduce a viewer's ability to see; and (2) the physical effect resulting from luminances or insufficiently shielded light sources in the field of view.

Grade. (1) The lowest elevation of the land around a structure; (2) the percent of rise or decent of a sloping surface.

Grade, Existing. The elevation of ground surface in its natural state, prior to any man-made alterations such as grading, filling, or excavating.

Greenhouse. A structure constructed of translucent material, which is devoted to the cultivation of plants, all or part of which are sold wholesale or retail.

Ground Water. Any water beneath the land surface, bed of a stream, lake, or reservoir.

Ground Water Area. An area enclosing a single, distinct body of ground water.

Growth Policy, Gallatin County. The official document adopted by Gallatin County and used by the local government as a general guide for development and conservation decisions. It is not a regulation; rather, it is an official statement of public policy to guide growth and change in the unincorporated areas of Gallatin County. The required and optional elements of a growth policy are listed in [Section 76-1-601](#), MCA.

Guest House. An attached or detached accessory structure used to house guests of the occupants of the principal structure, and which is never rented or offered for rent.

Guest Ranch. Premises used for riding, hiking, or other outdoor recreational purposes wherein the said recreationists are provided with meals and overnight accommodations.

H:

Health and Exercise Establishments. An establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including tennis, racquetball, handball and squash courts, weight and aerobic exercise rooms, running facilities, swimming pools, and whirlpool and sauna facilities. Permitted accessory uses shall include child care, tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

Heliport. Area designated for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, maintenance and overhaul, service, storage, tie-down areas, hangars and other necessary structures and open space.

Helistop. Area designated for the taking off and landing of helicopters for the purpose of picking up or discharging of passengers or cargo. Helistops do not include permanent fueling or other service facilities.

High Water. The highest level reached by a body of water.

Hillside Land. Land that may be subject to specific regulations due to the slope and grade.

Home Based Business. A legal activity carried out for gain by a resident and up to three employees, and conducted as a customary, incidental, and accessory use in the resident's dwelling, accessory structures, and on the premises.

Home Occupation. A legal activity carries out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling.

Home Owner's Association. See Property Owner's Association.

Horse Riding Facility. A commercial stable where horses are boarded and may be rented for trail rides, pack rides, etc. May include riding lessons and horse training, and incidental sales of equestrian supplies. Does not include riding arenas where events open to the public are staged.

Hostel. A structure providing dormitory-style, short-term lodging.

Hotel. A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Household. (1) A person living alone; (2) any number of people related by blood, marriage, adoption, guardianship or other authorized custodial relationship; (3) two unrelated people and any children related to either of them; (4) not more than four unrelated people living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

Hunting and Fishing Clubs. The use of structures and/or land for social, educational, and recreational purposes, to which membership is required for participation. Does not include granting individuals permission to hunt or fish on private property; does not include commercial outfitting operations; does not include shooting ranges.

Hydrology. The science dealing with the properties, distribution, and circulation of water and snow.

I:

Impact Fee. A fee imposed on a development to help finance the cost of improvements of service.

Impervious Surface. Any material that prevents absorption of stormwater into the ground.

Improvements Agreement. An agreement and bond for a reasonable security provided by a landowner, in the amount and with the surety and conditions satisfactory to the County Commission, in lieu of the completion of construction of required improvements.

Incidental. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Industry. Those fields of economic activity including forestry, fishing, hunting, and trapping, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services; and wholesale trade.

Industry, Heavy. Industrial uses that meet the performance standards, bulk controls, and other requirements established in the regulations. (Characterized by intensity and impact of use.)

Industry, Light. Industrial uses that meet the performance standards, bulk controls, and other requirements established in the regulations. (Defined in terms of intensity and impact, as well as use.)

Infrastructure. Facilities and services needed to sustain industry, residential, commercial, and all other land use activities.

Ingress. Access or entry.

Irrigation District. A subdivision of government, managed by a board of directors, that supplies water to irrigators within a specified region.

Irrigation Ditch. A man-made channel, which can be manually or mechanically controlled, constructed for the purpose of carrying irrigation water to a needed area.

J:

Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junkyard. Any area, lot, land, parcel, structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage, or disposal of junk.

K:

kennel. A commercial establishment, in which domesticated animals are housed, groomed, bred, temporarily boarded, shown, trained, or sold, all for a fee or compensation. It does not include zoos, animal hospitals operated by licensed veterinarians, or accessory animal husbandry uses to qualified agricultural operations.

