

GALLATIN CANYON/BIG SKY ZONING REGULATION



Adopted: July 30, 1996

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SECTION 1 ADMINISTRATION

- 1.1 Title. This regulation shall be known as the Gallatin Canyon/Big Sky Zoning Regulation (Zoning Regulation) and is adopted specifically for the Gallatin Canyon/Big Sky Planning and Zoning District (Zoning District). The Zoning District was created by Resolution 1990-33 of the Board of County Commissioners, Gallatin County, Montana, on May 15, 1990.
- 1.2 Planning and Zoning Commission. Pursuant to [Section 76-2-101](#), MCA there has been created a Planning and Zoning Commission for the Zoning District which consists of the three County Commissioners, the County Surveyor, a county official appointed by the County Commissioners and two citizen members appointed by the County Commissioners. The Planning and Zoning Commission shall have all the powers given to it by Montana Statutes.
- 1.3 Development Pattern. Pursuant to [Section 76-2-101](#), MCA, there is hereby adopted a development pattern for the Zoning District consisting of the Gallatin Canyon/Big Sky Plan, Gallatin Canyon/Big Sky Land Use Map, Gallatin Canyon/Big Sky Zoning Regulation, Gallatin Canyon/Big Sky Zoning Map and Gallatin Canyon/Big Sky Capital Improvement Policy.
- 1.4 Zones. The jurisdiction of the Zoning District is hereby divided into zones or "districts", as shown on the Official Zoning Map, which together with all explanatory matter thereon, the Official Zoning Map is hereby adopted by reference and declared to be a part of this Regulation.
- 1.5 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.
- 1.6 Exceptions. Any public utility pipeline, well or pump house necessary for provision of services required for public health and safety, may be exempted from provisions of these regulations by the Zoning Enforcement Agent upon findings that such Structures are consistent with the Gallatin Canyon/Big Sky Plan and will not create a hardship for other property owners.
- 1.7 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. 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 Zoning Advisory Committee. A zoning advisory committee has been established for the Zoning District pursuant to the Administrative Regulations.

SECTION 2 PURPOSE

2.1 The purpose of this regulation is to:

- a. Preserve the scenic beauty and natural environment of the District.
- b. Protect significant views.
- c. Protect scenic qualities, fresh air, groundwater, and surface water.
- d. Promote the preservation of wildlife and fish habitat.
- e. Preserve open space as identified in the Plan.
- f. Promote the health, safety, and general welfare of County residents.
- g. Secure safety from fire, panic, and other dangers.
- h. Provide adequate air and light.
- i. Facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements.
- j. Guard against congestion on the roads.
- k. Prevent overcrowding of land.
- l. Avoid undue concentration of population.
- m. Ensure that the built environment enhances the natural environment.
- n. Encourage good design and orderly growth.
- o. Enhance resort experiences and opportunities.
- p. Preserve and protect property values.
- q. Encourage the development of workforce housing.
- r. Encourage cluster development in and around existing development.

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SECTION 3 DEFINITIONS

For the purpose of this ordinance certain terms and words are defined below. Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words used in the plural shall also include the singular. The words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity. The masculine pronoun includes the feminine. Where other definitions are necessary and are not defined herein, the Planning and Zoning Commission shall define such terms.

- 3.1 **Agriculture:** The conduct of an agricultural activity occurring in connection with the commercial production of farm products as defined under [Section 76-2-902](#), MCA. For the purpose of the Zoning Regulations, agricultural activities do not include game farms, fur farms, animal hospitals, commercial dog kennels, confined animal feeding operations or similar Uses. Agriculture does not include the cultivation, growing, harvesting, or manufacturing of marijuana or marijuana-infused products (excluding hemp or hemp seeds) for sale, or the sale of marijuana or marijuana-infused products (excluding hemp or hemp seeds).
- 3.2 **Airfield, Personal Use:** Any un-surfaced earth or turf area or facility of land which is privately owned and operated, and is designed, used or intended to be used for landing and taking off by private single-engine, fixed-wing aircraft, not exceeding 200 horsepower, including not more than one (1) support Structure for covered storage and small quantities of supplies. A Personal Use Airfield as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner which is not directed toward business or commercial functions.
- 3.3 **Area Median Income:** The median family income of Gallatin County as calculated annually by the U.S. Department of Housing and Urban Development (HUD).
- 3.4 **Art Foundry:** An establishment that specializes in casting metals for the purposes of creating pieces of art.
- 3.5 **Automobile Repair Facility:** General repair, rebuilding or reconditioning of engines, motor vehicles, trailers, including body and frame work, welding and major painting services.
- 3.6 **Bar:** An establishment where alcoholic beverages are served on the premises and where the total sales of alcohol exceeds the total sales of food. Alcoholic beverages may be produced on the premises as an Accessory Use to the serving of alcoholic beverages.
- 3.7 **Bed and Breakfast Inn:** An owner-occupied Dwelling Unit providing short-term lodging and serving meals to its registered overnight guests only.
- 3.8 **Building Materials:** Materials intended for the construction of Structures, including, but not limited to: doors and windows, drywall, hardware, appliances, electrical and plumbing, insulation, lumber, masonry, roofing, siding and trusses.
- 3.9 **Bus Shelter:** A small, roofed Structure, usually having three (3) walls, located near a roadway and Used primarily for the protection and convenience of bus passengers.
- 3.10 **Bus Turnout:** A paved indentation at the side of a roadway or Parking Lot designed to allow buses to pick up and discharge passengers.
- 3.11 **Camper:** Any individual who occupies a Campsite.
- 3.12 **Campground:** Any Lot or land providing temporary overnight occupancy for two (2) or more tents and Recreational Vehicles including permanent Structures such as a management Office, storage facilities, sanitary facilities, caretaker's residence and Accessory Uses as listed in [Section 23.5](#). The definition of campground does not apply to Temporary Uses such as hunting camps, tents or Recreational Vehicles for personal Use, if the number of tents and/or Recreational Vehicles does not exceed five (5).
- 3.13 **Campsite:** A plot of ground within a Campground intended for exclusive occupation by a tent or Recreational Vehicle.
- 3.14 **Car Wash:** A Commercial Use whose primary purpose is washing automobiles and light trucks. A Car Wash may also contain an indoor pet wash for washing household pets.

- 3.15 Childcare Facility: An establishment providing for the care, supervision and protection of children.
- 3.16 Cluster Development: A development design technique that concentrates Structures on a part of the site to allow the remaining land to be used for recreation, Open Spaces and/or preservation of environmentally sensitive features.
- 3.17 Commercial Use: A Use which involves the exchange of goods or services, for compensation, whether by money, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over a period of time. Does not include Residential rentals or Short Term Rentals.
- 3.18 Community Center: A Structure or portion thereof used for non-profit cultural, educational, recreational or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.
- 3.19 Development Rights: The potential for the improvement of a Lot, measured in Gross Density, existing due to the zoning classification of the Lot.
- 3.20 Dwelling Unit: A Structure or portion thereof providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking and sanitation.
- a. Dwelling Unit, Accessory: A Dwelling Unit which is smaller in area and subordinate in Use to the Principal Single-family Dwelling Unit, whether attached or detached.
 - b. Dwelling Unit, Multi-family: A Structure or portion thereof containing multiple Dwelling Units for habitation by one or more persons co-residing therein and their domestic Employees.
 - c. Dwelling Unit, Single-family: A Structure or portion thereof containing a single Dwelling Unit for habitation by one or more persons co-residing therein and their domestic Employees.
- 3.21 Employee: A person employed a minimum of 30 hours a week by an Employer.
- 3.22 Employer: An individual or entity that is located in and/or conducting business in the Big Sky area.
- 3.23 Essential Services (Type I): Small-scale and below-ground facilities, equipment and Structures required for the provision of immediate customer service of public and quasi-public services. Additional items may be determined by the Planning Director to be appropriately included in this definition. Specific facilities, equipment and Structures include:
- a. Public water distribution lines.
 - b. Public sanitary sewer collection lines.
 - c. Stormwater drainage collection lines, stormwater drainage retention/detention ponds, and stormwater channels.
 - d. Fire hydrants.
 - e. Water fill stations for firefighting equipment.
 - f. Electric service: a. Below ground distribution and local transmission lines, cables and appurtenances. b. Above ground distribution and local transmission lines, cables and appurtenances.
 - g. Natural gas service: a. Below ground distribution lines and appurtenances. b. Below ground transmission lines and appurtenances. c. Natural gas regulator/valve stations and appurtenances, with no above ground Structures.
 - h. Communications services: a. Below ground telephone lines and cables. b. Below ground cable television lines. c. Below ground electronic data transmission lines and cables.
 - i. Above ground utility boxes, not to exceed 20 square feet in footprint.
 - j. Roof mounted distributed electrical generation (e.g. solar panels).

- k. Ground mounted distributed electrical generation, accessory to a Permitted Use or Conditional Use.
 - l. Public and amateur radio antennae and towers.
- 3.24 Essential Services (Type II): Facilities, equipment and Structures required for the provision of neighborhood level public and quasi-public services. Additional items may be determined by the Planning Director to be appropriately included in this definition. Specific facilities, equipment and Structures include:
 - a. Public water storage facilities; and pumping stations.
 - b. Public sanitary sewer or stormwater lift stations.
 - c. Electric service: a. Transmission lines, cables and appurtenances operable prior to September 3, 1991 including the repair and replacement of the same as necessary to maintain their operation. b. Transmission lines, cables, and appurtenances 161 kV or less other than those included in Essential Services (Type I).
 - d. Natural gas service: a. Natural gas regulator/valve stations and appurtenances, with above ground Structures not to exceed 125 square feet in footprint.
 - e. Communications services, except those included in Essential Services (Type I), including above ground Structures not to exceed 125 square feet in footprint: a. Telephone lines and cables. b. Cable television lines. c. Electronic data transmission lines and cables.
 - f. Above ground utility boxes, from 21—125 square feet in footprint, except those included in Essential Services (Type I).
- 3.25 Essential Services (Type III): Community-scale facilities, equipment and Structures required for the provision of public services not otherwise listed as an Essential Services (Type I or II). Specific facilities, equipment and Structures include, but are not limited to:
 - a. Public water treatment.
 - b. Sanitary sewer treatment.
 - c. Stormwater treatment.
 - d. Police and fire stations.
 - e. Electric substations and electric transmission lines, cables and appurtenances, except those included in Essential Services (Type I) or Essential Services (Type II).
 - f. Natural gas regulator/valve stations and appurtenances, with above ground Structures in excess of 125 square feet in footprint.
 - g. Communications including, but not limited to: telephone satellite community dial Offices, telephone exchanges, cellular towers, and repeater stations.
 - h. Gasoline, oil and coal pipelines.
 - i. Snow removal equipment and storage.
 - j. Search and rescue facilities.
 - k. Solar and wind power generation facilities.
- 3.26 Floor Area: The area contained within the external walls, including the thickness of the external walls, of the Structure measured at each floor level (including any floor below the level of the ground).
- 3.27 Gambling Enterprise: As defined by the most current Montana Code Annotated.
- 3.28 Gross Density: The total number of Dwelling Units divided by the total project area, which shall be determined by the legal document creating the Lot (i.e. the entire acreage of a Subdivision Plat, Certificate of Survey, or Deed), including, but not limited to: areas devoted to Open Space, roadways, parks or similar public Use and infrastructure areas. Accessory Dwelling Units shall not be counted in the Gross Density calculation of a project.
- 3.29 Guest Ranch: A facility that: (a) uses one (1) or more permanent Structure(s), one (1) or more of which have running water, sewage disposal, and a kitchen; (b) provides short-term

- lodging; and (c) provides hunting, horseback riding, fishing, or a working ranch experience to its guests.
- 3.30 **Health and Exercise Establishment:** An establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including, but not limited to: tennis, racquetball, handball and squash courts, martial arts, gymnastics, weight and aerobic exercise rooms, running facilities, swimming pools, yoga, sport dancing and whirlpool and sauna facilities. Permitted Accessory Uses include, but are not limited to: child care facilities, sun tanning booths, massage, health and nutrition counseling services, Retail sales of sporting goods and Restaurants.
- 3.31 **Helistop:** Any landing area, either at ground level or elevated on a Structure, designated for the taking off or landing of helicopters for emergency purposes of picking up or discharging of passengers or cargo.
- 3.32 **Home Occupation:** An occupation or profession, which is incidental to and carried on in a Dwelling Unit, Accessory Structure or on premises, by an individual residing within the Dwelling Unit, which is an Accessory Use of the Dwelling Unit.
- 3.33 **Hotel:** An establishment offering short-term lodging at a nightly rate to the general public, and may provide additional services, such as Restaurants, entertainment, meeting rooms and recreational facilities. Does not include Bed and Breakfast Inns and Short Term Rentals.
- 3.34 **Industrial Use:** The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and includes wholesale trade, storage and Warehousing, trucking and transportation terminals and other similar Uses and activities.
- a. **Industrial Use, Heavy:** Industrial Use which results in the emission of any atmospheric pollutant, light flashes, glare, odor, noise or vibration, which may be heard and/or felt off the premises and those industries, which constitute a fire or explosion hazard.
 - b. **Industrial Use, Light:** Industrial Use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including, but not limited to: processing, fabrication, assembly, packaging, treatment, incidental storage, sales and distribution of such products that do not result in conditions described for Heavy Industrial.
- 3.35 **Landscaping:** The vegetative planting of trees, shrubs, grass, flowers, etc. and the placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, trellises and statuary.
- 3.36 **Library:** A public facility for the use, but not sale, of literary, musical, artistic or reference materials.
- 3.37 **Lodge and Club:** The Use of Structure(s) 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, outfitting operations or shooting ranges.
- 3.38 **Lot:** A designated parcel, tract, or lot established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, improved, developed or built upon.
- a. **Lot, Corner:** A Lot situated at the junction of and abutting two (2) or more roadways.
 - b. **Lot Width:** The horizontal distance between the Side Lot Lines along a line parallel to the Front Lot Line at the minimum required Setback line.
- 3.39 **Lot Line:** The boundary of a Lot.
- a. **Lot Line, Front:** Any Lot Line contiguous with a roadway. If no Lot Line is contiguous with a roadway the Front Lot Line shall be the Lot Line from which the Lot is accessed. Lots with multiple Lot Lines contiguous with roadways or with multiple accesses may have multiple Front Lot Lines.

- b. Lot Line, Rear: Any Lot Line other than a Side Lot Line or Front Lot Line.
- c. Lot Line, Side: Any Lot Line which intersects the Front Lot Line.

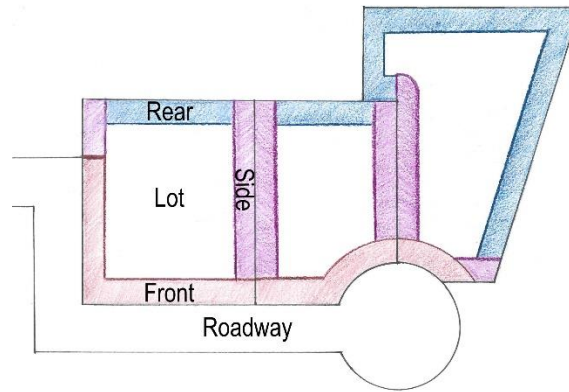


Fig. 1- Diagram of Lot Line and Setback types based on various Lot and roadway configurations.

- 3.40 Manufactured Home: A Dwelling Unit built in a facility in accordance with the United States Department of Housing and Urban Development code and the Federal Manufactured Home Construction and Safety Standards. A Manufactured Home does not include a Mobile Home.
- 3.41 Medical Office, Clinic and Center: An establishment where patients are admitted for diagnosis and treatment by licensed health care professionals.
- 3.42 Mini-storage: A Structure or group of Structures in a controlled access and fenced or screened area that contains storage spaces of varying sizes and/or spaces for Recreational Vehicles or boats.
- 3.43 Mobile Home: A form of Dwelling Unit built to be transportable on its own chassis, comprised of a frame and wheels, and designed to be used as a Dwelling Unit when connected to appropriate utilities. Also known as a trailer, house-trailer or trailer coach.
- 3.44 Mobile Home Park: Any Lot upon which two (2) or more Mobile Homes, occupied or intended to be occupied as a Dwelling Unit, are located.
- 3.45 Mobile Home Subdivision: A Lot that has been reviewed and approved for the placement of Mobile Homes.
- 3.46 Office: Structures or portions of Structures in which Commercial Uses take place but where goods are not produced, sold or repaired.
- 3.47 Open Space: Any Lot or area of water essentially unimproved and set aside, dedicated, designated or reserved for public or private Use and enjoyment of owners, occupants and their guests.
- 3.48 Owners' Association: A group that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common elements, including, but not limited to: infrastructure, land, Open Space and facilities.
- 3.49 Parking Lot: An area or a Structure, other than a public roadway or alley, designed or used for the temporary parking of motor vehicles.
- 3.50 Parking Space, Off-street: A space located off any public roadway, which is at least nine (9) feet by 18 feet in size for parking of any motor vehicle, with room to exit either side of the vehicle, having adequate maneuvering space and access to public roadways.
- 3.51 Parking Space, On-street: A temporary parking area for a motor vehicle that is located on a dedicated roadway.
- 3.52 Paved Surface: Paved surface materials shall include asphalt, concrete, brick, pervious pavers, pervious concrete, flagstone, cobblestone, setts, artificial stone, other stone, tiles,

- or reinforced grass. Paved surface materials shall not include dirt, gravel or non-reinforced fields.
- 3.53 Personal and Convenience Service: A Commercial Use offering services including, but not limited to: barbershops, beauty shops, tailors, shoe repair, pet grooming, laundromats, laundry and dry cleaning, pickup and delivery stations, photocopying, office product repair, catering and similar Uses.
- 3.54 Place of Worship: A Structure, together with its Accessory Structures and Uses, where persons regularly assemble for religious worship, and which Structure, together with its Accessory Structures and Uses, is maintained and controlled by a religious body organized to sustain public worship.
- 3.55 Planned Unit Development: A development project consisting of Residential, Recreational, Commercial, Industrial and Office Uses, or any combination thereof, which comprises a planned mixture of land Uses built in a prearranged relationship to each other and which achieves the intent of [Section 22](#).
- 3.56 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.
- 3.57 Recreational Vehicle Park: A Campground used exclusively for Recreational Vehicles, and having utilities provided to individual sites.
- 3.58 Restaurant: A Commercial Use where food and beverages are prepared and served.
- 3.59 Residential Use: The Use of land for Dwelling Units and Accessory Structures, whether owner-occupied or rented.
- 3.60 Retail: The rental or sale of tangible personal property for any purpose other than for resale. Alcohol production of less than 30,000 gallons a year is considered a Retail Use.
- 3.61 School:
- a. Any pre-primary, primary or grammar, public, parochial or private School or high School;
 - b. Preparatory School or academy, public or founded, or owner or conducted by or under the sponsorship of a religious or charitable organization;
 - c. Private preparatory School or academy furnishing courses of instruction substantially equivalent to the courses offered by public high Schools for preparation of admission to college or universities which award B.A. or B.S. degrees;
 - d. Junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or
 - e. Private School when not conducted as a Commercial Use for the profit of individual owners or stockholders.
- 3.62 Setback: The required horizontal distance between the Lot Line and any Structure. The required Setback shall be a line parallel to the corresponding Lot Line.
- 3.63 Short Term Rental: Rental of a Dwelling Unit for lodging purposes only, for a period of less than 30 consecutive days.
- 3.64 Sign: Any device, fixture, placard or Structure that uses any color, 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.
- a. Banner Sign, Temporary: A Sign of flexible fabric or similar material that is mounted to a pole or a Structure at one or more edges.
 - b. Banner Sign, Light Pole: Banner Sign, attached to a light pole, which may contain a commercial message.
 - c. Banner Sign, Event: Banner Sign used to promote an Event, such as, but not limited to a sale or concert, displayed for a specific period of time related to the Event being promoted.