Kitchen. Any room or area principally uses, intended, or designed to be used for the storage and/or preparation of food. The presence of a range, oven, refrigeration, sink, or any combination or the utility connections suitable for servicing a range, oven, refrigerator, or sink is considered a kitchen.

L:

Land Use. A description of how land is occupied or utilized.

Landfill. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Landmark. (1) Any site, structure, or natural feature that has visual, historic, or cultural significance; (2) a permanent marker, usually called a monument, designating property boundaries.

Landscape. (1) An expanse of natural scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

Landscape Plan. A component of a development plan which may show: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection and irrigation of existing vegetation during and after construction; proposed treatment of hard soft surfaces; proposed decorative features; grade changes; buffers and screening

devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Laundromat. An establishment designed to house coin-operated washing and drying machines for public use.

Levee. A manmade embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water to provide protection from temporary flooding.

Light Fixture, Outdoor. The fixture is an assembly that houses the lamp(s), and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens.

Light Pollution. Any adverse effect of man-made light.

Lighting, Direct. Illumination resulting from light emitted directly from the light source.

Lighting, Fully Shielded. (Also referred to as cutoff-type lighting) Any outdoor light fixture shielded in such a manner that all light emitted by the fixture (directly or indirectly) is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Lighting, Indirect. Direct light that has been reflected or has scattered off other surfaces.

Lighting, Outdoor. The illumination of an outdoor area or object by a man-made device, permanently installed or portable, that produces light used for illumination, decoration, security, or advertisement.

Lighting, Partially Shielded. Any light fixture shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.

Limited Access. A way or means of allowing physical entrance to land at controlled locations or points. A *no-access* strip or line may be placed on a plat as a means of limiting access.

Livestock for Agricultural Use. The keeping of domestic animals for personal use or for sale and profit as part of a bona fide agricultural operation.

Local Services. All services provided by governmental bodies for the benefit of citizens. These services include, but are not limited to, police, fire, water, recreation, streets, parks, libraries, schools, and wastewater and solid waste collection and disposal.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, Area. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Coverage. A measurement of intensity of land use, expressed as a percentage of a lot's total area that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, the areas covered by buildings, structures, driveways, roads, and sidewalks.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Interior. A lot with frontage on only one street; not a corner lot.

Lot, Reverse Frontage. A through lot that is accessible from one of the parallel or nonintersecting streets of which it fronts.

Lot, Through. A lot that fronts upon two parallel streets or that fronts two streets that do not intersect at the boundaries of the lot. Also referred to as a double frontage lot.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front. The lot line separating a lot from a street right-of-way.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front line.

Lot Line, Side. Any lot line other than front or rear.

Lot Line, Zero. The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.

Lot Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Clerk and Recorder, or a lot described by metes and bounds, a copy of which has been recorded in the office of the County Clerk and Recorder.

Lumen. A unit to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

M:

Marina. A dock or basin providing secure mooring for motor boats and yachts and offering small repairs and facilities.

Manufactured Home. A factory-built, single-family structure that is under the authority of 42 USC Section 5401, the National Manufactured Home Construction and Safety Standards Act, built on a permanent chassis, and is used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. This definition specifically does not include modular housing or recreational vehicle.

Manufactured Home Park. A tract of land providing two or more home lots for lease or rent to the general public.

Manufacturing. The creation of products either with machinery or by hand according to an organized plan and with the division of labor.

Manufacturing, Light. Fabrication of and/or assembly of goods from previously prepared materials.

MCA (Montana Code Annotated). Refer to the Administrative Regulation's definition.

Mineral Resource Development (Mining). The extraction of minerals, including solids, such as coal and ore; liquids, such as crude petroleum; and gases, such as natural gases. Including any operation that mines sand and gravel or mixes concrete or batches asphalt.

Mineral Rights. One of a number of distinct and separate rights associated with real property that gives the owner of rights certain specified privileges, such as to extract, sell, and receive royalties with respect to minerals.

Mining. The extraction of minerals, including solids, such as coal and ore; liquids, such as crude petroleum; and gases, such as natural gases. Including any operation that mines sand and gravel or mixes concrete or batches asphalt.

Mixed Use Development. The development of a tract of land or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Home. A transportable, manufactured structure, suitable for year-round single-family household occupancy and having water, electrical and sewage connections similar to those of conventional dwellings. This definition applies to only units constructed prior to Federal Manufacturing Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Compare with the definition of manufactured home.

Modular Home. A dwelling unit meeting the standards of the International Building Code (IBC) which was mass produced in a factory, designed and constructed for transportation to a site for occupancy when connected to the required utilities and when permanently anchored to a permanent foundation, whether intended for a use as an independent, individual unit or in combination with other units to form a larger structure, and which does not have integral wheel, axles, or hitch.

Moratorium. The legally authorized delay of new construction or development.

Motel. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby.

N:

Natural Environment. The physical conditions which exist within a given area, including land, water, mineral, flora, fauna, noise, light, and objects of historic or aesthetic significance.

Non-Conforming Parcel. Refer to the Administrative Regulation's definition.

Non-Conforming Sign. Refer to the Administrative Regulation's definition.

Non-Conforming Structure. Refer to the Administrative Regulation's definition.

Non-Conforming Use. Refer to the Administrative Regulation's definition.

Non-motorized Trails. A maintained pathway designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

Nuisance. Anything that is indecent or offensive to the senses as defined by [Section 27-30-101](#), MCA.

O:

Offices. Buildings or portions of structures in which commercial activities take place but where goods are not produced, sold, or repaired. These include but are not limited to general and professional offices, governmental offices; insurance offices; real estate offices; taxicab offices (but not taxi stands); travel agency or transportation ticket offices; telephone exchange; utility offices; radio broadcasting and similar uses.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, or their guests of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the

residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Green. An open space area not occupied by any structures or impervious surfaces.

Open Space, Private. Common open space, the use of which is normally limited to the occupants of a single dwelling, structure, or property.

Open Space, Public. Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Ordinary High Water Mark. The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface water's high water marks.

Outcrop. That part of a rock formation, which is exposed at the earth's surface.

Outfitter. Any person licensed in Montana to advertise and provide service as an outfitter, guide, or professional guide for recreational activities directly related to the outfitting license.

Overlay Zone. Zoning districts that extend on top of more than one base zoning district and are intended to protect certain critical features and resources. Where the standards of the overlay and base zoning district are different, the more restrictive standards shall apply.

P:

Parcel. A contiguous lot or tract of land owned and recorded as a property of the same persons or controlled by a single entity.

Parcel of Record. An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office.

Park. Any public or private area of land, with or without structures, for the purpose of passive and active recreational uses.

Parking. Space reserved for the parking of motor vehicles.

Parking, Off-Street. A temporary storage for a motor vehicle in a space located off any public right-of-way with room to exit either side of vehicle, and with adequate maneuvering space and access to public roads.

Parking, On-Street. A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

Parking, Shared. Joint use of a parking area for more than one use.

Parking Area. An area, other than a street or alley designated for use, or used, for temporary parking of vehicles.

Party Wall. Any wall of a building or structure which is common to two or more buildings, and which has a minimum of one-hour fire-resistant construction as defined and regulated by the latest adopted International Building Code (IBC).

Person. Any legal entity, organization, or human being according to Montana law.

Pervious Surface. Any material that permits full or partial absorption of stormwater into the previously unimproved land.

Planned Unit Development (PUD). A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks, or any combination thereof which includes a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.

Planning Department, Gallatin County. The department responsible for the community development planning for the unincorporated area of the county.

Planning Director. Refer to the Administrative Regulation's definition.

Plat. A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications and includes replats or amended plats.

Playground. A publicly owned area of land, which may include play apparatus, for recreational use primarily by children.

Power Plant. An electrical power generation facility, regardless of fuel or energy source (hydro, fossil fuels, wind, or solar) is operated by a public utility or independent power producer and whose primary function is to provide electricity to the electrical distribution system or transmission grid.

Power Plant, Personal. An electrical power generation facility fueled by hydro, solar, wind, or geothermal source(s) and whose primary function is to provide electricity to the landowner for uses on the site the facility is located.

Primary Access. The major access to a subdivision. The major access generally carries the most traffic as determined by the traffic impact study.

Principal Use. A use or structure which determines the predominate or major use of the lot on which it is located. The principal use shall be that use which establishes the character of the property relative to surrounding or adjacent properties.

Proper Access. Either an improved public street or road, maintained by a municipality, Gallatin County, or the State of Montana; or a street or road built to standards provided.