- d. Billboard/Off-Premise Sign: A permanent outdoor Sign which advertises foods, products or services not sold on the premises on which said Sign is located. Off-Premise Signs include Signs displayed on vehicles that are parked or located on properties or at businesses that are different from the content or message of the Sign, or parked in a location other than a designated Parking Lot on the premises of the business owning the vehicle. This is to include company logos, advertising and commercial messaging information that is integral to the vehicle itself.
- e. Commercial Message: Any Sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- f. Community Wayfinding Sign: A Sign located in a road right-of-way identifying or providing direction or distance to destinations, districts, points of interest or other attractions, and is not intended to serve as off-premise advertising for individual entities.
- g. Community Wayfinding Sign Plan: A plan approved by the Zoning Enforcement Agent pursuant to [Subsection 32.7](#).
- h. Construction Sign: A Sign erected on the premises where construction is taking place, identifying the construction site and indicating those having a role or interest with respect to the current project.
- i. Entryway Monument: A monument identifying the Big Sky Community as a whole, not a specific portion thereof.
- j. Entrance Portal Sign: An entrance Sign that may contain words, symbols or brands, indicating the address or identity of the Lot.
- k. Free-Standing Sign: Any non-movable Sign not affixed to a Structure.
- l. Home Occupation Sign: A Sign for a permitted home occupation.
- m. Internally Illuminated Sign: Any Sign that is internally lighted incorporates neon, LED, fiber optic lights, or animated messages (e.g. flat screen display).
- n. External Illumination: Light from any external source directed to illuminate a specific area or object.
- o. Non-Conforming Sign: A Sign that existed prior to the adoption of the Zoning Regulation, or subsequent amendment, which does not conform to Regulation requirements. May include unique/historic Signs in existence at the time this Regulation was adopted.
- p. Pennant Sign: A Sign made of flexible material, affixed by one or more corners or edges, designed to move in the wind, including, but not limited to: balloons, sails, and flags.
- q. Political Sign: A Sign announcing or supporting political candidates or issues in connection with an election.
- r. Real Estate Sign: A Sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the Sign is located.
- s. Sign Area: The entire face of a Sign, including the advertising surface and any framing, trim, molding, or the supporting Structure.
- t. Sign Height: The vertical distance between the top of the Sign or supporting Structure and the natural grade of the adjacent land, not artificially built up in any manner.
- u. Trail Sign: Signs providing information to users of public, multi-use (hiking, biking, skiing, horse riding) trails including, but not limited to: trail head location and parking, trail use, navigation of the trail, cautionary advice, trail conditions, or any other information relevant to the trail user experience and safety.
- v. Wall Sign: Any Sign attached to, and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any Structure, supported by the wall or Structure.

- 3.65 **Special Event:** Any outdoor gathering of at least 100 persons, whether on public or private property, assembled with a common purpose for a period of one (1) hour or longer.
- 3.66 **Structure:** A combination of materials to form a construction for Use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.
- a. **Structure, Accessory:** A freestanding non-Residential Structure over 300 square feet in Floor Area, which is smaller in area or subordinate in Use to the Principal Use Structure, and which contributes to the comfort, convenience or necessity of the occupants of the Principal Use Structure. Land Use Permit required.
 - b. **Structure, Temporary:** A Structure with no permanent foundation that is removed after a Special Event or specific period of time of no greater than 90 days. Land Use Permit not required.
 - c. **Structure, Height:** The vertical distance from the average elevation of the proposed finished grade at the front of a Structure to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
 - d. **Structure, Minor:** Structures 300 square feet in Floor Area or less. Minor Structures are exempt from the Land Use Permit requirements of the Gallatin County "Part 1" Zoning Administrative Regulations, but must meet all other applicable requirements of the Gallatin Canyon/ Big Sky Zoning Regulation.
- 3.67 **Studio:** A workspace used by artists or craftspeople, area for the creation, preparation, display or sale of individually crafted artwork. Studios may not result in the emission of any atmospheric pollutant, light flashes, glare, odor, noise or vibration which may be perceived off the premises.
- 3.68 **Sub-district:** The zones, or districts in which a Zoning District is divided. For example, a Residential Single-family 11,000 (R-SF-11000) or a Commercial and Industrial Mixed Use (C-I) Sub-district.
- 3.69 **Theater:** A Structure or portion thereof devoted to showing motion pictures, live music, plays, dances, musicals, lectures and/or other live performances.
- 3.70 **Transitional and Emergency Housing:** The Use of a site by a government or non-profit agency for individuals and/or households who are making the transition from homelessness to community living or who are in need of emergency housing. Other names for this Use include warming center, transitional shelters, transitional living programs and transitional housing programs. This type of Use may include on-site related services and facilities for residents and may include services and facilities for non-residents if permitted by the underlying Sub-district.
- 3.71 **Truck Terminals:** A staging area for a regulated motor carrier with the sole purpose of loading, unloading and temporarily warehousing shipments.
- 3.72 **Use:** Any purpose for which a Structure or Lot may be designed, arranged, intended, maintained or occupied for any activity, occupation, business, operation or residence.
- a. **Use, Accessory:** A Use that is incidental and subordinate to the Principal Use of land, located on the same Lot, and under the same ownership.
 - b. **Use, Change of:** Substitution of one Use for another or the addition of a new Use, specifically regarding the Use of a Structure or on a Lot.
 - c. **Use, Conditional:** Uses, other than Permitted Uses, that may be allowed in a specific Sub-district, but which require a public hearing by the Planning and Zoning Commission to consider if the Use should be conditioned to maintain and ensure the health, safety, and general welfare of the community and to maintain the character of the Zoning District.
 - d. **Use, Permitted:** Uses listed as being authorized in a specific Sub-district, generally as a Principal Use or Accessory Use, and which may be approved by the Planning Director pursuant to the administrative process of a Land Use Permit or Change of Use Permit.
 - e. **Use, Principal:** The primary Use of a Lot.

- f. Use, Seasonal: The Use of a Structure, or Lot to conduct one or more Uses that vary in accordance with the season of the year and are not conducted year-round.
 - g. Use, Temporary: A Use established for a fixed period of time with the intent to discontinue such Use upon the expiration of a time period of no greater than 90 days.
- 3.73 Veterinarian Clinic: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Outdoor pens, kennels or runs are not permitted as part of a Veterinarian Clinic. Short-term boarding is permitted.
- 3.74 Warehouse: An enclosed Structure designed and used primarily for the storage of goods and materials.
- a. Warehouse, Mini: A building in which a number of interior storage units or vaults, not exceeding 500 square feet each, are accessed by interior means and are rented for the storage of goods and materials.
- 3.75 Watercourse: Any natural waterway in which water flows either continuously or intermittently and has a definite channel, bed and banks.
- 3.76 Wildland: Uncultivated land covered by forest, brush or grass, with little or no development, except for roadways, railroads, power lines and similar facilities, or remote Structures used for recreation or timber production. Does not include fallow lands.
- 3.77 Wildland Urban Interface: Areas where Structures are located close to natural vegetation. A boundary Wildland Urban Interface is an area where a clearly defined, linear boundary of homes meets Wildland vegetation. An intermix Wildland Urban Interface is an area where Structures are scattered among or mixed with Wildland vegetation, without a clearly defined boundary.
- 3.78 Workforce Housing: Housing restricted to Employees of the Big Sky area.
- a. Workforce Housing Dormitory: A Structure with Dwelling Units providing shared sleeping, eating, cooking, and sanitation accommodations only for Employees of one or more Employers. Individual sleeping rooms may or may not have a private bathroom, and shall not have private kitchen facilities.
 - b. Workforce Housing Mixed Use: A Hotel owned or leased by the Employer with specific areas designated as a Workforce Housing Dormitory. The dormitory portion shall meet the development standards for Workforce Housing Dormitory. The Employer must have an agreement with the Hotel management company in order to designate areas of the Hotel as a Workforce Housing Dormitory.
 - c. Workforce Housing Commercial: Dwelling Units that are either attached, above, or on subsequent stories of a commercial Structure that shall only be occupied by Employees (and their family if applicable) of an Employer.
 - d. Workforce Housing, Single-family: Single-family Dwelling Units that shall be occupied by Employees (and their family, if applicable).
 - e. Workforce Housing, Multi-family: Multi-family Dwelling Units that shall be occupied by Employees (and their family, if applicable).
- 3.79 Zoning Enforcement Agent: The person authorized by the County Commission and Planning and Zoning Commission to carry out only those enforcement duties specified by the Zoning Regulations. The Zoning Enforcement Agent can authorize a person to act as their agent. If the Zoning Enforcement Agent is unable to act for any reason, the Planning Director is authorized to act as the Zoning Enforcement Agent.

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SECTION 4 RESIDENTIAL MULTI-FAMILY 2,000 (R-MF-2000)

- 4.1 Intent: Provide for multi-family development in areas that have community water and sewer service.
- 4.2 Density: 2,000 square feet per Dwelling Unit, not to exceed 22 Dwelling Units per gross acre.
- 4.3 Permitted Uses:
 - a. Accessory Dwelling Units.
 - b. Bus Shelters and Turnouts.
 - c. Childcare Facilities.
 - d. Multi-family Workforce Housing.
 - e. Single-family Workforce Housing.
 - f. Essential Services (Type I).
 - g. Home Occupations, subject to [Section 23.6](#).
 - h. Accessory Structures.
 - i. Accessory Uses.
 - j. Family Day Care Homes or Group Day Care Homes as registered by the State of Montana.
 - k. Multi-family Dwelling Units.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - m. Trails for non-motorized Use and Open Space.
- 4.4 Conditional Uses:
 - a. Workforce Housing Dormitory.
 - b. Essential Services (Type II & III).
 - c. Home Occupations, subject to [Section 23.6](#).
 - d. Cemeteries.
 - e. Community residential facilities as defined in [76-2-411](#), MCA.
 - f. Golf courses.
 - g. Emergency Helistops as an accessory to public safety facilities.
 - h. Libraries.
 - i. Community Centers.
 - j. Places of Worship.
 - k. Planned Unit Developments.
 - l. Schools.
 - m. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - n. Transitional and Emergency Housing.
- 4.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 10 feet.*
 - Rear: 10 feet.
- 4.6 Minimum Lot Width: None.
- 4.7 Maximum Structure Height: 40 feet.
- 4.8 Parking Standards: See [Section 27](#).

*Multi-family Dwelling Units may be built across interior property lines owned in common.

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SECTION 5 RESIDENTIAL MULTI-FAMILY 3,500 (R-MF-3,500)

- 5.1 Intent: Provide for more dense development in areas that have community water and sewer service.
- 5.2 Density: 3,500 square feet per Dwelling Unit, not to exceed 12 Dwelling Units per gross acre.
- 5.3 Permitted Uses:
 - a. Accessory Dwelling Units.
 - b. Accessory Structures.
 - c. Accessory Uses.
 - d. Bus Shelters and Bus Turnouts.
 - e. Childcare Facilities.
 - f. Essential Services (Type I).
 - g. Family Day Care Homes or Group Day Care Homes as registered by the State of Montana.
 - h. Home Occupations, subject to [Section 23.6](#).
 - i. Multi-family Dwelling Units.
 - j. Multi-family Workforce Housing.
 - k. Short Term Rentals.
 - l. Single-family Dwelling Units.
 - m. Single-family Workforce Housing.
 - n. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - o. Trails for non-motorized Use and Open Space.
- 5.4 Conditional Uses:
 - a. Cemeteries.
 - b. Community Centers.
 - c. Community residential facilities as defined in [76-2-411](#), MCA.
 - d. Emergency Helistops as an accessory to public safety facilities.
 - e. Essential Services (Type II & III).
 - f. Golf courses.
 - g. Home Occupations, subject to [Section 23.6](#).
 - h. Libraries.
 - i. Places of Worship.
 - j. Planned Unit Developments.
 - k. Schools.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - m. Transitional and Emergency Housing.
 - n. Workforce Housing Dormitory.
- 5.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 10 feet.
 - Rear: 10 feet.
- 5.6 Minimum Lot Width: 60 feet.
- 5.7 Maximum Structure Height: 40 feet.
- 5.8 Parking Standards: See [Section 27](#).

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SECTION 6 RESIDENTIAL MOBILE HOME 6,000 (R-MH-6,000)

- 6.1 Intent: Provide for Mobile Home Parks or subdivisions in areas that have community water and sewer service.
- 6.2 Minimum Area Requirements: 6,000 square feet per Mobile Home unit, not to exceed seven (7) Mobile Home units per gross acre.
- 6.3 Permitted Uses:
 - a. Bus Shelters and Bus Turnouts.
 - b. Essential Services (Type I).
 - c. Family Day Care Homes or Group Day Care Homes registered by the State of Montana.
 - d. Home Occupations, subject to [Section 23.6](#).
 - e. Mobile Homes.
 - f. Short Term Rentals.
 - g. Single-family Dwelling Units.
 - h. Single-family Workforce Housing.
 - i. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - j. Trails for non-motorized Use and Open Space.
- 6.4 Conditional Uses:
 - a. Community Centers.
 - b. Community residential facilities as defined in [76-2-411](#), MCA.
 - c. Cemeteries.
 - d. Emergency Helistops as an accessory to public safety facilities.
 - e. Essential Services (Type II & III).
 - f. Golf courses.
 - g. Home Occupations, subject to [Section 23.6](#).
 - h. Libraries.
 - i. Places of Worship.
 - j. Planned Unit Developments.
 - k. Schools.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - m. Transitional and Emergency Housing.
- 6.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 10 feet.
 - Rear: 10 feet.
- 6.6 Minimum Lot Width: 60 feet.
- 6.7 Maximum Structure Height: 40 feet.
- 6.8 Parking Standards: See [Section 27](#).

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SECTION 8 RESIDENTIAL SINGLE-FAMILY 7,500 (R-SF-7,500)

- 8.1 Intent: Provide for medium-density, development in areas that have community sewer and water service.
- 8.2 Minimum Lot Size: 7,500 square feet.
- 8.3 Permitted Uses:
 - a. Accessory Dwelling Units.
 - b. Accessory Structures.
 - c. Accessory Uses.
 - d. Bus Shelters and Bus Turnouts.
 - e. Childcare Facilities.
 - f. Essential Services (Type I).
 - g. Family Day Care Homes or Group Day Care Homes registered by the State of Montana.
 - h. Home Occupations, subject to [Section 23.6](#).
 - i. Short Term Rentals.
 - j. Single-family Dwelling Units.
 - k. Single-family Workforce Housing.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - m. Trails for non-motorized Use and Open Space.
- 8.4 Conditional Uses:
 - a. Cemeteries.
 - b. Community Centers.
 - c. Community residential facilities as defined in [76-2-411](#), MCA.
 - d. Emergency Helistops as an accessory to public safety facilities.
 - e. Essential Services (Type II & III).
 - f. Golf courses.
 - g. Home Occupations, subject to [Section 23.6](#).
 - h. Places of Worship.
 - i. Planned Unit Developments.
 - j. Schools.
 - k. Temporary Uses and Structures, subject to [Section 23.1.b](#).
- 8.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 15 feet.
 - Rear: 10 feet.
- 8.6 Minimum Lot Width: 70 feet.
- 8.7 Maximum Structure Height:
 - Flat Roof: 40 feet.
 - Pitched Roof: 33 feet.
- 8.8 Parking Standards: See [Section 27](#).

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SECTION 9 RESIDENTIAL SINGLE-FAMILY 11,000 (R-SF-11,000)

- 9.1 Intent: Provide for medium-density development in areas that have community water and sewer service.
- 9.2 Minimum Lot Size: 11,000 square feet.
- 9.3 Permitted Uses:
 - a. Accessory Dwelling Units.
 - b. Accessory Structures.
 - c. Accessory Uses.
 - d. Bus Shelters and Bus Turnouts.
 - e. Childcare Facilities.
 - f. Essential Services (Type I).
 - g. Family Day Care Homes or Group Day Care Homes registered by the State of Montana.
 - h. Home Occupations, subject to [Section 23.6](#).
 - i. Short Term Rentals.
 - j. Single-family Dwelling Units.
 - k. Single-family Workforce Housing.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - m. Trails for non-motorized Use and Open Space.
- 9.4 Conditional Uses:
 - a. Bed and Breakfast Inns.
 - b. Cemeteries.
 - c. Community Centers.
 - d. Community residential facilities as defined in [76-2-411](#), MCA.
 - e. Emergency Helistops as an accessory to public safety facilities.
 - f. Essential Services (Type II & III).
 - g. Golf courses.
 - h. Home Occupations, subject to [Section 23.6](#).
 - i. Places of Worship.
 - j. Planned Unit Developments.
 - k. Schools.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
- 9.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 15 feet.
 - Rear: 10 feet.
- 9.6 Minimum Lot Width: 85 feet.
- 9.7 Maximum Structure Height: Flat roofs: 30 feet.
Pitched roofs: 33 feet.
- 9.8 Parking Standards: See [Section 27](#).

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SECTION 10 RESIDENTIAL CLUSTER SINGLE FAMILY (RC-SF)

10.1 Intent: Provide for low-density, clustered development as defined in [Section 28](#).

10.2 Density: Densities in the RC-SF Sub-district are shown on the Officially Adopted Zoning Map. Densities are measured in Gross Density as displayed after the Sub-district designation on the Zoning Map (e.g.: RC-SF-20 allows one (1) Dwelling Unit per 20 gross acres).

Allowed densities in the RC-S district are as follows:

District	Min. Gross acres per Dwelling Unit
RC-SF-1	1
RC-SF-2.5	2.5
RC-SF-5	5
RC-SF-10	10
RC-SF-20	20
RC-SF-40	40

10.3 Minimum Lot Size: None.

10.4 Permitted Uses:

- a. Accessory Dwelling Units.
- b. Accessory Structures.
- c. Accessory Uses.
- d. Bus Shelters and Bus Turnouts.
- e. Childcare Facilities.
- f. Essential Services (Type I).
- g. Family Day Care Homes or Group Day Care Homes registered by the State of Montana.
- h. Home Occupations, subject to [Section 23.6](#).
- i. Short Term Rentals.
- j. Single-family Dwelling Units.
- k. Single-family Workforce Housing.
- l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
- m. Trails for non-motorized Use and Open Space.

10.5 Conditional Uses:

- a. Bed and Breakfast Inns.
- b. Cemeteries.
- c. Community Centers.
- d. Community residential facilities as defined in [76-2-411](#), MCA.
- e. Emergency Helistops as an accessory to public safety facilities.
- f. Essential Services (Type II & III).
- g. Golf courses.
- h. Home Occupations, subject to [Section 23.6](#).
- i. Libraries.
- j. Places of Worship.
- k. Planned Unit Developments.
- l. Schools.
- m. Temporary Uses and Structures, subject to [Section 23.1.b](#).
- n. Trails for motorized Use.

10.6 Required Setbacks: Front: 25 feet.
Side: 15 feet.

- 10.7 Maximum Structure Height: Rear: 10 feet.
Flat Roof: 30 feet.
Pitched Roof: 33 feet.
- 10.8 Parking Standards: See [Section 27](#).

SECTION 11 COMMERCIAL AND INDUSTRIAL MIXED USE (C-I)

- 11.1 Intent: The intent of this mixed Use district is to provide both: (1) areas for Commercial Uses and Service Enterprises which are intended to serve the needs of the traveling public and local residents, and; (2) areas for Light Industrial Uses for the benefit of the greater Big Sky area.
- 11.2 Minimum Lot Size and Width: There shall be no minimum Lot area or Width. Lot area and width shall be large enough to accommodate proposed Structures, required parking and all applicable design standards, including Landscaping.
- 11.3 Permitted Uses:
- a. Accessory Structures, Parking Lots, and loading facilities.
 - b. Art Foundries.
 - c. Bars.
 - d. Bus Shelters and Bus Turnouts.
 - e. Car Washes.
 - f. Essential Services (Type I & II).
 - g. Gasoline sales and service stations.
 - h. Greenhouses and Plant Nurseries.
 - i. Guide services for hunting and fishing and other outdoor activities.
 - j. Health and Exercise Establishments.
 - k. Hotels.
 - l. Light Industrial.
 - m. Lodges and Clubs.
 - n. Medical Offices, Clinics and Centers.
 - o. Mini-storage.
 - p. Offices.
 - q. Personal and Convenience Services.
 - r. Places of Worship.
 - s. Restaurants.
 - t. Retail.
 - u. Short Term Rentals.
 - v. Special Events.
 - w. Studios.
 - x. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - y. Trails and Open Space.
 - z. Transitional and Emergency Housing.
 - aa. Veterinarian Clinics.
 - bb. Warehouses.
 - cc. Workforce Housing Commercial.
 - dd. Workshops.
- 11.4 Conditional Uses:
- a. Accessory uses not listed in [Section 11.3](#).
 - b. Animal shelters.
 - c. Automobile Repair Facilities.
 - d. Campgrounds and Campground Accessory Uses as listed in [Section 23.5](#).
 - e. Cemeteries.
 - f. Drive-through facilities.
 - g. Emergency Helistops as accessory to public safety facilities.
 - h. Essential Services (Type III).
 - i. Firewood cutting and storage.

SECTION 12 COMMUNITY COMMERCIAL (CC)

- 12.1 Intent: The intent of this district is to accommodate the unified development of community Retail, service and Office facilities with convenient automobile access.
- 12.2 Minimum Lot Size and Width: There shall be no minimum Lot area and Width. Lot area and Width shall be large enough to accommodate proposed Structures, required parking, and applicable design standards.
- 12.3 Permitted Uses:
- a. Accessory Structures, Parking Lots, and loading facilities.
 - b. Bars.
 - c. Bus Shelters and Bus Turnouts.
 - d. Carwashes
 - e. Essential Services (Type I).
 - f. Health and Exercise Establishments.
 - g. Lodges and Clubs.
 - h. Medical Offices, Clinics and Centers.
 - i. Museums.
 - j. Personal and Convenience Service.
 - k. Restaurants.
 - l. Retail.
 - l. Short Term Rentals.
 - m. Special Events.
 - n. Studios.
 - o. Temporary Uses and Structures, subject to [Section 23.1.b.](#)
 - p. Veterinarian Clinics.
 - q. Workforce Housing Commercial.
- 12.4 Conditional Uses:
- a. Accessory Uses not listed in [Section 12.3.](#)
 - b. Bed and Breakfast Inns.
 - c. Cemeteries.
 - d. Childcare Facilities.
 - e. Drive-through facilities.
 - f. Essential Services (Type II & III).
 - g. Gasoline sales and service stations.
 - h. Hotels.
 - i. Mini-warehouses.
 - j. Multi-family housing, at a maximum density of 12 units per gross acre.
 - k. Multi-family Workforce Housing.
 - l. Places of Worship.
 - m. Planned Unit Development.
 - n. Schools.
 - o. Temporary Uses and Structures, subject to [Section 23.1.b.](#)
 - p. Transitional and Emergency Housing.
 - q. Warehouses.
 - r. Workforce Housing Dormitory.
 - s. Workforce Housing Mixed Use.

- 12.5 Required Setbacks: Front: 20 feet.
Side: 0 feet.
Rear: 10 feet.
- 12.6 Maximum Structure Height: 35 feet.
- 12.7 Off-Street Parking: See [Section 27](#).

SECTION 13 MEADOW CENTER (MC)

- 13.1 Intent: The intent of this district is to provide a pedestrian-oriented, central location for basic services, shopping, employment and housing.
- 13.2 Minimum Lot Area and Width: Minimum Lot size shall be sufficient to accommodate proposed Structures, required parking and design standards.
- 13.3 Permitted Uses:
- a. Accessory Structures, Parking Lots, and loading facilities.
 - b. Bars.
 - c. Bus Shelters and Bus Turnouts.
 - d. Community Centers.
 - e. Essential Services (Type I).
 - f. Libraries.
 - g. Lodges and Clubs.
 - h. Medical Offices, Clinics and Centers.
 - i. Museums.
 - j. Offices.
 - k. Personal and Convenience Services.
 - l. Places of Worship.
 - m. Post offices.
 - n. Restaurants.
 - o. Retail.
 - p. Special Events.
 - q. Studios.
 - r. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - s. Theaters.
 - t. Trails and Open Space.
 - u. Workforce Housing Commercial.
- 13.4 Conditional Uses:
- a. Accessory Uses not listed in [Section 13.3](#).
 - b. Structures between 25 and 35 feet in height.
 - c. Cemeteries.
 - d. Childcare Facilities.
 - e. Essential Services (Type II & III).
 - f. Gasoline sales and service stations
 - g. Multi-family Dwelling Units.
 - h. Multi-family Workforce Housing.
 - i. Planned Unit Developments.
 - j. Schools.
 - k. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - l. Transitional and Emergency Housing.
 - m. Workforce Housing Dormitory.
- 13.5 Maximum Structure Height: 25 feet, unless approved as a Conditional Use under the Gallatin County "Part 1" Zoning Administrative Regulations.
- 13.6 Required Setbacks:
Front: 20 feet.
Side: 0 feet.
Rear: 10 feet.
- 13.7 Off-Street Parking: See [Section 27](#).

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SECTION 14 TOWN CENTER COMMERCIAL (TCC)

- 14.1 Intent: The intent of this district is to provide a pedestrian-oriented, local-serving and visitor-serving center containing Retail, Office, lodging, public, quasi-public, recreational, parks, Open Space, trails and Residential Uses to complement and support the Town Center Residential District thereby creating the appearance and feel of a small town. The purpose of this district is to provide a location for local and visitor-serving services, shopping, employment, lodging and housing. All Town Center Commercial development shall be served by community water and sewer service.
- 14.2 Minimum Lot Area: 2,000 square feet, except for parks or Open Space.
- 14.3 Permitted Uses:
- a. Accessory Structures, carports, Parking Lots, and loading facilities.
 - b. Accessory Uses.
 - c. Art Foundries.
 - d. Bars.
 - e. Bus Shelters, transit buildings, and Bus Turnouts.
 - f. Car Washes.
 - g. Childcare Facilities.
 - h. Community Centers.
 - i. Convention and meeting facilities.
 - j. Drive-through facilities.
 - k. Gambling Enterprises.
 - l. Essential Services (Type I).
 - m. Health and Exercise Establishments.
 - n. Home Occupations, subject to [Section 23.6](#).
 - o. Hotels.
 - p. Information centers.
 - q. Libraries.
 - r. Lodges and Clubs.
 - s. Medical Offices, Clinics and Centers.
 - t. Multi-family Dwelling Units, located on second and subsequent stories.
 - u. Multi-family Workforce Housing, located on second and subsequent stories.
 - v. Museums.
 - w. Offices.
 - x. Parking Lots.
 - y. Personal and Convenience Services.
 - z. Post offices.
 - aa. Restaurants.
 - bb. Retail.
 - cc. Schools.
 - dd. Short Term Rentals.
 - ee. Special Events.
 - ff. Sports and recreation instruction.
 - gg. Studios.
 - hh. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - ii. Theaters.
 - jj. Trails and Open Space.
 - kk. Workforce Housing Commercial, located on second and subsequent stories.
 - ll. Workforce Housing Dormitory, located on second and subsequent stories.
 - mm. Workforce Housing Mixed Use, located on second and subsequent stories.
- 14.4 Conditional Uses:

equipment, or other architectural elements or screens may extend up to six (6) feet above the maximum Structure Height for all Dwelling Units in this Sub-district.

15.7 Off-street Parking: See [Section 27](#), Parking and [Section 27.11](#), Town Center Parking.

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SECTION 17 RESORT (R)

- 17.1 Intent: The intent of this district is to provide for planned resort development that include visitor accommodations, Residential Uses, recreational facilities and food service.
- 17.2 Minimum Lot Size: None.
- 17.3 Minimum Requirements: Any development proposal within the Resort District shall include, at a minimum, visitor accommodations, at least two Health and Exercise Establishments and/or Community Centers and a food service facility. If a phased development proposal is submitted, these requirements shall be met in the first phase.
- 17.4 Permitted Uses:
- a. Accessory Dwelling Units.
 - b. Accessory Structures, garages, Parking Lots, and loading facilities.
 - c. Accessory Uses.
 - d. Bus Shelters and Bus Turnouts.
 - e. Community Centers.
 - f. Convention and meeting facilities.
 - g. Essential Services (Type I).
 - h. Guest Ranches.
 - i. Health and Exercise Establishments.
 - j. Home Occupations, subject to [Section 23.6](#).
 - k. Hotels.
 - l. Libraries.
 - m. Lodges and Clubs.
 - n. Multi-family Dwelling Units.
 - o. Multi-family Workforce Housing.
 - p. Retail, less than 1,500 square feet of Floor Area.
 - q. Restaurants and Bars, as Accessory Uses.
 - r. Short Term Rentals.
 - s. Single-family Dwelling Units.
 - t. Single-family Workforce Housing.
 - u. S
 - v. Sports and recreation instruction.
 - w. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - x. Trails and Open Space.
 - y. Workforce Housing Commercial.
- 17.5 Conditional Uses:
- a. Accessory Uses not listed in [Section 17.4](#).
 - b. Bed and Breakfast Inns.
 - c. Campgrounds.
 - d. Cemeteries.
 - e. Essential Services (Type II & III).
 - f. Gambling Enterprises.
 - g. Home Occupations, subject to [Section 23.6](#).
 - h. Planned Unit Developments.
 - i. Personal and Convenience Services, as Accessory Uses.
 - j. Personal Use Airfield.
 - k. Retail, exceeding 1,500 square feet of Floor Area.
 - l. Structures over 35 feet in height.
 - m. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - n. Theaters.

SECTION 18 COMMUNITY FACILITIES (CF)

- 18.1 Intent: The intent of this district is to provide for public or semi-public community facilities.
- 18.2 Minimum Lot Area: None.
- 18.3 Permitted Uses:
 - a. Accessory Dwelling Units.
 - b. Accessory Structures.
 - c. Accessory Uses.
 - d. Bus Shelters and Bus Turnouts.
 - e. Cemeteries.
 - f. Community Centers.
 - g. Essential Services (Type I & II).
 - h. Health and Exercise Establishments.
 - i. Information centers.
 - j. Libraries.
 - k. Multi-family Workforce Housing.
 - l. Open Space.
 - m. Places of Worship.
 - n. Schools.
 - o. Single-family Workforce Housing.
 - p. Special Events.
 - q. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - r. Trails for non-motorized Use.
- 18.4 Conditional Uses:
 - a. Emergency Helistops as an accessory to public-safety facilities.
 - b. Essential Services (Type III).
 - c. Maintenance facilities.
 - d. Planned Unit Developments.
 - e. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - f. Transitional and Emergency Housing.
 - g. Workforce Housing Dormitory.
- 18.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 15 feet.
 - Rear: 10 feet.
- 18.6 Maximum Structure Height:
 - Flat Roof: 30 feet.
 - Pitched Roof: 33 feet.
- 18.7 Off-Street Parking: See [Section 27](#).

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SECTION 19 COMMUNITY RECREATION (CR)

- 19.1 Intent: The intent of this district is to provide for public or private recreation lands.
- 19.2 Minimum Lot Area: 20,000 square feet.
- 19.3 Permitted Uses:
 - a. Accessory Structures.
 - b. Agriculture.
 - c. Essential Services (Type I).
 - d. Golf courses.
 - e. Information centers.
 - f. Open space.
 - g. Temporary Uses and Structures, subject to [Section 23.1.b](#).
 - h. Trails for non-motorized Use.
- 19.4 Conditional Uses:
 - a. Accessory Structures.
 - b. Accessory Uses.
 - c. Cemeteries.
 - d. Community Centers.
 - e. Essential Services (Type II & III).
 - f. Health and Exercise Establishments.
 - g. Libraries.
 - h. Lodges and Clubs.
 - i. Maintenance facilities.
 - j. Planned Unit Developments.
 - k. Special Events.
 - l. Temporary Uses and Structures, subject to [Section 23.1.b](#).
- 19.5 Required Setbacks:
 - Front: 25 feet.
 - Side: 15 feet.
 - Rear: 10 feet.
- 19.6 Maximum Structure Height:
 - Flat Roof: 30 feet.
 - Pitched Roof: 35 feet.
- 19.7 Off-Street Parking: See [Section 27](#).

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SECTION 20 OPEN SPACE PRESERVE (OSP)

- 20.1 Intent: The intent of this district is to provide for the preservation of the environmental quality, wildlife habitat and undeveloped character of designated Open Space lands.
- 20.2 Applicability: Land designated as Open Space Preserve on the Official Zoning Map may be incorporated into a Planned Unit Development or Residential Cluster Development provided that the land is part of the same Lot and ownership, or contiguous Lots under the same ownership.
- 20.3 Permitted Uses:
- a. Agriculture.
 - b. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith.
 - c. Trails for non-motorized Use and Open Space.
- 20.4 Conditional Uses:
- a. Cemeteries.
 - b. Special Events.
- 20.5 Off-Street Parking: See [Section 27](#).

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SECTION 21 PUBLIC LANDS (PL)

- 21.1 Intent: The intent of this district is to provide for those lands which are in public ownership and to provide for the preservation of the environmental quality, wildlife habitat and undeveloped character of these public lands.
- 21.2 Applicability: If public lands change to private ownership, the following restrictions of [Section 21](#) shall apply until such time as the property owner requests and receives a change in zoning designation. If private lands change to public ownership, either the property owner or the Planning and Zoning Commission shall initiate a Zone Map Amendment to Public Lands within 120 days.
- 21.3 Permitted Uses:
- a. Agriculture.
 - b. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith.
 - c. Trails and Open Space.
- 21.4 Conditional Uses:
- a. Essential Services (Type I, II & III).
 - b. Special Events.
 - c. The development of natural resources, including gravel pits, mines and oil and gas wells.
- 21.5 Off-Street Parking: See [Section 27](#).

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SECTION 22 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT

- 22.1 Intent: The intent of this overlay district is to:
- a. Preserve and enhance the natural amenities of the land and protect the natural features of the site.
 - b. Protect areas of important wildlife habitat.
 - c. Enhance the visual impact of development.
 - d. Create and preserve usable Open Space for recreational and aesthetic enjoyment within the Planned Unit Development.
 - e. Permit flexibility of design for the placement, Structure Height, density and Setbacks of Structures, interior circulation and Off-street Parking areas.
 - f. Preserve important site vegetation, outstanding natural topography and geologic features, while preventing soil erosion.
 - g. Cluster development effectively on those portions of land best suited to development and preserve valuable natural resources.
 - h. Promote development in accord with the goals and objectives of the Gallatin Canyon/Big Sky Plan.
 - i. Promote Workforce Housing options.
 - j. Minimize wildfire risk.
 - k. Provide economies in the supply of Essential Services and other public services.
- 22.2 Application Procedure:
- a. Pre-application Meeting: A minimum of 30 days prior to the date of application submittal, the applicant shall meet with a Zoning Enforcement Agent to review the appropriate procedures, standards, documentation and any other requirements, including design standards, necessary for the complete processing of the application. The Zoning Enforcement Agent may consult with service providers regarding the Planned Unit Development impacts.
 - b. The application shall be submitted by the legal owner(s) or authorized agent(s).
 - c. The Planned Unit Development shall be reviewed as a Conditional Use according to the provisions of the Gallatin County "Part 1" Zoning Administrative Regulation.
- 22.3 Submittal Requirements: All Planned Unit Development applications shall include the following:
- a. Completed and signed Conditional Use Permit application form.
 - b. All applicable fees.
 - c. A traffic impact study, if the proposed development will generate 500 or more average daily trips.
 - d. A site plan showing:
 1. Property lines and easements, with dimensions and area.
 2. Topographic information.
 3. Existing vegetation, wildlife habitat, Watercourses, wetlands, soil types and floodplains.
 4. Existing land Uses.
 5. Location and dimensions of existing and proposed Structures, Essential Services, trails and improvements.
 6. Land Use designations.
 7. General circulation system, including roadways and multi-use pathways.
 8. Number and types of Dwelling Units.
 9. Number of Off-street Parking Spaces.
 10. General Landscaping plan.
 11. Amount and location of Open Space.
 12. Amount, location and Use of common space.

13. Proposed treatment of perimeter boundary of the Planned Unit Development.
 - e. Standards for Principal and Accessory Uses, including, but not limited to:
 1. Minimum Lot area.
 2. Minimum Lot Width.
 3. Minimum Setbacks.
 4. Maximum Structure Heights.
 5. Maximum Lot coverage.
 - f. If a Planned Unit Development is not required to be reviewed as a subdivision, the applicant must submit information on water supply and sewage treatment, public safety (including, but not limited to: fire, police, emergency medical response and road access) and historic or archeological resources.
 - g. Wildfire prevention and vegetation management plan.
 - h. Projected population.
 - i. Proposed development schedule and phasing, if applicable.
 - j. A statement of principles governing a subsequent Owners' Association or similar entity responsible for the enforcement of conditions. Such principles should cover topics including, but not limited to: environmental stewardship, maintenance, limitations on Use of Open Space, and assessments.
 - k. Submit a master environmental assessment which addresses the following at a generalized level of detail; environmental assessments for each subsequent Planned Unit Development application will be governed by applicable Planned Unit Development requirements.
 1. Soils.
 2. Geology.
 3. Hydrology.
 4. Wildlife.
 5. Vegetation.
 6. Natural Hazard Risk.
 - l. Preliminary information on water supply and sewage treatment, public safety (including fire protection, police, emergency medical response and road access) and historic or archeological resources.
 - m. Show proof of compliance with any recorded covenants on the property.
- 22.4 Applicability: The Planned Unit Development district may be combined with any other district except the PL District to provide superior design in development. Planned Unit Developments within the RC-SF district shall comply with the requirements of the Residential Cluster Development Section.
- 22.5 Standards:
- a. The minimum size for a Planned Unit Development shall be three (3) acres.
 - b. Planned Unit Developments may be composed of a single Use or a mixture of Uses, when consistent with the underlying district, or the Gallatin Canyon/Big Sky Plan.
 - c. Structures in a Planned Unit Development need not comply with the requirements of the underlying Sub-district.
 - d. Landscaping plans shall be proposed above the minimum Landscaping standards preserving natural amenities. All Landscaping must be native plantings and fire and drought resistant.
 - e. The site design shall consider the relationship of the site to the surrounding area. The site perimeter shall be designed to minimize undesirable impacts between the site and surrounding Uses. Vegetative buffers, trails, wildlife corridors and community Uses may be utilized to minimize impacts within the buffer zone.

- f. The development shall comply with the applicable standards of [Section 23](#), General Development Standards.
- g. Open Space areas may either be held/owned perpetually in common by an Owners' Association, dedicated as a park, permanently preserved through a conservation easement, or a combination thereof. The application shall specify the means of maintaining common Open Space or of permanently preserving it. Open Space owned in common by an Owners' Association shall comply with the criteria established under [Section 28.6.f](#) of these regulations.