Property Owner. Any person, firm, corporation or other entity shown as being the legal owner of a tract, parcel, or lot in the records of the County Clerk and Recorder.

Property Owner's Association. An association incorporated or not incorporated, combining individual property ownership with shared use or ownership of common property or facilities,

or shared maintenance of subdivision or community facilities; also referred to as a Home Owner's Association, HOA). This definition includes condominium associations.

Public Health and Safety. A condition of optimal well-being, free from danger or injury, for a community at large, not merely for an individual or small group of persons.

Public Improvement. Any structure of facility constructed to serve the residents of a subdivision or the general public such as parks, streets, sidewalks, curbs, gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage.

Public Utility. A public utility shall include any enterprise providing heat, light, power, water, telegraph, telephone, railway and bus service, sewage service and audio, audio-visual and data-link communications.

R:

Recreational Facility. Establishment, including accessory uses and structures that are customary to the recreational facility, which charges a fee for providing outdoor recreation that includes: golf courses, tennis courts, and swimming pools.

Recreational Vehicle. A vehicular-type portable structure without a permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park. A place renting space to park individual camping trailers, pickup campers, motor homes, travel trailers, or automobiles for transient dwelling purposes.

Residential. Non-commercial single- or multi-family dwellings, uses, or district designation.

Residential Facility, Commercial. A residential structure, or portion thereof, licensed to provide contracted room and board, personnel care, habilitation services and activities, and supervision in a family setting for not more than six persons unrelated to the owner.

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, Take-out. An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Retail. The rental or sale of tangible personal property for any purpose other than for resale.

Retail, Large Scale. The rental or sale of tangible personal property for any purpose other than for resale where the total area utilized by a single tenant, exclusive of parking, occupies 40,000 square feet or more.

Retail, Small Scale. Establishments of 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use.

Retreat Center, Church or Youth Camp. A facility which is operated by a non-profit organization for the purpose of providing opportunities for groups of people to congregate temporarily on a site for such purposes as education, recreation (indoor and outdoor), enlightenment, contemplation, counseling, renewal, or solitude; and by its nature, needs to be located in a natural environment that is set aside. The facility may provide meals and housing for participants during the period of the retreat program only. Facilities may not be used by the general public for meals or overnight accommodations. Housing for participants may include such accommodations as lodges, cabins, dormitories, and campgrounds or in such other temporary quarters. Principal kitchen and dining facilities shall be in a centrally located building, but individual housing units may have their own self-contained kitchens.

Ridge. The horizontal line formed by opposing sloping sides that run parallel.

Ridge, Geological. A geological ridge features a relatively narrow and continuous elevational crest, or series or crests, for a distance. The ridge includes the top portion of a landform such as a hill or a mountain; and the ridge may be prominent due to the steep angle at which it rises.

Ridgeline. A line connecting the highest points along a ridge.

Right-of-way. (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric

transmission lines, oil and gas pipeline, water line, sanitary stormwater sewer, and other similar uses: (2) generally, the right of one to pass over the property of another.

Riparian Land. Land that is traversed or bounded by a natural watercourse or adjoining lands.

Roof. The outside top covering of a structure.

Roof, Flat. A roof that is not pitched and the surface of which is generally parallel to the ground.

Roof, Gable. A ridged roof forming a gable at both ends of the structure.

Roof, Gambrel. A gabled roof with two slopes on each side, the lower steeper than the upper.

Roof, Hip. A roof with sloping ends and sides.

Roof, Mansard. A roof with two slopes on each of the four sides, the lower steeper than the upper.

Roof, Shed. A roof with one slope.

Run with the Land. A covenant or restriction of the use of the land contained in a deed and binding on the present and all future owners of the property.

Runoff. The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across ground surface (and eventually is returned to streams).

S:

School. Any structure or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge.

School, Private. Any structure or part thereof, or group of buildings, the use of which meets state requirements for educational instruction and which does not secure the major part of its funding from any governmental source.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Security Lighting. All outdoor lighting used for, but not limited to, illumination for walkways, roadways. Equipment yards, parking lots, and other outdoor security where general illumination for safety and security of the grounds is the primary concern.

Sedimentation. The process of depositing materials from a liquid, especially in bodies of water.

Sensitive Lands. Includes all riparian corridors, wetlands, wildlife corridors, and slopes over 30 percent.

Septic System. An underground system with a septic tank used for decomposition of domestic waste.