22.6 Review Criteria:

The Planning and Zoning Commission must find that the applicant has demonstrated the following: (1) that the intent, purpose and standards of this Section have been met, and (2) that the Planned Unit Development serves the public interest, or that the development plan for a Planned Unit Development has met each of the following criteria:

- a. There is an appropriate relationship to the surrounding area. The buffer zone shall be landscaped, screened or protected by natural features, so that any adverse impacts on surrounding areas are minimized.
- b. When compared to a conventional development, the Planned Unit Development maximizes the preservation of natural features, including, but not limited to: trees, drainage areas, recreation, views, wildlife habitat and riparian areas.
- c. When compared to a conventional development, the Planned Unit Development provides community benefit, which may include, but is not limited to: sidewalks, public trails, parks and Open Space, Workforce Housing, Landscaping, and public amenities and facilities.
- d. Multi-use trails have been designed in terms of safety, convenience and access to points of destination and/or historically used trails have been preserved.

22.7 Master Planned Unit Developments: All master Planned Unit Developments approved under this Regulation shall retain all their entitlements as granted through the master Planned Unit Development review process. The density approved through the master Planned Unit Development shall continue to apply to all subsequent Planned Unit Developments within the master Planned Unit Development area. Extensions to master Planned Unit Developments approved under this Regulation are permitted. Projects approved under the master Planned Unit Development Regulation shall be treated as Planned Unit Developments and all modifications and extensions to master Planned Unit Developments shall be reviewed through the Conditional Use Permit Criteria within the Gallatin County "Part 1" Zoning Administrative Regulation and the Review Criteria of this Section.

22.8 Workforce Housing Density Bonus: Bonus units shall be granted if the applicant provides Workforce Housing, guaranteed in perpetuity, within the Planned Unit Development.

- a. Area Median Income (AMI) set annually for Gallatin County by the U.S. Department of Housing and Urban Development will be utilized to determine the maximum bonus granted. In a multi-phased project, the maximum allowed price of the home will be determined by the Area Median Income levels at the time of phase commencement. The phased subdivision commencement hearing shall be considered the date of commencement of the phase, if required.
- b. A density bonus will be granted for no more than 50 percent of the original allowed Gross Density provided by the Planned Unit Development.
- c. Additional Dwelling Units are allowed at the amount as set forth in [Table 22.1](#).
- d. Bonus Dwelling Units resulting in a fraction may be rounded to the next whole number.
- e. The Workforce Housing Density applies to the entirety of the PUD including phased developments. Workforce Housing units are encouraged to be proposed

throughout the development and not included in only one (1) phase or the final phases.

- f. Workforce Housing Density Bonus Formula: (# of Workforce Housing Units*AMI Bonus Unit Calculation in Table 22.1)+Original Density=Total Units Allowed

Table 22.1: Workforce Housing Density Bonus

AMI Level	Bonus Units
150%	1.05
120%	1.10
100%	1.15
60%	1.25
40%	1.50

Example: The original density of a 100-acre Parcel zoned RC-SF-1 allows 100 Dwelling Units. Twenty-five (25) Dwelling Units of the original 100 are perpetually reserved as affordable at 60 percent Area Median Income, How is the bonus ratio calculated?

25x1.25(60 percent AMI Bonus Unit Ratio)= 31.25 Bonus Units

31.25+100(Original Density)=131.25 Total Units Allowed (132 rounded)

- g. Workforce Housing density bonuses may be combined with [Table 28.1](#), Open Space Bonus Units.

22.9 Workforce Housing Density Bonus Standards:

- a. To qualify for Workforce Housing bonus units the total annual cost of the Dwelling Unit cannot exceed 30 percent of the Area Median Income level shown in was set annually for Gallatin County by the U.S. Department of Housing and Urban Development.

Example: The Area Median Income is calculated by HUD at \$100,000 for Gallatin County. The total cost of the Dwelling Unit cannot exceed 30 percent of \$100,000 or \$30,000.

Calculation: AMI x 0.30 = Maximum annual cost of the Dwelling Unit.

- b. Workforce Housing Mixed Use units may not be counted towards the Workforce Housing Density Bonus.
- c. All Planned Unit Developments receiving the Workforce Housing Density Bonus must be reserved in perpetuity at or below 30 percent of the Area Median Income level of the density bonus received.
- d. The site plan submitted shall identify the Workforce Housing Lots or units.
- e. Bonus units shall not be constructed prior to the construction of Workforce Housing in phases which contain Workforce Housing. If Workforce Housing is not constructed the approved density bonus shall become null and void.
- f. All site plan and design standards established at the adoption of the PUD shall apply to the entirety of the project, including Workforce Housing Lots or units. Examples include: sidewalks, trails, Open Space and enhanced Landscaping.
- g. Workforce Housing shall be substantially similar to market rate Dwelling Units within the Planned Unit Development.

SECTION 23 GENERAL DEVELOPMENT STANDARDS

The following standards supplement the specific district regulations set forth in this zoning regulation.

23.1 Accessory Structures, Temporary Structures and Uses, and Accessory Dwelling Units:

a. Accessory Structures shall meet the following requirements:

1. Accessory Structures may be combined with Accessory Dwelling Units into a single Structure to minimize impacts on the mountain landscape and promote clustering of Structures in accordance with the Gallatin Canyon/Big Sky Plan and [Section 28](#) of this regulation. If Accessory Structures are combined with Accessory Dwelling Units each Use may contain the maximum Floor Area allowed for that Use within a single Structure (e.g., on a Lot of 2.5 acres or less the combined Structure may contain up to 1,200 square feet of Floor Area of Accessory Structure Use and up to 1,200 square feet of Accessory Dwelling Unit Use with a total Structure size of up to 2,400 square feet of Floor Area).
2. If located on a Lot less than 2.5 acres, one (1) Accessory Structure up to 1,200 square feet of Floor Area is permitted per Lot. Additional Structures and/or additional square footage may be approved through the Conditional Use Permit process.
3. If located on a Lot greater than 2.5 acres but less than 10 acres in size, one (1) Accessory Structure up to 2,000 square feet of Floor Area is permitted per Lot. Additional Structures and/or additional Floor Area may be approved through the Conditional Use Permit process.
4. If located on a Lot greater than 10 acres in size, Accessory Structures up to 5,000 square feet of Floor Area are permitted per Lot. Multiple Structures may be permitted as long as they remain within the maximum allowed square footage of Floor Area. Additional Structures and/or additional square footage may be approved through the Conditional Use Permit process.

b. Temporary Structures and Uses shall meet the following requirements:

1. Temporary Structures and Uses must be consistent with the Permitted and Conditional Uses within the Sub-district that the proposed Structure or Use is to occur. All Temporary Uses listed as Conditional Uses in the applicable Sub-district must receive a Conditional Use Permit prior to the Use occurring on the Lot.
2. All Temporary Structures are exempt from Land Use Permitting.
3. Temporary Structures are exempt from the Setback requirements and General Standards Section of this Regulation.

c. Accessory Dwelling Units shall meet the following requirements:

1. Only one (1) Accessory Dwelling Unit per Single-family Dwelling Unit is permitted. On Lots greater than 40 acres, additional Accessory Dwelling Units may be approved through the Conditional Use Permit process.
2. On Lots less than 10 acres, Accessory Dwelling Units are limited to 1,000 square feet of Floor Area. If the Lot is 10 acres or greater, up to 2,000 square feet of Floor Area is permitted. Additional square footage may be approved through the Conditional Unit Permit process.

23.2 Address Number Requirements:

- a. Address numbers shall be posted at the intersection of the driveway and roadway and on the primary Structure on the Lot. If Lots have multiple addresses all numbers shall be posed at the intersection of the driveway and roadway and on each corresponding Structure.

- b. Address numbering shall contrast with the finish of the Structure they are located on.
 - c. Address numbers shall be at least four (4) inches in height.
- 23.3 Animal-Proof Refuse Requirement: All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.
- 23.4 Bed and Breakfast Inns: Bed and Breakfast Inns shall be subject to the following:
- a. There shall be no alteration to the exterior of the Structure which would detract from the Residential character of the neighborhood.
 - b. All parking shall meet the Off-street Parking requirements of [Section 27](#).
 - c. Bed and Breakfast Inns are limited to a maximum of eight (8) bedrooms.
 - d. Use of amenities is limited to registered overnight guests only and shall not be open to the public.
 - e. Bed and Breakfast Inns shall be accessed by public roadways.
 - f. Bed and Breakfast Inns shall be subject to all applicable permits and licenses.
- 23.5 Campgrounds: All Campgrounds shall be subject to the following requirements:
- a. The area of a Lot to be used shall contain not less than two (2) acres.
 - b. No Campsite shall be located within 50 feet of any boundary or property line of such Lot, or within a distance of 100 feet from the edge of any public roadway.
 - c. The density of Campsites in a Campground shall not exceed an average of 15 Campsites per acre of the developed portion of the Campground. The developed portion of the Campground shall include the Campsites, service roads, management Office, storage facilities, sanitary facilities and caretaker residences.
 - d. Each Campsite shall have a minimum area of 1,800 square feet and shall include an Off-street Parking Space, outdoor grill/fire pit, picnic table and camping pad. The camping pad shall have no more than a two-percent slope.
 - e. Campsites designated for Recreational Vehicle Use must be provided with a hook-up for potable water and electricity. Recreational Vehicle parks are subject to subdivision review.
 - f. Accessory Uses within Campgrounds may include a Retail store for use by Campground guests, and selling convenience foodstuffs, personal articles, minor camping supplies and souvenirs; an indoor laundry; free low-intensity recreational facilities such as table tennis and billiards and a television viewing and reading area.
 - g. The entrance roadway to the Campground must lead directly to the registration facility. All Campsites must be located beyond the registration facility and have access to internal Campground roads. Campground roads shall be built to the standards for roads within subdivisions created by rent or lease in the Gallatin County Subdivision Regulations.
 - h. Special conditions, such as the provision of fencing or Landscaping, or additional Setbacks, may be required to safeguard the community interest and welfare.
- 23.6 Home Occupations: A Home Occupation is a Use that is considered accessory to a Dwelling Unit, and conducted such that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for Home Occupations included in this section are intended to insure compatibility with other Permitted Uses and with the character of the neighborhood. Unless the Home Occupation requires a Conditional Use Permit, all property owners wishing to carry on a Home Occupation shall obtain written permission from the Gallatin County Planning Department prior to conducting a Home Occupation. Conducting a Home Occupation without approval of the Gallatin County Planning Department shall be considered a violation of this Regulation and be subject to the enforcement procedures contained within the Gallatin County "Part 1" Zoning Administrative Regulations.

- a. The following steps shall be followed prior to the commencement of the Home Occupation:
 1. The property owner shall request in writing a review of the proposed Home Occupation with an explanation of the Home Occupation addressing all of the standards listed below, and submit this request to the Zoning Enforcement Agent.
 2. The Home Occupation application shall be used.
- b. The Planning Department shall approve the written request if the proposed Home Occupation complies with the standards for Home Occupations below.
 1. Home Occupation activities shall not be visible or audible beyond the Lot Lines of the Dwelling Unit in which such Home Occupation is located.
 2. Home Occupations shall not include Uses involving outside storage, Accessory Structures and storage areas.
 3. There shall be no demand for parking beyond that which is required for a Dwelling Unit in the underlying Sub-district.
- c. Home Occupations Requiring a Conditional Use Permit: Home Occupations, not meeting the above standards, may be approved as a Conditional Use Permit through the procedures stated in the Gallatin County "Part 1" Zoning Administrative Regulations, provided findings in support of such Use are approved. Factors to be included in such review shall include, but are not limited to, the following potential neighborhood impacts:
 1. Neighborhood character.
 2. Time of operation.
 3. Type of waste generated and disposal system.
 4. Adequate water and waste water facilities.
 5. Excessive noise, dust, vibrations, glares.
 6. Environmental contamination.
 7. Substantially increased Off-street Parking.
 8. Any other significant or unusual neighborhood impacts.

23.7 Lighting: All outdoor lighting fixtures shall be designed and constructed in such a manner to ensure that:

- a. Direct or reflected light is not directed off the property.
- b. All light sources are shielded.
- c. Any light sources or light lenses are not directly visible from beyond the boundary of the Lot.
- d. Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- e. Lighting fixtures shall be a down-type having 100 percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
- f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color.
- g. Beacon lights are not permitted.
- h. Temporary, seasonal lights are exempt from these requirements.
- i. The lighting of public art is exempt from these requirements.

23.8 Satellite Dish Antennas: Within the Gallatin Canyon/Big Sky Planning and Zoning District, ground-mounted satellite dish antennas up to 12 feet in diameter may be permitted subject to the following criteria:

- a. All installations must comply with all Accessory Use, yard, height, bulk and Setback requirements specified within the Sub-district.
- b. All installations shall be located to prevent obstruction of the antenna's reception window from potential allowable development on adjoining properties.

- c. All installations shall employ, to the extent possible, Building Materials and colors that blend with the surroundings.
 - d. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna and shall be installed within six months of antenna installation. All Landscaping must be native plantings and fire and drought resistant.
 - e. This section shall not apply to Essential Services.
- 23.9 Utilities: All Essential Services shall meet the following standards:
- a. Utility lines, other than non-local electric transmission lines, shall be installed underground unless a Variance is granted.
- 23.10 Wildfire Protection Requirement: All Structures shall have a minimum of five (5) feet of fire-resistant ground cover around all exterior walls.
- 23.11 Helistops: All Helistops shall be subject to the following requirements:
- a. Plans for the Helistop shall be submitted to the local Federal Aviation Administration's (FAA) Airport District Office. The FAA shall conduct an Air Space Review of the Helistop. The FAA shall approve the Helistop prior to construction and operation.
 - b. The Helistop touchdown and lift-off area shall be constructed in compliance with all current and applicable FAA standards. In addition, the Planning and Zoning Commission and/or the County Commission shall have the right to impose any conditions authorized through the Gallatin County "Part 1" Zoning Administrative Regulation, provided such conditions are not in conflict with any rules and regulations of the FAA.
 - c. Take-off and landing areas shall be no closer than 50 feet from any Lot Line. Any administrative or operations Structures erected on a Helistop site shall meet all required Setbacks of the Sub-district the Structure is located in.
 - d. Plans for the Helistop shall be submitted to the local fire district officials for review and approval prior to operation.
- 23.12 Personal Use Airfields: All Personal Use Airfields are subject to review, regulation and certification by state and federal authorities. Local regulations concern land Use and site design issues only.
- 23.13 Workforce Housing Dormitory:
- a. The names of the Employer(s) will be identified during the permitting process.
 - b. A designated property manager shall be identified during the permitting process to ensure that the premises are properly maintained. The name and number of the property manager as well as emergency service numbers shall be posted on all doors of rooms occupied by Employees. The exterior of the Structure(s) and grounds shall be well maintained and tidy (i.e., maintain Landscaping/grounds, Structure upkeep, etc.). Indoor areas must be kept clean and sanitary.
 - c. The following activities are prohibited on the premises:
 1. Storage of inoperable vehicles
 2. Auto repair and/or auto maintenance
 3. Outdoor food storage
 4. Storage and/or occupation of Recreational Vehicles, boats, and/or trailers.
 5. Outdoor cooking is prohibited unless an Employer sets aside a designated area for Employees to cook and recreate outdoors.
 6. Separate beds must be provided for each Employee. Mattresses on the floor are prohibited. There shall be a minimum Floor Area of 45 square

feet for each Employee (excluding the common living/recreation area required in #7 below).

7. Employees must have access to a common living/recreation area either on or off the premises; such facilities will be identified in the Conditional Use Permit process.
8. Employees must have access to either an Employee cafeteria plan or furnished kitchen either on or off the premises. Furnished kitchen includes both appliances and cookware.
9. Cooking in individual sleeping rooms is limited to a microwave. There shall be no hot plates, toasters, toaster ovens, open flames, or the like in individual sleeping rooms.
10. The Employer shall provide on-site parking at a ratio of one (1) parking space per five (5) Employees, and shall comply with all other applicable standards specified in [Section 27](#).
11. Rooms shall be furnished by the Employer, including window coverings. Personal items are generally not provided.
12. Bathroom facilities must be provided on the premises. If individual rooms do not have a private bathroom with a shower, sink and toilet, then at least one shower, one sink, and one toilet must be provided for each five Employees.
13. The property manager shall enforce quiet hours between 11:00 pm and 7:00 am.
14. The Employer shall provide a communal dumpster facility that is screened and is sized commensurate to the size/capacity of the Workforce Housing Dormitory.
15. The property manager and/or owner shall be responsible for ensuring compliance with these standards. Gallatin County may pursue available enforcement remedies, including revocation of the Conditional Use Permit and/or fines, in the event of repeated and unresolved violations.

23.14 Short Term Rentals: Short Term Rentals shall be subject to the following:

- a. Short Term Rentals shall be subject to all applicable permits and licenses.
- b. Overnight lodging shall be limited to inside the Dwelling Unit.
- c. Use of a Short Term Rental for purposes other than lodging is prohibited. Advertisements offering Use of a Short Term Rental for purposes other than lodging (including, but not limited to: weddings, concerts, fundraisers, or other similar functions) shall be considered prima facie evidence of the owner's or agent's intent to violate this Regulation. Such advertisement may subject owners or agents to enforcement action under the Gallatin County "Part 1" Zoning Administrative Regulation.

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SECTION 24 GUIDELINES AND DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT

- 24.1 Intent: The intent of this section is to protect the scenic character of the District, since that character is important to both the personal and economic lives of the residents. The mountain landscape can be impaired by sprawl and by development that does not take the existing landscape into account. The loss of this character means a loss of a portion of the daily life of each resident. It also reduces the reason many tourists vacation in the area.
- 24.2 General Standards: The following standards shall apply to all commercial developments. Development within the Town Center Commercial Sub-district is exempt from the requirements of this section.
- a. Dumpster and/or garbage can storage areas and satellite receivers shall be shielded from view.
 - b. Structures or clusters of Structures having more than one tenant or Use shall provide a design plan for the entire project. The design plan must establish an integrated design, and must require the use of similar construction methods for all Structures, Building Materials, scale, and size. The design plan shall include and require continuity between Accessory Structures, fences, walls and landscape features within the project. The design plan shall show that the site has been proposed for Cluster Development.
 - c. Lots, Structures, roadways and Parking Lots shall be designed to minimize alteration of the natural features.
 - d. There shall be an integrated design among individual Uses that are located on the same Lot or that are part of a Structure or cluster of Structures.
 - e. The development shall contain at least 20 percent Open Space. The Open Space shall be designed to be usable for its intended purpose and permanently protected. On-going maintenance, management and Use must be included.
 - f. Roofs shall be designed to prevent snow buildup and allow snow shedding which will avoid injury to people or property. Structure design shall include weather protection which prevents water from dripping or snow from sliding onto adjacent properties or where pedestrians gather and circulate.
 - g. Highly reflective surfaces that create bright glares are prohibited.
 - h. Pedestrian access shall be provided between individual Uses and existing paths and from Parking Lots to individual Uses and existing paths.
 - i. The site's significant natural features, such as hillsides, mature trees, wildlife habitat, Watercourses, rock outcroppings, significant views and Landscaping shall be preserved.
 - j. Lots, Structures and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of Structures and to lessen roadway area.
- 24.3 Review Process for Commercial Development: The review of Commercial developments shall be administered by the Zoning Enforcement Agent. Upon submittal of a complete application for a Commercial development, the Zoning Enforcement Agent shall review the application for compliance with the requirements of this section and other applicable sections of this regulation. Appeals of Zoning Enforcement Agent decisions shall be considered in accordance with the procedures outlined in the Administration Section of the Gallatin County "Part 1" Zoning Administrative Regulation.

- 24.4 Submittal Requirements: All commercial development applications, including developments within the Town Center Commercial Sub-district, shall include the following:
- a. Completed and signed application form.
 - b. All applicable fees.
 - c. A traffic study, if the proposed development will generate 500 or more average daily trips.
 - d. A site plan showing:
 1. Lot Lines and easements, with dimensions and area.
 2. Topographic information.
 3. Existing vegetation, wildlife habitat, Watercourses, wetlands, soil types and floodplains.
 4. Existing land Uses.
 5. Location and dimensions of existing and proposed Structures, Essential Services, trails and improvements.
 6. Land Use designations.
 7. General circulation system, including roadways and multi-use pathways.
 8. Number, type and size of Structures.
 9. Number of Off-street Parking Spaces.
 10. General Landscaping plan.
 11. Amount and location of Open Space.
 12. Amount, location, purpose and Use of common space.
 13. Proposed treatment of perimeter boundary of the development.
- 24.5 Submittal Requirements for Structures in the Town Center Commercial Sub-district: All applications for Commercial Developments in the Town Center Commercial Sub-district shall include the following:
- a. The applicable application, information, and documentation as required by the Zoning Enforcement Agent.
 - b. All applicable fees.
 - c. A traffic study, if the proposed development will generate 500 or more average daily trips.
 - d. Town Center Owners' Association's approved Phase B Design and Land Use Permit.
- 24.6 Review of Design Plan: For any Lot on which the applicant proposes to erect one or more Structures, the applicant shall submit the information designated in Sections [24.4](#) and [24.7](#) in accordance with the following:
- a. If the property to be developed is subject to a Zone Map Amendment or Conditional Use Permit, submit the required information as set forth in Sections [24.4](#) and [24.7](#) as part of the Zoning Amendment or Conditional Use Permit application; or
 - b. If the property to be developed is not subject to rezoning or Conditional Use Permit requirements, submit the required information to the Zoning Enforcement Agent.
- 24.7 Required Information:
- a. Site plan at a scale of 1":20' or greater indicating the location of all existing and proposed Structures, site access, parking, pedestrian and vehicular circulation and site improvements.
 - b. Location of existing Structures on adjacent property.
 - c. Landscape plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, public spaces, walkways, fences, etc.

- d. Cross section(s) of the property and proposed Structure(s) adequately establishing the natural grade, finished grade, slope of land, slope of proposed access and grades to roads.
 - e. All exterior elevations.
 - f. Design guidelines and renderings showing design themes, construction methods, colors, Building Materials, scale and size.
 - g. Indication of direction of snow slide from roof.
 - h. Drip line of all Structures.
 - i. Location and type of exterior lighting.
 - j. Location of dumpster and/or garbage can storage areas and satellite receivers, including dimensions and screening materials.
- 24.8 Procedures: The design plan shall be included in any application, or any other official plan required by this regulation for the proposed development and shall be processed simultaneously with such other plan.
- 24.9 Amendment: An approved design plan may be amended by either the Planning and Zoning Commission or Zoning Enforcement Agent, whichever had granted the original approval. Approval shall be provided only if the amendment conforms with all requirements of the regulation in effect at the time the application for amendment is verified as complete by the Zoning Enforcement Agent.

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SECTION 25 ENTRY CORRIDOR AND VIEW PROTECTION

- 25.1 Intent: The intent of this overlay district is to enhance the visual quality and identity of the Gallatin Canyon/Big Sky Planning and Zoning District by providing guidelines for development along designated entry corridors and protecting key views from encroachment by development.
- 25.2 Applicability of Entry Corridor Guidelines: The provisions of this section shall apply to requests for Land Use Permits on the following Lots:
- a. Any Lot located adjacent to or within 200 feet of Montana 64 (Lone Mountain Trail) between the intersection of U.S. 191 and the Gallatin County/Madison County line.
 - b. Any Lot located adjacent to or within 200 feet of U.S. 191 between the south boundary line of the Zoning District and a point 2,000 feet north of the intersection of U.S. 191 and Montana 64 (Lone Mountain Trail).
 - c. Exceptions: For property with frontage on both U.S. 191 and Montana 64 (Lone Mountain Trail), the Setback standards on Montana 64 (Lone Mountain Trail) shall be reduced by 75 percent.
 - d. No entry corridor Setbacks shall be applied which are larger than 50 percent of the Lot depth or Width, of a residentially zoned Lot existing as of July 30, 1996. The Zoning Enforcement Agent shall review a Land Use Permit application for such a property and may issue the permit when they find that the maximum feasible entry corridor view mitigation has been provided by appropriate Landscaping and the resultant Land Use Permit is consistent with the Gallatin Canyon/Big Sky Plan.
- 25.3 Review Process for Land Use Permits Along Entry Corridors: The following material shall be submitted in conjunction with a Land Use Permit application on land located in an entry corridor:
- a. Survey of the subject Lot prepared by a registered land surveyor. The survey shall indicate property boundaries and the right-of-way line of adjacent entry corridor roadways.
 - b. Site plan at a scale of 1":20' or greater indicating the locations of all proposed Structures, site access, parking, pedestrian and vehicular circulation and site improvements.
 - c. Landscaping plan drawn at the same scale as the site plan indicating all new Landscaping material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, public spaces, walkways, fences, etc.
 - d. Proposed project lighting plan indicating all exterior lighting.
- 25.4 Setback Standards for Land Use Permits Along Entry Corridors: All Structures proposed by a Land Use Permit application shall comply with the following Setback standards:
- a. All Structures shall maintain a minimum 100-foot Setback from designated entry corridor roadways. The intent of the entry corridor Setback requirement is to establish a uniform 100-foot-wide landscaped buffer between Structures and the entry corridor roadway. Right-of-way widths vary along designated entry corridors. In order to establish uniform Setback distances, Setback requirements for individual properties will vary depending upon the width of adjacent rights-of-way. Entry corridor Setbacks for properties adjacent to the following four rights-of-way widths are as follows:
 1. The minimum Setback for Structures adjacent to 60-foot-wide rights-of-ways shall be 100 feet.
 2. The minimum Setback for Structures adjacent to 80-foot-wide rights-of-ways shall be 90 feet.
 3. The minimum Setback for Structures adjacent to 120-foot-wide rights-of-ways shall be 70 feet.

4. The minimum Setback for Structures adjacent to 160-foot-wide rights-of-ways shall be 50 feet.

- b. Calculation of Other Setbacks: The following methodology shall be used to determine Setback requirements for right-of-way widths other than those indicated above:

The potential roadway width of 60 feet (four travel lanes at 12 feet and two six-foot shoulders) shall be used for all calculations. The portion of the right-of-way to be considered as a part of the entry corridor Setback is determined by subtracting half of the potential roadway width (30 feet) from half of the right-of-way width. The resultant figure is then subtracted from 100 to determine the entry corridor Setback requirement.

Formula: $100 - (\text{right-of-way width} - 30) = \text{Setback}$

25.5 Design Standards for Land Use Permits along Entry Corridors: The following design standards shall be used by the Zoning Enforcement Agent to evaluate Land Use Permit applications. It shall be the burden of the applicant to demonstrate that proposed development complies with the following standards, that one or more of the standards are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Zoning Enforcement Agent shall act on Land Use Permit applications by either approving or denying the application based compliance with the following standards:

- a. Proposed Landscaping plans shall be designed to buffer the visual impact of Structures and site improvements from the designated entry corridor and adjacent properties. Landscape plans may include a combination of enhancements to existing native vegetation, the development of formal Landscaping areas, new plant materials, and berming, but in all cases shall include the introduction of trees, shrubs and ground covers designed to highlight proposed entries, screen Parking Lots, buffer the visual impact of Structures and enhance the landscape quality of the entry corridor. The use of native ground covers, fire-resistant Landscaping, and drought tolerant plant materials indigenous to the Zoning District are required.
- b. The following minimum Landscaping materials shall be required within the entry corridor Setback area for any Commercial development or Multi-family Residential development: eight coniferous or evergreen trees, four deciduous trees and eight shrubs for every 100 linear feet of frontage along the entry corridor. Landscaping standards for Lots with less than 100 feet of frontage or any portion of a Lot's entry corridor frontage that is less than 100 feet shall be pro-rated based on the standards above. Minimum plant sizes shall be a minimum of six (6) feet in height for coniferous or evergreen trees, two (2) inch caliper for deciduous trees and five (5) gallon for shrubs. In the event that berming, Setback distance in excess of 100 feet, or other design alternatives are proposed to enhance the visual quality of the entry corridor Setback area, the Zoning Enforcing Agent may approve Land Use Permits with fewer Landscaping materials than required by the standards above.
- c. In order to minimize the visibility of Parking Lots from entry corridors, parking areas should be located to the rear or sides of Structures. Parking Lots may be located in the front of Structures and may encroach into the required entry corridor Setback. However, Parking Lot encroachments shall not exceed 50 percent of the required Setback distance. When parking areas are proposed within the entry corridor Setback, minimum required Landscaping materials described above shall increase by 10 percent for every 10 feet of encroachment into the Setback and the use of berming to screen Parking Lots from the entry corridor shall be required.

- d. A landscape border not less than 15 feet wide shall be provided around the perimeter of all Parking Lots.
 - e. Any surface Parking Lot in excess of 15 spaces shall include interior landscape islands equal to 10 percent of the Parking Lot area.
 - f. All Parking Lot landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.
 - g. All Landscaping must be native plantings and fire and drought resistant.
 - h. Required Landscaping must be maintained in a healthy, growing condition at all times.
 - i. In order to minimize vehicular traffic congestion, the development of shared vehicular access ways between Commercial development projects are encouraged.
 - j. Trash facilities, loading docks and exterior storage areas shall not encroach into the required entry corridor Setback and shall be screened from view from the designated entry corridor.
- 25.6 Applicability of View Corridor Guidelines: The provisions of this section shall apply to any application for a Land Use Permit located on land within designated view corridors. Designated view corridors include:
- a. The Soldier's Chapel View Corridor. The purpose of the Soldier's Chapel View Corridor is to maintain a view of Soldier's Chapel with an unobstructed background view of Lone Mountain as viewed from the driveway leading up to the chapel. It is recognized that development may occur on land behind the chapel and between the chapel and Lone Mountain. The Soldier's Chapel View Corridor is intended to ensure that new development located proximate to the chapel does not project above the roof line of the chapel in a manner that diminishes the view of the chapel and the long-range view of Lone Mountain.
 - b. Designated view corridors are indicated on photographs and are on record with the Gallatin County Planning Department.
- 25.7 Standards for Land Use Permit Applications Within View Corridors: The following material shall be submitted in conjunction with a Land Use Permit application on land located within a designated view corridor:
- a. Site plan at a scale of 1":20' or greater indicating the location of all proposed Structures, site access, grading and other site improvements.
 - b. Structure elevations indicating the heights of proposed roof ridges.
 - c. Models, photo overlays, sketches or other material deemed necessary by the staff to determine whether proposed development will encroach into the designated view corridor.
- 25.8 Design Standards for Land Use Permits Within View Corridors: All development and site modifications proposed by the Land Use Permit application shall comply with the following design standards:
- a. Soldier's Chapel View Corridor. No part of any Structure located within 1,000 horizontal feet of Soldier's Chapel shall encroach above the Soldier's Chapel View Corridor line as indicated on the official view corridor photograph on record with the Gallatin County Planning Department.
- 25.9 Variances to Design Standards for Land Use Permits Within View Corridors: Variances to [Section 25.8](#), Design Standards for Land Use Permits Within View Corridors shall be considered by the Planning and Zoning Commission in accordance with the procedures outlined in the Variance Section of the Gallatin County "Part 1" Zoning Administrative Regulations.
- a. Submittal material for proposed encroachments into a designated view corridor shall include the following:
 - 1. Written summary of the proposed encroachment.

2. Overlays of the proposed development drawn on the photograph of the existing view corridor indicating the extent of the proposed encroachment.
- b. No Structure encroachment into a designated view corridor shall be permitted unless the applicant demonstrates that the encroachment meets all of the following criteria:
1. The literal enforcement of [Section 28.8](#) design standards for Land Use Permits within view corridors would preclude the reasonable development of the affected land.
 2. The proposed encroachment is no more than necessary to allow for the reasonable development of the affected land.
 3. The proposed encroachment would not diminish the value nor compromise the original purpose of the preserved view.

25.10 Criteria for Establishing View Corridors: Proposals to establish new view corridors may be initiated by the County Commission, the Planning and Zoning Commission, the Gallatin County Planning Department or any resident of the Gallatin Canyon/Big Sky Zoning District. Such applications shall be considered by the Planning and Zoning Commission in accordance with the amendment procedures outlined in the Gallatin County "Part 1" Zoning Administrative Regulation.

- a. Submittal material required for the review of proposed new view corridors shall include the following:
1. A written summary of the proposed view corridor and a photograph of the proposed view corridor and a reference point from which the photograph was taken.
 2. The names and addresses of property owners whose development potential may be affected by the proposed view corridor.
- b. No new view corridor shall be established until it is demonstrated by clear and convincing evidence that the proposed view corridor meets all of the following criteria:
1. The proposed view corridor will preserve a view from a public pedestrian area, public way, or public space within the Zoning District which perpetuates the mountain heritage and character of the Big Sky area.
 2. The proposed view corridor protects or enhances the Big Sky area's attraction to residents, guests and property owners.
 3. The proposed view corridor protects a view which is commonly recognized and has inherent qualities which make it valuable and distinguish it from other more common views.

SECTION 26 HILLSIDE AND RIDGELINE DEVELOPMENT

- 26.1 Intent: The intent of this overlay district is to preserve the natural character, visual quality and aesthetic value of ridgelines and hillsides and to protect the residents and guests of the Big Sky area from the potential hazards of unregulated development on hillsides.
- 26.2 Applicability of Hillside and Ridgeline Guidelines: The provisions of this section shall apply to any application for a Land Use Permit or subdivision on land that meets either of the following conditions:
- a. Any portion of the land includes natural slopes in excess of 15 percent; or
 - b. Land that is located on or within 100 vertical feet of the elevation of any prominent ridgeline. Lands that meet either of these provisions are herein referred to as hillside land or ridgeline land, respectively.
- 26.3 Prominent Ridgeline Defined: A prominent ridgeline shall be defined as any ridgeline, as viewed from any point along a designated major roadway corridor, which creates a silhouette with the sky. Currently designated major roadway corridors are U.S. 191, Montana 64 (Lone Mountain Trail) and Beaver Creek Road. Other potential major roadway corridors from which to identify prominent ridgelines, whether existing or proposed at the time a subdivision or Land Use Permit application is submitted, may be designated by the Zoning Enforcement Agent during the development review process. These new major roadway corridors shall then establish view points from which to identify prominent ridgelines.
- 26.4 Determination of Prominent Ridgeline: The determination of prominent ridgelines and any major roadway corridor in addition to currently designated major roadways shall be made by the Zoning Enforcement Agent. The presence of a prominent ridgeline or the designation of additional major roadways may influence the planning and design of a development proposal. For this reason, applicants are strongly encouraged to request such determinations prior to submitting subdivision pre-application plans or Land Use Permit applications.
- a. A request for a determination of prominent ridgelines or additional major roadway corridors shall be made by the applicant and shall be accompanied by a survey, a Topographic Map, or other graphic information as necessary to indicate the general location of the proposed development. The Zoning Enforcement Agent shall make their determination based on material submitted by the applicant and a site visit to the proposed development site. In the event that prominent ridgelines or additional major roadway corridors are identified by the Zoning Enforcement Agent, such ridgelines or roadway corridors shall be indicated on the graphic material submitted by the applicant. Appeals of any ridgeline determination may be made in accordance with procedures outlined in the Gallatin County "Part 1" Zoning Administrative Regulation.
- 26.5 Slope Defined: Slope shall mean the inclination of land determined by dividing the horizontal run of the slope into the vertical rise of the same slope at a horizontal run distance of no greater than 10 feet, and converting the resulting figure into a percentage. The presence of slopes in excess of 15 percent shall be determined based on a slope analysis of the subject Lot completed by the applicant. The presence of slopes in excess of 15 percent may influence the planning and design of a development proposal. For this reason, applicants are strongly encouraged to complete a slope analysis of the subject Lot prior to submitting subdivision sketch plan applications or Land Use Permit applications.
- 26.6 Setbacks on Hillside Property: The required Setbacks for existing Lots as of July 30, 1996 within any given district may be waived if it is determined by the Zoning Enforcement Agent that no suitable building site is available due to the presence of slopes in excess of 15 percent. Any request to waive a required Setback must be accompanied by proof of slopes in excess of 15 percent and justification provided by the applicant that all reasonable efforts have been made to design a Structure which complies with Setback requirements.

- 26.7 Application for Land Use Permits on Hillside and Ridgeline Land: The following review process, design standards and review criteria shall apply for all Land Use Permit applications for hillside or ridgeline land.
- a. Review Process for Land Use Permits on Hillside and Ridgeline Land: The review of Land Use Permit applications will be administered by the Zoning Enforcement Agent in accordance with the Gallatin County “Part 1” Zoning Administrative Regulation. Upon submittal of a Land Use Permit application on hillside or ridgeline land, the Zoning Enforcement Agent shall review the application for compliance with design standards and review criteria outlined in this section. Appeals of staff decisions shall be considered in accordance with the procedures outlined in the Administration section of the Gallatin County “Part 1” Zoning Administrative Regulation.
 - b. The following material shall be submitted in conjunction with a Land Use Permit application on a hillside or ridgeline land:
 1. Topographic survey of the subject Lot. The contours of the topographic survey shall be indicated at two-foot intervals. The survey shall also indicate easements, existing drainages, and approved building envelopes (if applicable).
 2. Slope analysis indicating the percent slope of the portion of the Lot on which all development and site improvements are located.
 3. Soils analysis indicating the physical properties of soil types and any limitation ratings, and any special design or construction methods proposed to mitigate soil suitability conditions.
 4. Site plan at a scale of 1”:20’ or greater indicating the location of all proposed Structures, site access, retaining walls and other site improvements.
 5. Structure elevations indicating heights of roof ridges, and existing grades, and proposed finished grades around all Structures.
 6. Construction/site disturbance plan indicating proposed limits of construction, methods for protecting existing vegetation and locations for storage of construction materials and equipment, trailers, dumpsters and sanitary facilities.
 7. Landscaping plan drawn at the same scale as the site plan indicating all new landscape material to be added, revegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction and other site improvements such as patios, walkways, fences, etc.
 8. Grading and drainage plan drawn at the same scale as the site plan indicating all proposed regrading, cross-sections of all proposed cuts and fills, heights of all proposed retaining walls, and proposed site drainage.
 9. Erosion control plan indicating all proposed measures to control surface water run-off, retain eroded soil material during construction and permanently stabilize disturbed slopes and drainage features upon completion of construction.
 - c. The extent of the areas indicated on the topographic survey, slope analysis, Landscaping plan, grading and drainage plan, erosion control plan and construction plan may be limited to only those portions of the site where development and site improvements are proposed. At a minimum, such plans shall include portions of the site within 100 feet of all proposed development and site improvements and any other portion of the site as may be necessary to evaluate the Land Use Permit.

- d. If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Zoning Enforcement Agent may modify or waive any of the submittal requirements listed above.

26.8 Design Standards for Land Use on Hillside Land: All development and site modifications proposed on the Land Use Permit application on hillside land shall comply with each of the following design standards:

- a. No Structure shall be located on portions of a Lot in excess of 25 percent slope.
- b. All Structures shall be located within an approved building envelope (if applicable).