Service Station. Any structure, land use, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Setback Line. The line that is the required minimum distance from the street right-of-way or public access easement line or any other lot line that establishes the area within which structures must be placed.

Sewage Disposal Areas. Sewage disposal areas and systems to include spray irrigation, drainfield, above and below grade to be approved by Gallatin City-County Health Department and/or Montana Department of Environmental Quality.

Sewer. Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

Sexually Oriented Business (SOB); Adult Business. An establishment, which advertises, trades, exchanges, transfers, sells, presents, shows, offers or exhibits material, activities, reproductions, likeness, services, and/or objects defined as obscene by [Section 45-8-201](#) (2), MCA. Adult business includes, but is not limited to, adult bookstores, adult motion picture theatres, exotic dance studios, nude art studios, nude photographic studios and nude body painting studios.

Shared Access. A fixed automotive and pedestrian access location from a street to two or more adjoining properties which have the right mutually and ability to use the access, and which have been established by an easement or other legally binding means.

Shopping Mall. A multi-tenant retail structure where tenants are located on both sides of a covered walkway with direct pedestrian access to all establishments from the walkways.

Sign. Any device, fixture, placard, or structure that uses form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public.

Sign, Animated or Moving. Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Awning, Canopy, or Marquee. A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by regulation.

Sign, Face. The area or display surface used for the message.

Sign, Flashing. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. Any non-movable sign not affixed to a building.

Sign, Off-Premises or Billboard. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Pole. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

Sign, Portal. A small sign at the entrance of a property, which may contain words, symbols or brands, indicating the address or identity of the premises.

Sign, Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Sign, Temporary. A sign or advertising display constructed of cloth, canvas, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Wall. A sign fastened to or painted on the wall of a structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from the structure.

Sign Area. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Site Plan. The development plan for one or more lots on which shows the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulations; utility services; structures; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Also known as a sight easement.

Sketch Plan. A map at a scale suitable to locate the proposed development, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed development.

Slide. The downhill mass movement of soil, rock, or snow resulting from failure of that material under stress.

Slope. The inclination of the surface of the land from the horizontal, usually expressed in percent or degrees and prior to development.

Sprawl. Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

Storage Facility. A space or place where goods, materials and/or personal property is put for more than 24 hours.

Street, Alley. A street or road used primarily for vehicular access to the rear of a lot which abuts on or is serviced by public roads.

Street, Arterial. A street or road, moving relatively large volumes of traffic in two or four lanes, having the primary function of moving through traffic and the secondary function of providing access to adjacent land.

Street, Arterial (Principal). Serves the major centers of activity, the highest traffic volume corridors, and the longest trip distances in an urbanized area.

Street, Arterial (Minor). Interconnects with and augments the urban principal arterial system. It accommodates trips of moderate length and at a somewhat lower level of mobility than principal arterials, and it distributes travel to smaller geographic areas.

Street, Collector. A street or road generally with two traffic lanes and two parking lanes serving the equally important functions of moving through traffic and providing access to adjacent land.

Street, Cul-de-sac. A street or road which terminates in a vehicular turnaround area.

Street, Dead End. A street having only one outlet for vehicular traffic.

Street, Half. A portion of the width of a street, usually along the outside perimeter of a subdivision, where the remaining portion of the street must be located on adjacent property.

Street, Local Street. A street or road with two traffic lanes and one or two parking lanes having a primary function of providing access to adjacent property and the secondary function of moving through traffic.

Street, Loop. A local street which begins and ends on the same street, generally used for access to proper ties and to control traffic access to arterials and collectors.

Street, Public. A street or road for which the right-of-way has been dedicated to the public.

Street, Service (Frontage Access). A local or collector street or road usually parallel and adjacent to an arterial or major collector street which provides access to arterials or collectors.

Structure. Refer to the Administrative Regulation's definition.

Structural Alteration. Refer to the Administrative Regulation's definition.

Structure, Main. The principal building for accommodating the primary use to which the premises are devoted.

Sub-district. Refer to the Administrative Regulation's definition.

Subdivider. Any person, firm, corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other division of land for sale, development, or lease, subject to the provisions of the Montana Subdivision and Platting Act.

Subdivision, Major. Any subdivision not classified as a minor subdivision.

Subdivision, Minor. A subdivision containing five or fewer parcels where proper access to all lots is provided and where no land in the subdivision will be dedicated to public for parks or playgrounds.