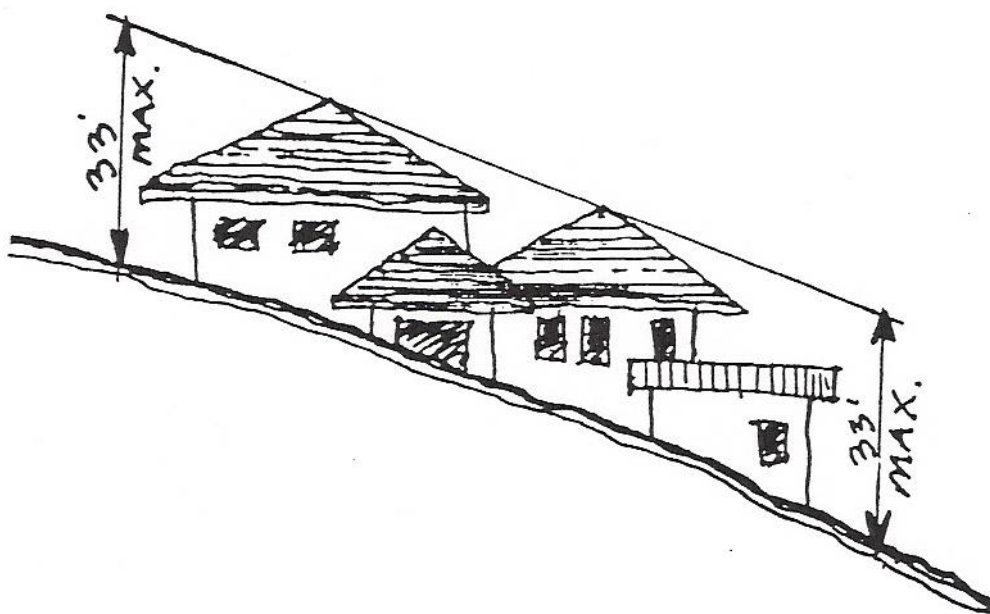


Fig. 1- Structure height regulations encourage Structures to follow the natural slope of a Lot.

26.9 Review Criteria for Land Use Permits on Hillside Land: The following design criteria shall be used by the Zoning Enforcement Agent to evaluate Land Use Permit applications on hillside land. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Zoning Enforcement Agent shall act on applications by either approving or denying the application based on compliance with the following criteria:

- a. Structures, site improvements and driveways shall be sited and designed to minimize the loss of vegetation and the need for site grading, cuts and fills, and retaining walls.
- b. Structures shall be designed to bench into hillsides and Structure level changes shall be accomplished by stepping the Structure with the natural contours of the site.
- c. Existing vegetation and natural topography of a site shall be incorporated into the design and siting of Structures, site improvements and driveways in order to minimize their visibility from roadways within the District and to integrate improvements with the natural characteristics of the site.
- d. Site grading shall be designed to blend with the natural contours of the site by feathering all cuts and fills into existing natural grades. Over lot grading of a site to create a flat building site is not permitted.

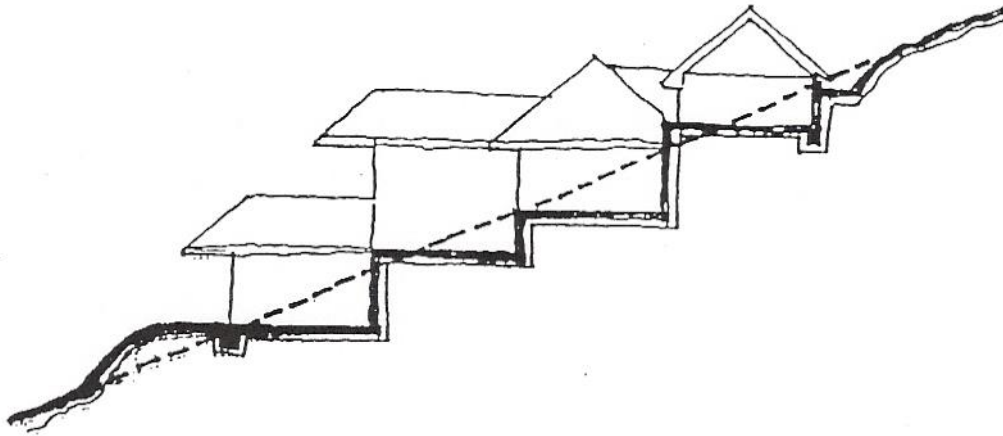


Fig. 2- Structures should be “benched” into the hillside.

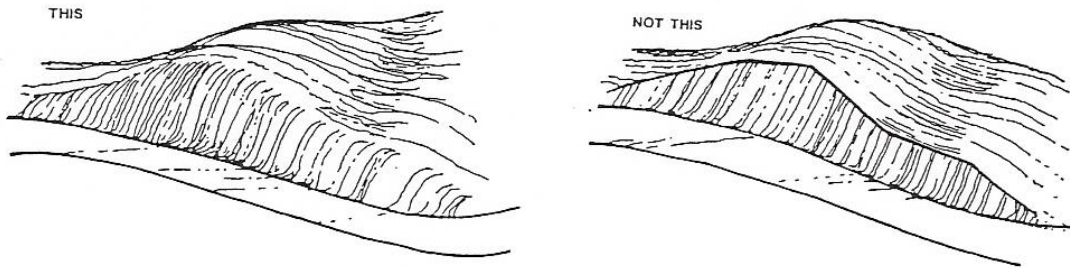


Fig. 3- Grading should feather back to existing grades.

- e. If warranted by site conditions, the use of retaining walls is encouraged in order to minimize grading, preserve existing plant materials and reduce overall site disturbance. Retaining walls visible from roadways or adjacent properties shall not exceed six (6) feet in height. Retaining cuts in excess of six (6) feet shall be accomplished by two (2) or more retaining walls. In such cases, retaining walls shall be separated by a minimum of two (2) feet in order to allow for the introduction of Landscaping materials.
- f. Driveways shall follow existing contours to the extent possible and be designed to minimize the loss of vegetation and the need for grading and cuts and fills. Appropriate driveway standards may vary depending on site specific considerations.

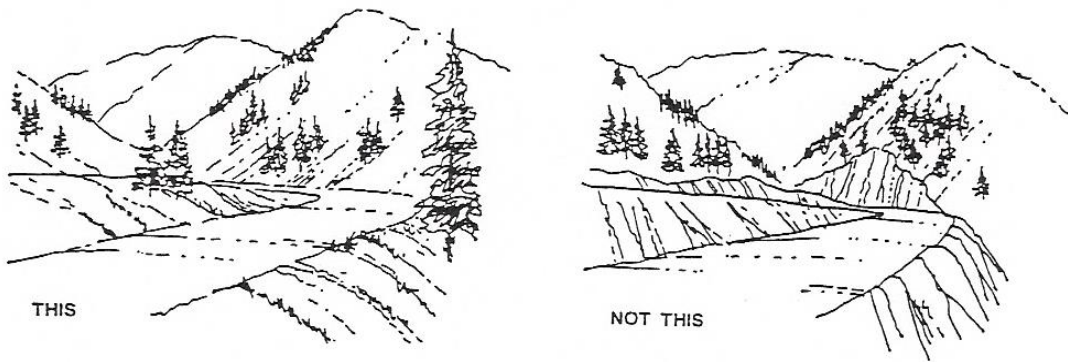


Fig. 4- Driveway design should minimize the need for cuts and fills.

- g. Exterior lighting shall include horizontal cutoffs and be designed and located in a manner that minimizes the impact of direct light sources on adjacent properties and roadways. Lighting shall be limited to low-level down lighting necessary to illuminate driveways, walks and entryways for safety and security purposes. Up lighting of trees or Structures is not permitted.
- h. The revegetation and erosion control plans shall provide appropriate measures for short-term soil stabilization and control of site drainage and the long-term restoration of disturbed areas of the site.
- i. Structures and site improvements shall be designed in accordance with soils and slope suitability analyses (if applicable).
- j. Structures and site improvements shall be designed to minimize the risk of natural hazards, including, but not limited to: wildfire, flood, avalanche, landslide, and rock falls.
- k. The construction/site disturbance plan shall limit site disturbance to an area of the site no larger than necessary to develop the site in accordance with approved plans and shall include on-site measures necessary to limit disturbance of the site and protect existing vegetation.

26.10 Design Standards for Land Use Permits on Ridgeline Land: All development and site modifications proposed by the Land Use Permit application on ridgeline land shall comply with each of the following design standards:

- a. No part of any Structure or site improvement shall break the silhouette created by the prominent ridgeline and the sky. Structures breaking the silhouette of the ridgeline may be approved through the Conditional Use Permit process.
- b. All Structures shall be located within an approved building envelope (if applicable).



Fig 5.- Structures shall be located below prominent ridgelines.

26.11 Review Criteria for Land Use Permits on Ridgeline Land: The following design criteria shall be used by the Zoning Enforcement Agent to evaluate applications on ridgeline land. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Zoning Enforcement Agent shall act on applications by either approving or denying the application based on compliance with the following criteria:

- a. Structures, site improvements and driveways shall be sited and designed to minimize the loss of vegetation and the need for site grading, cuts and fills and retaining walls.
- b. Structures shall be designed to bench into hillsides and Structures level changes shall be accomplished by stepping the Structure with the natural contours of the site (refer to [Figure 2](#)).
- c. Existing vegetation and natural topography of a site shall be incorporated into the design and siting of Structure, site improvements and driveways in order to minimize their visibility from roadways within the District and to integrate improvements with the natural characteristics of the site.
- d. Site grading shall be designed to blend with the natural contours of the site by feathering all cuts and fills into existing natural grades. Over lot grading of a site to create a flat building site is not permitted (refer to [Figure 3](#)).
- e. If warranted by site conditions, the use of retaining walls are encouraged in order to minimize grading, preserve existing plant materials and reduce overall site disturbance. Retaining walls visible from roadways or adjacent properties shall not exceed six (6) feet in height. Retaining cuts in excess of six (6) feet shall be accomplished by two (2) or more retaining walls. In such cases, retaining walls shall be separated by a minimum of two (2) feet in order to allow for the introduction of Landscaping materials.
- f. Driveways shall follow existing contours to the extent possible and be designed to minimize the loss of vegetation and the need for grading and cuts and fills. Appropriate driveway standards may vary depending on site specific considerations.
- g. Exterior lighting shall include horizontal cutoffs and be designed and located in a manner that minimizes the impact of direct light sources on adjacent properties, rights-of-way and roadways. Lighting shall be limited to low-level down lighting necessary to illuminate driveways, walks and entryways for safety and security purposes. Up lighting of trees or Structures is not permitted.
- h. The revegetation and erosion control plans shall provide appropriate measures for short-term soil stabilization and control of site drainage and the long-term restoration of disturbed areas of the site.
- i. Structures and site improvements shall be designed in accordance with soils and slope suitability analyses (if applicable).
- j. Structures and site improvements shall be designed to minimize the risk of natural hazards, including, but not limited to: wildfire, flood, avalanche, landslide, and rock falls.
- k. The construction/site disturbance plan shall limit site disturbance to an area of the site no larger than necessary to develop the site in accordance with approved plans and shall include on-site measures necessary to limit disturbance of the site and protect existing vegetation.

26.12 Proposed Subdivision of Hillside and Ridgeline Land: The design standards, review criteria and variance and exemption provisions of this section shall apply to all subdivision applications on hillside or ridgeline land.

- 26.13 Applicability of Zoning Requirements to Subdivision Process: Design standards and review criteria outlined in this section shall be used by the County Commission in conjunction with applicable subdivision review criteria to evaluate the proposed subdivision of hillside or ridgeline land. In the event of any conflicts between these design standards and subdivision review criteria, the most restrictive provision shall apply. Submittal material shall include all material required by the subdivision regulations for minor or major subdivisions and photo overlays, visual simulations, field staking or other visual techniques to demonstrate the location and visual impact of proposed development sites. If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Zoning Enforcement Agent may modify or waive any of the submittal requirements listed above.
- 26.14 Design Standards for the Subdivision of Hillside and Ridgeline Land. Subdivision applications on hillside land shall comply with each of the following design standards:
- a. Any portion of a site in excess of 40-percent slope shall not be considered in the calculation of allowable Gross Density on land zoned or proposed to be zoned for Gross Densities greater than one (1) unit per 20 acres.

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SECTION 27 PARKING

- 27.1 Purpose: The purpose of these standards is to prevent traffic congestion by requiring provision of adequate Off-street Parking and loading areas.
- 27.2 Off-Street Parking Required: All Uses and Structures shall provide the minimum number of Off-street Parking Spaces required by [Table 27.1](#). Parking Lots shall be properly graded and drained, paved surfaces and parking spaces shall be at least nine (9) feet by 18 feet in size for parking of any motor vehicle. A storm water runoff management plan will be required for any Parking Lot of more than 20,000 square feet in size.
- 27.3 Off-Street Parking Requirements for Uses Not Listed: The classification of Uses and the Off-street Parking requirements for Uses not listed in [Table 27.1](#) shall be determined by the Zoning Enforcement Agent. Any person who disputes a decision of the Zoning Enforcement Agent may request a review of that decision using the appeals procedure of the Gallatin County “Part 1” Zoning Administrative Regulation.
- 27.4 Location of Off-Street Parking: Off-street Parking shall be located on the same Lot or within 600 feet of the Structure or Use served, except for spaces serving a Dwelling Unit, which shall be within 100 feet of the Dwelling Unit.
- 27.5 Shared Parking: Two (2) or more Uses may share parking where:
- a. The parties sharing parking spaces must enter into a long-term joint use agreement only revocable with Planning and Zoning Commission approval, running with the term of the designated Uses.
 - b. The Structure(s) or Use(s) for which application is being made to utilize the Off-street Parking facilities provided by another Structure or Use must be located within 600 feet of such parking facilities as measured by the route of travel from the nearest parking space to the commonly used entrance of the Principal Use served.
 - c. The applicant must demonstrate that there is no substantial overlap in the operating hours of the Structures or Uses for which joint use of Off-street Parking facilities is proposed.
 - d. A properly drawn legal instrument, executed by the parties concerned for joint use of Off-street Parking facilities, duly approved as to form and manner of execution by the County Attorney, must be filed with the Gallatin County Clerk and Recorder.
- 27.6 Reduction of Required Parking:
- a. The Planning and Zoning Commission may authorize a reduction in the number of required parking spaces if the above shared parking conditions are met.
 - b. Up to 30 percent of the required parking spaces may be reduced through the Conditional Use Permit or Planned Unit Development process if the applicant provides water runoff and/or quality protection measures, including, but not limited to: pervious pavers, bioswales, additional plantings of native vegetation, or water retention and filtration systems. Parking reduction applications must meet the following requirements:
 1. Applications for parking reductions must provide evidence that the mitigation proposed will limit water runoff and improve local water quality.
 2. Prior to construction of any Parking Lot with a parking reduction a document must be recorded with the County Clerk and Recorder’s Office providing for the perpetual provision and maintenance of the water runoff and protection measures.
 3. Water runoff and protection measures shall be constructed prior to the use of the Parking Lot.

4. Any modification to the proposed water runoff and/or protection measures shall require a modified Conditional Use Permit or Planned Unit Development.
 5. All Parking Lots requesting parking reductions may use an alternate surface to asphalt paving but must be reinforced in such a way that the surface material of the Parking Lot does not erode and the parking surface remains stable under normal Parking Lot use and weather conditions. Pervious pavers, green and/or reinforced grass Parking Lots are permitted, however dirt or gravel Parking Lots are not permitted.
 6. The Planning and Zoning Commission may require paving, curb and gutter and striping of the Parking Lot as conditions of approval with any parking reduction approval.
 7. Water runoff and protection measures shall not be used for snow storage. Separate snow storage facilities/areas must be provided with all parking reduction applications.
- c. Parking reductions do not authorize a reduction in the number of accessible parking spaces as required by the Americans with Disabilities Act (ADA).
- 27.7 Passenger Loading Areas: Childcare Facilities and Schools, shall provide at least one (1) safe, properly signed off-street passenger loading area of at least nine (9) feet by 18 feet.
- 27.8 Freight Loading Areas: Commercial and Industrial Structures and Uses shall provide one (1) safe, properly signed off-street freight loading area for each 10,000 square feet of Floor Area and/or outdoor storage area. Off-street freight loading areas shall be on the same Lot and under the same ownership as the Structure or Use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions:
- a. Vertical clearance of 14 feet.
 - b. Width of 12 feet.
 - c. Depth or length of 35 feet.
- No vehicle parked in an off-street freight loading area shall extend into a roadway.
- 27.9 Access to Off-Street Parking and Loading Areas: Properly graded and drained driveways shall be provided for safe access to Off-street Parking and loading areas, including the Off-street Parking for Single-family Dwelling Units. No parking or loading area shall create a situation in which vehicles are required to back onto a roadway. Parking areas for Single-family Dwelling Units with access to local and collector roadways are exempt from this requirement.
- 27.10 Circulation in Off-street Parking Areas: The pattern of circulation within Parking Lots shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the Parking Lot, and facilitate safe access to roadways.
- a. Minimum aisle widths shall be as follows:

<i>Two way circulation and 90° parking:</i>	<i>24 feet.</i>
<i>One-way/ two-way circulation and 60° parking:</i>	<i>16/21 feet.</i>
<i>One-way/ two-way circulation and 45° parking:</i>	<i>13/18 feet.</i>
<i>One-way/ two-way circulation and 30° parking:</i>	<i>13/18 feet.</i>
 - b. Where one-way circulation is used, directional Signs shall be installed at all access points to the Parking Lot.
 - c. No Parking Lot shall be designed so that circulation from one portion of the area to another relies on a roadway.
 - d. Concrete sidewalks a minimum of three (3) feet in width must be provided between any existing or proposed Structure and adjacent Parking Lot.
 - e. All Parking Lots shall provide adequate snow storage and removal space. Snow storage areas shall be located away from sidewalks, driveways, entries and exits.

- f. A landscape border not less than 15 feet wide shall be provided around the perimeter of all Parking Lots.
- g. In any Parking Lot which includes more than 15 spaces, 10 percent of all Parking Lot area shall be used for internal Landscaping.
- h. Parking Lots shall be designed so that a landscaped area separates every 10 spaces.
- i. Total parking areas shall be broken into sections that do not exceed 40 cars each. Each section shall be separated by Landscaping and traffic circulation lanes.
- j. Landscaped areas shall be designed to accommodate snow piles without damage to Landscaping.
- k. All Parking Lot landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.
- l. Required Landscaping must be maintained in a healthy, growing condition at all times.
- m. Required Landscaping must be native, drought and fire-resistant plantings.
- n. Parking and Landscape plans shall be submitted in accordance with the requirements of the Gallatin Canyon/Big Sky Zoning Regulation.

Table 27.1: Minimum Parking Space Standards

Land Use	Parking Spaces
Dwelling Units	2 per Unit
Hotels and Bed and Breakfast Inns	1.2 per room
Primary and Junior High Schools	1 per Employee plus .2 per student
Senior housing, rest homes, and similar Uses	1 per Dwelling Unit
High School	1 per Employee plus .25 per student
Convention center	0.5 per maximum attendee
Gasoline sales and service stations	0.75 per fueling station

Land Use	Parking Spaces per 1,000 Square Feet of Floor Area
Restaurants and Bars	15
Financial, real estate and insurance Uses	3
Other Personal Services, misc. services	3
Medical Offices, Clinics and Centers	4
Fast food Restaurants	10
Industrial Uses	1
Childcare Facilities	3
Professional services	3
Office Uses	3
Building Materials, Farm equipment, and furniture	1.5
Other Retail Uses	2
General merchandise, groceries, and pharmacies	2.5
Gambling Enterprise	6
Warehousing and Mini-storage	0.5
Mini-Warehouse	0.1
Veterinarian Clinics	1.5
Places of Worship	15
Health and Exercise Establishments	5

27.11 Big Sky Town Center: The provisions of Sections 27.11 through 27.1 and the provisions set forth in this Section (27.11) shall apply to Big Sky Town Center. The Town Center's County-approved Parking Regulation, Management Plan and Ordinance supersedes Section 27 of the Zoning Regulation in its entirety, except where that document refers to a specific section of [Section 27](#) of the Zoning Regulation (see also: [Section 27.11.a.8](#) below). In these cases, that specific section of [Section 27](#) shall apply. Where the provisions set

forth in this Section conflict with any other parking provisions, they shall supersede such other provisions.

- a. Parking district: A parking district or similar community services district shall be created for all or some of Town Center. All parking within Town Center shall be administered and enforced by the Town Center Parking District. The Parking District shall provide, among other things, for the following:
 1. Execution and administration of contractual arrangements related to parking, shared parking, and reduction in required parking including contractual arrangements linking land Uses to the provision of required parking spaces
 2. To ensure that there is adequate and accessible parking for each Structure, including the number and location of handicap-accessible spaces.
 3. Formulation and enforcement of parking regulations.
 4. To provide a unified approach to the construction, maintenance, and management of parking within the Big Sky Town Center.
 5. To ensure that at any given time the supply of parking spaces satisfies the total demand for parking spaces
 6. Preparation and adoption of a parking regulation, management plan, and ordinance that should include, but not be limited to, procedures for determining shared parking and reduction of required parking.
 7. To provide surface Parking Lots and related improvements that meet the minimum needs of the Big Sky Town Center, without building large areas of underutilized parking.
 8. To ensure compliance with all minimum parking standards, including minimum parking supply, for the Big Sky Town Center, as set forth in the Gallatin Canyon/Big Sky Zoning Regulations.
- b. On-street Parking: On-street Parking Spaces shall be included in the calculation of the supply of parking spaces. In calculating parking requirements for individual Commercial and/or mixed-Use Structures, On-street Parking Spaces shall be included only if they are not previously allocated to another Structure or Use.
- c. Pedestrian Circulation: Separate pedestrian pathways shall not be required within Parking Lots due to the practical considerations concerning snow plowing and snow removal (supersedes [27.10.d](#)).
- d. Landscaping: Reference the Big Sky Town Center Design Standards and Guidelines manual.
- e. Freight Loading Area: Freight loading docks and service entrances shall be located within rear or side yards only, and shall be screened from adjacent Uses and property. The size of the loading dock or area shall be designed to accommodate the largest vehicle that may reasonably be anticipated. A developer may choose to install more than one freight loading area serving the Structure if the demand so warrants.

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SECTION 28 RESIDENTIAL CLUSTER DEVELOPMENT (RCD)

- 28.1 **Applicability:** These requirements shall apply to the subdivision of all property that is zoned RC-SF.
- 28.2 **Intent:** The intent of this district is to:
- a. Establish a procedure for development which will result in improved living, working, and recreational environments.
 - b. Promote an efficient and cost effective pattern of development by placing the development on one or more portions of a Lot to permanently protect other portions of the site.
 - c. Encourage ingenuity and originality in total area and individual site design.
 - d. Conserve, as permanent Open Space, important natural features, wildlife habitat, water resources, and scenic areas for the benefit of present and future residents.
 - e. Provide buffers between adjoining properties and provide better protection of natural and scenic resources than would otherwise be provided by a conventional development plan.
 - f. Create and preserve usable Open Space to serve recreational, scenic and public service needs.
 - g. Preserve important site vegetation, outstanding natural topography and geologic features, while preventing soil erosion.
 - h. Enhance the visual impact of development and the environment.
 - i. Provide a density bonus as an incentive for increased Open Space.
 - j. Permit flexibility of design for the placement of Structures, circulation and Off-street Parking areas in order to promote the most appropriate and efficient use of land.
- 28.3 **General:** To meet the intent of the Residential Cluster Development District:
- a. Variations in Lot areas are permitted.
 - b. Procedures are established to assure adequate maintenance and restricted use of Open Spaces for the benefit of the residents of the properties and for dedication to public use.
 - c. Procedures are established to protect existing and potential development adjoining proposed Cluster Developments.
- Maximum Allowable Units:** To calculate the allowable units, divide the number of acres in the Lot by the zoning designation (e.g., RC-SF-2.5, RC-SF-5) as shown on the officially adopted Zoning Map, plus any bonus units as approved by the Planning and Zoning Commission in accordance with Section 28.12 and [Section 22.8](#). If the number of allowable units results in a fractional number, the fractional number shall be rounded-off to the nearest whole number to determine the allowable units for the Lot. Any density bonus percentages shall be applied to the whole number determinations of allowable units of the Lot. If the density bonus units result in a fractional number, that number shall be rounded-off to the nearest whole number to determine the total bonus units allowed within the Lot. For the purpose of rounding-off, .50 and above shall be rounded up to the next highest number, and .49 and below shall be rounded down to the next lowest number.
- 28.4 **Mandatory Standards for Clustered Developments:**
- a. The development shall contain at least 40 percent Open Space. The Open Space shall be designed to be usable for its intended purpose and permanently protected and shall meet the requirements for Open Space set forth in [Section 28.10](#).
 - b. Residences shall be serviced by an interior road network; Dwelling Units shall not front on or gain access from arterial roads.
 - c. Individual Lots, Structures, roadways and Parking Lots shall be designed to minimize alteration of the natural site features.

- d. Open Space areas shall include wildlife habitat and irreplaceable natural features such as, but not limited to, Watercourses, significant stands of trees, rock outcroppings and significant views.
- e. Open Space intended for a recreation or public use shall be accessible to pedestrians.
- f. Individual Lots, Structures and units shall be arranged and situated to relate to surrounding properties, to improve the view from and of Structures and to minimize road area.

28.5 Mandatory Standards for Open Space:

- a. Compliance with Plan: The Wildlife Habitat and Trail Maps adopted as a part of the Gallatin Canyon/Big Sky Plan shall be used to determine the appropriate location of Open Space and trails.
- b. Open Space Uses: Open Space shall be preserved and maintained for one or more of the following Uses which shall be noted on the final plat: passive and active recreation, wildlife habitat and protection of scenic, unique or important natural features.
- c. Preservation in Perpetuity: All Open Space land shall be preserved in perpetuity by either of the following methods:
 - 1. Open Space Lot.
 - 2. Dedication as a park according to the requirements of the Gallatin County Subdivision Regulations.
 - 3. A perpetual conservation easement restricting development of the open land and allowing only Open Space Uses as provided above. The conservation easement shall meet all requirements set forth in [76-6-201](#), MCA, et. seq. The conservation easement shall be granted to an organization acceptable to the Planning and Zoning Commission.
- d. Open Space Qualification: Open Space areas shall not include roadways, parking areas, Setbacks and land within individually owned Lots.
- e. Ownership of Open Space Land: Open Space land may be owned in common by an Owner's Association, dedicated to the County or State, transferred to a non-profit organization acceptable to the Planning and Zoning Commission, held in private ownership or held in such other form of ownership as the Planning and Zoning Commission finds adequate to fulfill the intent set forth in [Section 28.1](#). The appropriate form of ownership shall be based upon the purpose of the Open Space reservation.
- f. Standards for Owners' Associations: If the Open Space land is owned in common by an Owners' Association, such Owners' Association shall be established in accordance with the following:
 - 1. Membership shall be mandatory for each owner, who must be required by recorded covenants and restrictions to pay fees to the Owners' Association for taxes, insurance, and maintenance of common Open Space, private roads and other common facilities.
 - 2. The Owners' Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities and private roads.
 - 3. The assessment levied by the Owners' Association must be able to become a lien on the property.
 - 4. The Owners' Association shall be responsible to adjust the assessment to meet changed needs.
 - 5. Ownership shall be Structured in such a manner that real property taxing authorities may satisfy property tax claims against the Open Space lands

by proceeding against individual owners in the Owners' Association and the Dwelling Units they each own.

6. The attorney for the county shall find that the Owners' Association documents presented satisfy standards (1) through (5) above and such other conditions as the Planning and Zoning Commission shall deem necessary.

28.6 **Bonus Units:** Bonus units may be awarded if the applicant exceeds the required minimum Open Space, as set forth in Table 28.1. For an explanation of the calculation of units, see [Section 28.4](#).

Table 28.1: Open Space Bonus Units

Amount of Open Space	Bonus Units
50%	10%
60%	15%
70%	20%
80%	25%

28.7 **Review Process for Cluster Development:** If the applicant does not request the use of any bonus units, the review of Cluster Developments shall be administered by the Zoning Enforcement Agent. Upon submittal of a complete application for a Cluster Development, the Zoning Enforcement Agent shall review the application for compliance with the requirements of this section and other applicable sections of this Regulation. Appeals of staff decisions shall be considered in accordance with the Gallatin County "Part 1" Zoning Administrative Regulations.

If the applicant requests the use of bonus units, the application shall be reviewed as a Conditional Use according to the procedures set forth in the Gallatin County "Part 1" Zoning Administrative Regulation.

28.8 **Submittal Requirements:** All Cluster Development applications shall include the following:

- a. Completed and signed application form.
- b. All applicable fees.
- c. A traffic impact study, if the proposed development will generate 500 or more average daily trips.
- d. A site plan showing:
 1. Lot Lines and easements, with dimensions and area.
 2. Topographic information.
 3. Existing vegetation, wildlife habitat, Watercourses, wetlands, soil types and floodplains.
 4. Existing land Uses.
 5. Location and dimensions of existing and proposed Structures, Essential Service, trails and improvements.
 6. Land Use designations.
 7. General circulation system, including roadways and multi-use pathways.
 8. Number and types of Dwelling Units.
 9. Number of Off-street Parking spaces.
 10. General Landscape plan.
 11. Amount and location of Open Space.
 12. Amount, location, purpose and Use of common space.
 13. Proposed treatment of perimeter boundary of the development.
- e. Proposed covenants and Owners' Association, documents which provide for the maintenance of common areas, appropriately limit the Use of Open Space, assign the right to use common property to each Lot owner and provide for Owners' Association assessments.

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SECTION 29 SIGNS

- 29.1 Intent: The purpose of this Sign regulation is to preserve and maintain the Gallatin Canyon/Big Sky Zoning District as a visually attractive environment. These regulations are designed to encourage integrated and harmonious signage and to enable the identification of places, residences and businesses. These regulations are intended to allow for signage that will welcome visitors to Big Sky; lessen hazardous situations, confusion and visual clutter caused by the proliferation, improper placement, illumination, animation, and excessive height and bulk of Signs.
- 29.2 Permitted Signs: The following Sign types are allowed subject to the Regulations set forth in this Section:
- a. Free Standing Sign
 - b. Wall Sign
 - c. Entryway Monument
 - d. Entrance Portal Sign
 - e. Home Occupation Sign
 - f. Externally Illuminated Signs
 - g. Community Wayfinding Signs
- 29.3 Prohibited Signs: All Signs not expressly permitted or exempt under this Regulation hereunder in accordance with the previous section are prohibited. Such prohibited Signs include, but are not limited to:
- a. Billboard/Off Premise Sign
 - b. Internally Illuminated Signs
 - c. Pennant Sign
- 29.4 Exempt Signs: The following Signs shall be exempt from permitting, but subject to Regulation under this Section:
- a. Real Estate Sign
 - b. Political Sign
 - c. Banner Sign, Temporary
 - d. Banner Sign, Light Pole
 - e. Banner Sign, Event
 - f. Construction Sign
 - g. Trail Signs
- 29.5 Design Standards: All Signs must comply with the following design standards:
- a. Permitted Signs:
 1. Free Standing Signs:
 - i. Free Standing Sign area shall not exceed 25 square feet per business or Structure face.
 - ii. Free Standing Sign height is limited to 8 feet.
 - iii. Free Standing Signs shall comply with the requirements of [Section 25](#), Entry Corridor and View Protection, as applicable.
 - iv. Free Standing Signs shall maintain a 10 foot Setback from all property lines.
 - v. Free Standing signs may not extend across Lot Lines.
 - vi. Free Standing signs may not be located in any right-of-way or easement, public or private.
 - vii. Free Standing Sign content is limited to permanent information such as: the business name, the nature of the goods or services offered, street address, phone number, or website location. Additional content is prohibited.
 2. Wall Sign:
 - i. Total Wall Sign area shall not exceed 25 square feet per business.

- ii. Wall Sign content is limited to permanent information such as: the business name, the nature of the goods or services offered, street address, phone number, or website location. Additional content is prohibited.
 - 3. Entrance Portal Sign:
 - i. Only one (1) Entrance Portal Sign is permitted per Lot.
 - ii. Entrance Portal Sign height is limited to 16 feet.
 - iii. Entrance Portal Signs must provide 13 feet of height clearance and 20 feet of width clearance if that Sign overhangs or spans the roadway in any manner.
 - iv. Entrance Portal Sign content is limited to identifying the name of the owners of the property, or name of the property. (i.e.: Lazy-J Ranch)
 - v. Entrance Portal Sign shall maintain a 10 foot Setback from all property lines.
 - vi. Entrance Portal Sign may not extend across Lot Lines.
 - vii. Entrance Portal Sign may not be located in any right-of-way or easement, public or private.
 - 4. Home Occupation Sign:
 - i. Home Occupation Sign can be a Wall Sign, subject to the following:
 - ii. One Home Occupation sign is permitted per Home Occupation.
 - iii. Home Occupation Signs are limited to 5 square feet of Sign area.
 - iv. Home Occupation Sign content is limited to permanent information such as: the business name, the nature of the goods or services offered, street address, phone number, or website location. Additional content is prohibited.
 - v. Home Occupation Sign height is limited to 6 feet.
 - 5. External illumination:
 - i. Any externally illuminated Sign shall utilize down lighting and be dark skies compliant.
 - ii. Soft backlighting of individual Sign letters/logos is permitted.
- b. Exempt Signs:
 - 1. Real Estate Sign:
 - i. Two Real Estate Signs are permitted per Lot.
 - ii. Real Estate Signs are limited to 3 square feet of Sign area.
 - iii. Real Estate Signs shall be properly maintained while displayed.
 - iv. Real Estate Signs shall be removed immediately upon closing of the sale or listing expiration.
 - 2. Political Sign:
 - i. Political Signs shall be displayed no more than 90 days prior to an election, and removed no less than 10 days after election day.
 - 3. Banner Sign, Temporary:
 - i. Banner Sign, Temporary is not intended to be an alternative to permitted Free Standing or Wall Signs.
 - ii. Banner Sign, Temporary quantity is limited to one per business.
 - iii. Banner Sign, Temporary must be affixed to a Structure, and may not be affixed to fences or other Signs.
 - iv. Banner Sign, Temporary, may only be displayed for a period not to exceed 60 days within a single calendar year.
 - v. Banner Sign, Temporary, is limited to 32 square feet in size; however Sign content may be displayed on both sides of the Sign.
 - 4. Banner Sign, Light Pole:

- i. Banner Sign, Light Pole are limited to two Signs per light pole.
 - ii. Banner Sign, Light Pole, shall be installed in a manner that does not obstruct vehicular or pedestrian traffic.
 - iii. Banner Sign, Light Pole, shall be scaled in size appropriate to the size of the light pole.
 - 5. Banner Sign, Event:
 - i. Banner Sign, Event is limited to one per business.
 - ii. Banner Sign, Event content is limited to time sensitive material and must be removed when the time period established for that content has elapsed.
 - iii. Banner Sign, Event may only be displayed for a period not to exceed 60 days within a single calendar year.
 - iv. Banner Sign, Event may be displayed up to two weeks prior to a Special Event, and shall be removed immediately following the date(s) of the event.
 - v. Banner Sign, Event is limited to 32 square feet of Sign area.
 - 6. Construction Sign:
 - i. Construction Signs are limited to one on the site which is under construction.
 - ii. Construction Signs are limited to 6 square feet of Sign area.
 - 7. External illumination:
 - i. Any exempt Sign described above may not include any manner of external illumination.
- c. Entryway Monument: The development standards listed below are the only standards that apply to an Entryway Monument, no other standards of this Regulation shall apply.
 - 1. Design and materials. The design of the Entryway Monument shall be consistent with Big Sky's western mountain architectural style.
 - 2. Height and size. The Entryway Monument shall not exceed 90 feet in length, 30 feet in width, and 35 feet in height (as measured by the highest grade at the sign base).
 - 3. Location. The entryway monument shall only be located on property fronting U.S. 191.
 - 4. Content. The Entryway Monument shall identify the Big Sky community as a whole, not a specific portion thereof.
 - 5. Landscaping. A landscape plan shall be submitted in conjunction with a Land Use Permit for an Entryway Monument and shall be drawn at the same scale as the site plan. The landscape plan shall indicate all new landscape material to be added, re-vegetation plans for all disturbed areas of the site, areas to be irrigated, all trees to be removed during construction, and other site improvements such as patios, public spaces, walkways, fences, etc.
 - 6. Lighting. The Entryway Monument may be internally or externally lighted, and shall not spill light onto surrounding properties. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color.
 - 7. Permit. An Entryway Monument may not begin construction without first obtaining a Land Use Permit.

29.6 Master Signage Plans: The purpose of a Master Signage Plan is to establish a coherent and appropriate signage plan for the entire project that will complement the land Uses, architecture, and the built environment within the development.

- a. Standard Master Signage Plan. Structures or clusters of Structures having more than one tenant or Use, Planned Unit Developments, multi-tenant condo associations and multi-Lot incorporated property Owners' Associations may provide a Master Signage Plan for the entire Structure or project. Master Signage Plans are intended to comply with the standards established in this Regulation and are approved administratively by the Zoning Enforcement Agent.
 1. Standard master signage plan standards. Standard master signage plans shall adhere to the following:
 - i. Provide signage that is in scale with the Structures and Uses served.
 - ii. Provide signage that is unobtrusive but appropriate to its intended purpose.
 - iii. Provide signage that is legible and contains clear images.
 - iv. Management of signage by providing shared signage Structures with multiple Sign areas for individual tenants or Structure Uses.
 - v. Provide signage that contributes to achieving a unique identity for the particular development and its context with the greater Big Sky and Canyon areas.
 - vi. Encourage the use of forms, materials, images, and colors that reflect the scenic Wildland context and that contribute to a sense of place.
 - vii. Provide signage within the community that is consistent with small town ambience.
 - viii. Create signage that does not detract from the surrounding views, both near and distant, within the Big Sky and Canyon areas.
 2. Contents. A standard master signage plan shall contain the following:
 - i. A completed application form.
 - ii. A site plan showing the location of Structures, Parking Lots, driveways and landscaped areas on the Lot.
 - iii. Computation of the maximum total Sign area, the maximum area and height for individual Signs, and the number of Freestanding Signs.
 - iv. The proposed location of each present and proposed future Signs, as shown on the site plan.
 - v. Photographs of any existing Signs.
 3. Consent. The standard master signage plan shall be in recordable format, shall meet recording standards, and shall contain notarized signatures of all owners subject to the standard master signage plan or their authorized agents as required by the zoning enforcement agent.
 4. Amendment. A standard master signage plan may be amended by filing a new plan, or amendment to the original plan conforming to all pertinent requirements with the Zoning Enforcement Agent. Approval of material changes to a standard master signage plan shall follow the same process as the original plan was approved under. Material changes to a standard master signage plan shall include, but not be limited to, changes to size, type or style of Signs, lighting, or anything that is at variance with the existing regulation.
 5. Binding effect. After approval of a standard master signage plan, all Signs erected thereafter shall conform with such plan. Standard master signage plans shall be recorded with the county clerk and recorder to inform successors of interest of the standard master signage plan.