Subsidence. The gradual sinking of land as a result of natural or artificial causes.

Surveyor (Registered Land Surveyor). A person licensed in conformance with the Montana Professional Engineers, Registration Act ([Section 37-67-101 through 37-67-332](#), MCA) to practice surveying in the State of Montana.

T:

Tepee. A conical tent.

Topography. General term to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, steepness of slope, and other physiographic features.

Townhouse. A single-family dwelling constructed as a part of a series of dwellings, all of which are either attached to the adjacent building and/or by party walls, or are located immediately adjacent thereto without any visible separation between walls or roof, all of which dwellings may be located on individual and separate lots, if individually owned, or upon a single lot, if under common ownership.

Tract of Record. An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office.

Traffic Impact Study. A report analyzing anticipated roadway conditions with and without and applicant's development.

Transfer of Development Rights (TDR). The removal of the right to develop or build, expressed in a dwelling units per acre of floor area, from land in one zoning district to land in another zoning district where such transfer is permitted.

U:

Unit. A residential lot, a commercial lot, a condominium, a townhouse, an individual recreational vehicle parking site or a manufactured home lot.

Use. Refer to the Administrative Regulation's definition.

Use, Conditional. Refer to the Administrative Regulation's definition.

Use, Permitted. Refer to the Administrative Regulation's definition.

Use, Seasonal. Refer to the Administrative Regulation's definition.

Use, Temporary. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility Service. Distribution, transmission and/or collection systems serving the general public operating under one or more of the following conditions: (a) Provides a service that is essential to the public health, safety or general welfare; (b) Is subject to regulation by any governmental agency, either state or federal; (c) Is granted a franchise.

Utility Service Operation Facilities. Facilities required by a utility service for its service operations, excluding commercial activities. Facilities may include buildings, structures, reception and distribution equipment above and below ground, lines, pipes, tanks, ponds, pumping stations, generation and switching stations, repeaters, antennas (including off-air, satellite and microwave), transmitters and receivers, construction and service equipment, valves, housings, or any other mechanical or electronic devices of any kind and any appurtenances and equipment necessary to the furnishing of the utility service.

V:

Variance. Refer to the Administrative Regulation's definition.

Vehicle Sales, Off-Road. An establishment or area of land designed for the selling of off-road vehicles such as snowmobiles, motorcycles, and boats.

W:

Water Rights. A property owner's right to use surface or underground water from adjacent lands.

Water Quality. Chemical, physical, and biological characteristics of water that determine suitability for a particular use.

Watercourse. Any stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which some or all of the water is naturally occurring, such as runoff and springs, and which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed. A geographic area that is a drainage basin, catchment, or other area of land that drains water, sediment, and dissolved materials to a common outlet at some point along a stream channel.

Wetlands. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Criteria are established by the United States Corp of Engineers in Section 404 of the Clean Air Act.

Wireless Facility. An unstaffed facility for the transmission or reception of radio frequency (RF), microwave, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure, and one or more antennae. It excludes amateur radios, Essential Services (Type I), satellite earth stations, and private receive-only antennae, such as for the reception of television signals.

Worship, Places of. A structure, or group of structures, that by design and construction are primarily intended for conducting organized religious services and associated uses. May be referred to as a church, synagogue, temple, mosque, or other name as the facility that is used for prayer by persons of similar belief.

Y:

Yard. Area suitable for recreation, gardens, green belts or household service activities, located on the same lot with a building, and which is open to the sky, free of undue hazard and readily accessible to the occupants of the building.

Yard, Depth. The shortest distance between a lot line and a yard line.

Yard, Front. An open space extending across the full width of the lot between the front building line and the front lot line.

Yard, Line. A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

Yard, Rear. An open space extending across the full width of the lot between the rear building line of the principle building and the rear lot line.

Yard, Required. The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning regulation.

Yard, Side. An open space extending from the side building line to a side lot line running from the front to the rear of the lot.

Z:

Zoning. The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and structures.

Zoning District. Refer to the Administrative Regulation's definition.

Zoning Enforcement Agent. Refer to the Administrative Regulation's definition.

Zoning, Incentive. The granting of additional development capacity in exchange for a public benefit (not necessarily created for the development) or amenity.

Zoning Map. The map or maps that are a part of the zoning regulations and delineate the boundaries of the zoning districts.