6. Violations/enforcement. Any violation of a standard master signage plan shall be handled in accordance with procedures outlined in Section 58 of this regulation.
- b. Alternative Master Signage Plan. A Master Signage Plan based on alternative design, implementation and enforcement within the PUD, multi-tenant Owners' Association, or multi-Lot incorporated Owners' Association. Alternative Master Sign Plans shall be administered and enforced by the developer, Owners' Association or other assignee. Alternative Master Signage Plans are intended to provide flexibility in design, administration and enforcement, and are approved by the Planning and Zoning Commission pursuant to the Conditional Use Permit Process established in the Gallatin County "Part 1" Zoning Administrative Regulations.
 1. Alternative master signage plan standards: alternative signage plans shall adhere to the following:
 - i. Provide signage that is in scale with the Structures and Uses served.
 - ii. Provide signage that is unobtrusive but appropriate to its intended purpose.
 - iii. Provide signage that is legible and contains clear images.
 - iv. Management of signage by providing shared signage Structures with multiple Sign areas for individual tenants or Structure Uses.
 - v. Provide signage that contributes to achieving a unique identity for the particular development and its context with the greater Big Sky and Canyon areas.
 - vi. Encourage the use of forms, materials, images, and colors that reflect the scenic Wildland context and that contribute to a sense of place.
 - vii. Provide signage within the community that is consistent with small town ambience.
 - viii. Create signage that does not detract from the surrounding views, both near and distant, within the Big Sky and Canyon areas.
 2. Contents. Alternative master signage plan shall contain the following:
 - i. A completed application form.
 - ii. A site plan showing the location of Structures, Parking Lots, driveways and landscaped areas on the Lot.
 - iii. Computation of the maximum total Sign area, the maximum area and height for individual Signs, and the number of Freestanding Signs.
 - iv. The proposed location of each present and proposed future Signs, as shown on the site plan.
 - v. Photographs of any existing Signs.
 3. Consent. The Alternative Master Signage Plan shall be in recordable format, shall meet recording standards, and shall contain notarized signatures of all owners subject to the Alternative Master Signage Plan or their authorized agents as required by the Zoning Enforcement Agent.
 4. Amendment. An Alternative Master Signage Plan may be amended by filing a new plan, or amendment to the original plan conforming to all pertinent requirements with the Zoning Enforcement Agent. Approval of material changes to an Alternative Master Signage Plan shall follow the same process as the original plan was approved under. Material changes to an Alternative Master Sign Plan shall include, but not be

limited to, changes to size, type or style of Signs, lighting, or anything that is at variance with the existing Regulation.

5. Binding effect. After approval of an Alternative Master Signage Plan, all Signs erected thereafter shall conform with such plan. Alternative Master Signage Plans shall be recorded with the County Clerk and Recorder to inform successors of interest of the Alternative Master Signage Plan.
6. Violations/Enforcement. Any violation of an Alternative Master Signage Plan shall be handled in accordance with procedures outlined in Section 58 of this Regulation.

29.7 Community Wayfinding Sign Plan:

- a. Intent. Community Wayfinding Signs, as part of a community-wide comprehensive sign plan, are intended to assist visitors in navigating the community and identifying or providing direction or distance to destinations, districts, points of interest, or other attractions.
- b. Standards. All Community Wayfinding Signs shall comply with the standards of the 2009 Manual on Uniform Traffic Control Devices for Streets and Highways, dated December 2009 and adopted by the Montana Department of Transportation on December 20, 2011 and any subsequent adopted regulations.
- c. Submittal. Submittal of a Community Wayfinding Sign Plan, including any amendments, shall be made by a single agency or entity representing the Big Sky community and with the purpose of obtaining the consent of the local governing body. The plan shall include:
 1. Information and documentation on how the community stakeholders and the general public were given the opportunity to collaboratively participate in the Sign content, location, and design.
 2. Criteria for determining Sign location, content, quantity, and size, and description of the hierarchy of Signs.
 3. Signage elevations and plans with corresponding map designating Sign types and locations.
 4. Draft Memorandum of Agreement between the applicant, the local governing body, and the Montana Department of Transportation.
 5. Documentation providing for the agency's or entity's administration, funding of the total cost, and maintenance of all Signs within the plan.
 6. Documentation that all Signs meet Montana Department of Transportation guidelines for hardware mounting, installation, and maintenance.
- d. Permit. No sign permit shall be issued for a Community Wayfinding Sign Plan until all requirements of [Section 29.7](#) have been met as determined by the Zoning Enforcement Agent.
- e. Installation. Community Wayfinding Signs shall only be installed as part of a Community Wayfinding Sign Plan approved by the local governing body and the Montana Department of Transportation pursuant to a Memorandum of Agreement.
- f. Amendment. The Community Wayfinding Sign Plan may be amended by filing a new Plan conforming with all the requirements of [Section 29.7](#) and approved by the local governing body and Montana Department of Transportation. Amendments shall include, but may not be limited to, new or additional Community Wayfinding Signs or change in location of Community Wayfinding Signs installed pursuant to an approved Community Wayfinding Sign Plan and Memorandum of Agreement. Correction or removal of Sign content from an approved Community Wayfinding Sign by the single agency or entity representing the Big Sky community will not be considered an amendment with

advance notification and documentation of content change provided to the Zoning Enforcement Agent.

SECTION 30 WATERCOURSE ACCESS AND PRESERVATION

- 30.1 Intent: The intent of this overlay district is to protect and preserve the water quality and visual quality of Watercourses and riparian habitat and to encourage public access to Watercourses.
- 30.2 Applicability of Watercourse Access and Preservation Guidelines: The provisions of this section shall apply to any application for a Land Use Permit or subdivision on land located adjacent to or within 150 feet of the annual mean high water line of any Watercourse, as determined by the Zoning Enforcement Agent. The “Flood Plain Management Study, Gallatin River at Big Sky”, as prepared by the USDA/NRCS, shall be used as reference where appropriate.
- 30.3 Submittal Requirements for Land Use Permits Along Designated Watercourses: Submittal materials for applications shall include:
- a. Survey of the subject Lot prepared by a registered land surveyor. The survey shall indicate property boundaries and the location of the annual mean high water line of the Watercourse.
 - b. Site Plan at a scale of 1”:20’ or greater indicating the location of all proposed Structures, site access and other site improvements.
 - c. Grading and drainage plan drawn at the same scale as the site plan indicating all proposed regrading, cross-sections of all proposed cuts and fills, heights of all proposed retaining walls, and proposed site drainage.
 - d. Erosion control and revegetation plan indicating all proposed measures to control surface water run-off, retain eroded soil material during construction and permanently stabilize disturbed slopes and drainage features upon completion of construction.
- 30.4 Design Standards: All development and site modifications proposed by the Land Use Permit application shall comply with the following design standards:
- a. All Structures and site improvements shall maintain a minimum Setback of 100 feet from the annual mean high water line of the main branch of the Gallatin River and 50 feet from the annual mean high water line of all other Watercourses.
 - b. Uses within the Watercourse Setback shall be limited to the planting of native riparian vegetation, agricultural Uses (with the exception of Structures), maintenance of existing non-native vegetation, and the control and maintenance of noxious weeds, deadfall and selected pruning. The removal of existing native vegetation within the Setback is not permitted.
- 30.5 Review Criteria: The following design criteria shall be used by the Zoning Enforcement Agent to evaluate Land Use Permit applications. It shall be the burden of the applicant to demonstrate that proposed development complies with the following criteria, that one or more of the criteria are not applicable, or that a practical solution consistent with the purpose of this section has been achieved. The Zoning Enforcement Agent shall act on Land Use Permit applications by either approving or denying the application based compliance with the following:
- a. Appropriate temporary and permanent erosion control measures shall be provided to minimize sediment and other contaminants from interference with the Watercourse.
- 30.6 Proposed Subdivision of Land Located along Watercourse Corridors: The following review process, design standards, and review criteria provisions shall apply for all minor and major subdivision applications on land located adjacent to or within 300 feet of the annual high water line of any Watercourse.
- 30.7 Review Process: Design standards and review criteria outlined in this section shall be used by the Board of County Commissioners in conjunction with applicable subdivision review criteria to evaluate proposed subdivision applications. In the event of any conflicts between these design standards and review criteria, the most restrictive provision shall apply.

If warranted by the nature of the proposed development, the presence of unique site characteristics or other considerations, the Zoning Enforcement Agent may modify or waive any of the submittal requirements listed above.

SECTION 31 NATURAL RESOURCES DEVELOPMENT CONDITIONAL USE PERMIT

31.1 Natural Resources Conditional Use Permit Requirements: All exploration, development, and recovery operations relating to oil and gas, coal bed methane production including, but not limited to: test wells, production wells, compressor stations, etc.; surface and underground mining (excepting commercial gravel quarries), shall require review under the natural resources Conditional Use Permit process described in this Regulation.

The Planning and Zoning Commission may grant such permit only if it is found that:

- a. The Use conforms to the goals and implements the objectives of the Gallatin Canyon/Big Sky Plan, and the intent of these Regulations;
- b. The Use will not adversely affect nearby properties, residents, groundwater, Watercourses and wetlands;
- c. That all natural resource exploration, development, extraction and recovery operations occur 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.

31.2 Procedure for Obtaining a Natural Resources Conditional Use Permit: An applicant for a Natural Resources Conditional Use Permit shall submit the preliminary application, as described in [Section 31.3](#), 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 30 working days of the public hearing on the preliminary application. Subsequent to completion of the preliminary application process, an applicant for a Natural Resources Conditional Use Permit may submit the final application, as described in [Section 31.4](#), 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 Conditional Use Permit unless the findings required under [Section 31.1](#) and the Gallatin County “Part 1” Zoning Administrative Regulation are satisfied. The Planning and Zoning Commission shall provide the applicant with written findings regarding its decision.

31.3 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. Fifteen 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 Statement, shall address all of the following:
 1. Cover letter describing project and submittal material;
 2. Copy(s) of all associated natural resource leases and deeded rights;

3. Copy(s) of all applicable orders from the Montana board of oil and gas conservation, and with associated stipulations;
 4. Name and location of all water wells, springs, and surface water within a one-and-a-half mile radius of proposed site;
 5. Detailed site inventory map and site development plan (1" = 50'), shall include a perimeter extending a distance of 1000 feet beyond the site boundary on all sides, to include all existing and proposed Structures, well pad location(s), roads and rights-of-way, fencing, lighting, pipelines, pertinent surface features, areas of wildlife and wildlife habitat, bodies of water, jurisdictional and non-jurisdictional wetlands, and all development and mitigation measures associated with application. Applicant shall submit color photos of site location and of area from proposed site to north, south, east and west;
 6. Complete written description of project including, but not limited to: proposed hours of operation (inclusive of days of the week and hours of operation for maintenance of equipment); duration of project; operation of project, including staffing schedule(s), maintenance of equipment, and estimated trips per day; traffic study and/or other information as required by the Gallatin County Engineer; fire and disaster mitigation plan(s); etc.;
 7. An approved noxious weed control and revegetation plan through the Gallatin County Weed Control District;
 8. Plans for reclamation of all disturbances associated with project(s);
 9. Any additional information as deemed necessary by the Zoning Enforcement Agent 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.

31.4 **Final Application:** Applicant shall submit fifteen copies of 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 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:
 1. Evidence of the fee simple surface owner's consent shall be required for surface and underground mining. Evidence that the surface owner has been notified of the applicant's final development plan shall be required for oil, gas and coal bed methane development;
 2. Document plans to protect property values of surrounding properties;
 3. Document plans for fire protection and emergency response;
 4. Document adequate water quantity and water rights for the proposal;
 5. Demonstrate plans for protecting surface and ground water quality;
 6. Demonstrate plans for conservation of fish, wildlife and plant habitat;
 7. Demonstrate plans for compliance with local, state and federal air quality regulations and/or standards;
 8. Demonstrate plans for screening and/or 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;

9. Demonstrate plans to comply with all applicable weed control regulations and the approved Noxious Weed Control and Revegetation Plan;
10. Include a schedule of phased-in development to diffuse impacts over time;
11. Demonstrate plans for compliance with §§ [85-2-505](#) and [82-11-175](#), MCA including amendments thereto, and any other applicable local, state and federal laws or regulations regarding disposal of all ground water involved with the proposal; and
12. Demonstrate plans for sufficient reclamation for any and all disturbances associated with the project(s).
13. 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:

1. Appraisal of current property values for the site and all properties within one-and-a-half miles of the boundaries of the proposal;
2. An analysis of effects of proposed development on fire and emergency response systems;
3. Thorough collection of fish, wildlife and plant inventories;
4. Collection of baseline data of existing surface and ground water quality and quantity;
5. Collection of baseline data of existing air quality;
6. Collection of baseline data of existing noise levels;
7. An analysis by qualified expert(s) 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
8. A monitoring schedule for effective third party monitoring, on a monthly basis, by a state of Montana licensed and bonded environmental engineer (monitor), 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 31.5](#).

31.5 **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 CUP.
- 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.

31.6 Conditional Approval: A final application for 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 not shown that the conditions required for approval do exist. The Planning and Zoning Commission shall make the granting of the 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 District; and to mitigate or avoid adverse impacts on nearby property, residents, groundwater, Watercourses and wetlands; and to ensure that all exploration, development, and recovery operations relating to oil and gas, coal bed methane production 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 Use more compatible and consistent with the Gallatin Canyon/Big Sky Zoning Regulation, the Plan, and the Capital Improvements Plan. Said conditions may include but not be limited to the following:

- a. Specific requirements for vehicular ingress and egress;
- b. Specific requirements of hours of operation;
- c. Specific requirements for the discharge of groundwater and surface water;
- d. 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;
- e. Specific requirements for control of odors, smoke, dust, airborne particles, vibration, glare, light, Setbacks from bodies of water including wetlands and wells, disclosure, management and monitoring of chemicals, and noise emissions from point and non-point sources;
- f. Specific requirements for placement and height of Structures required for the Conditional Use on the subject property;
- g. Specific requirements for dedication, improvements and/or maintenance of rights-of-way;
- h. Limitation of length of time or term such Conditional Use may be permitted;
- i. Conditions for the approval may include changes to the Development Plan based upon information and data from the EIS, the public hearing(s), and any written comments from the public, so as to improve environmental and property protection;
- j. The Planning and Zoning Commission shall impose conditions requiring the applicant 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, Watercourses, and surface resources.

- k. 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 all natural resource development, exploration, or extraction applicants to post separate site-specific performance bonds for each tract of property affected by the proposed CUP. Said performance bonds shall be acceptable to the Planning and Zoning Commission, 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 Statement and shall be valid for the entire term of the CUP. Failure to maintain adequate performance bonding shall be cause for revocation of the CUP.

31.7 Expiration/Extensions/Conditional Use Permit for Definite Term: The Planning and Zoning Commission may issue a Natural Resource Conditional Use Permit for a definite term. Extensions can be obtained through written application made at least thirty (30) days prior to expiration, with accompanying fee and notification sent to adjacent property owners. A public hearing will be held and said hearing shall be subject to the notice requirements of this Section. Failure to apply for an extension of an approved CUP for a definite term shall require a new Natural Resource Conditional Use Permit application.

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SECTION 32 ELECTRIC TRANSMISSION AND DISTRIBUTION LINES

- 32.1 Electric Transmission Line Conditional Use Permits: Except as provided in [32.2](#), all construction of electric transmission lines defined as Essential Services (Type II & Type III) shall require a Conditional Use Permit under the Electric Transmission Line Conditional Use Permit process described in this Section.
- 32.2 Exemptions from Electric Transmission Line Conditional Use Permit: The following projects which involve the construction of electric transmission lines may be built without a Conditional Use Permit.
- a. Electric transmission lines defined under Essential Services (Type I).
 - b. The repair, replacement and upgrading of existing electric transmission lines, unless the repair, replacement or upgrade results in an increase in the average above ground height of the existing poles comprising the existing line (to the extent located in the Gallatin Canyon/Big Sky Zoning District) by more than 50 percent or a change in the location of the right-of-way or easement in which the existing line is located of more than 1,000 feet.
 - c. Electric transmission lines which are constructed pursuant to a certificate of compliance issued by the Montana Department of Environmental Quality under the Major Facility Siting Act, [Title 75, Chapter 20](#), MCA.
 - d. Electric transmission lines for which the applicant has obtained easements or options to acquire easements from more than 75 percent of the owners, who collectively own more than 75 percent of the property along the route of the Electric Transmission Line, within the Gallatin Canyon/Big Sky Zoning District; as demonstrated by listings identifying owners along the route, distances owned by such owners, the total distance of the route, within the Gallatin Canyon/Big Sky Zoning District, and identification of the easements and options acquired. Use of public road right-of-way pursuant to [69-4-101](#) MCA, shall be excluded for purposes of calculating the percentages for this exemption. Further, this exemption is not applicable if more than 20 percent of the proposed route is within the Montana 64 (Lone Mountain Trail) right-of-way.
- Documentation shall be provided to the Zoning Enforcement Agent demonstrating that a new electric transmission line fits within one of the preceding exemptions before construction begins.
- 32.3 Procedure for Electric Transmission Line Conditional Use Permit: An applicant for an Electric Transmission Line Conditional Use Permit shall submit an application, as described in 32.4, accompanied by the appropriate fee as established by the Department's Fee Schedule, which shall not exceed the fee for an application for a standard Conditional Use Permit to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a public hearing before the Planning and Zoning Commission and provide the required legal notice. The Planning and Zoning Commission shall take public comment on the application at the hearing. Notice of the public hearing for a Conditional Use Permit under this Section shall be published at least once 15 days prior to the hearing in a newspaper of general circulation within the County. Property owners within 1000 feet of the centerline of the proposed project shall be notified by certified mail.
- 32.4 Conditional Use Permit Application: Applicant shall submit a Conditional Use Permit Application to the Planning Department. The Conditional Use Permit application shall include the following:
- a. Cover letter describing project, the need for the project, and the timing of when construction of the project is expected to commence and when it is expected to conclude, and listing the additional materials submitted;
 - b. Fifteen copies of a plan, prepared by the applicant or applicant's agent, which plan addresses the following:

1. A reasonably detailed map or aerial photographs, illustrating the location of the proposed electric transmission line, to the extent it is to be located within the Gallatin Canyon/Big Sky Zoning District, its right-of-way, a perimeter extending a distance of 1000 feet on either side of the right-of-way, pertinent surface features of the land, bodies of water, and wetlands;
 2. Drawings or photographs of the proposed Structures, along with their dimensions and spacing; and
 3. Detail of the engineering, geologic and regulatory factors leading to the selection of the location proposed in the plan.
- c. Name and address of all property owners within 1000 feet of the centerline of the proposed project to the extent it is within the Gallatin Canyon/Big Sky Zoning District, including postage for certified mail to each address.
- 32.5 Conditional Use Permit Criteria: The Planning and Zoning Commission may grant a Conditional Use Permit if it is found that the proposed electric transmission line:
- a. Is not in conflict with the express goals and objectives of the Gallatin Canyon/Big Sky Plan or the intent of these Regulations;
 - b. Will not unreasonably affect nearby properties, residents, groundwater, Watercourses, wetlands and view sheds, taking into consideration and giving deference to the engineering, geologic and regulatory factors the applicant must address in designing and siting the line;
 - c. Meets all applicable federal and state laws and regulations as demonstrated by the applicant;
 - d. A public hearing has been held, after notice has been given.
- 32.6 Conditional Approval: An application for Conditional Use Permit may be approved, conditionally approved or denied by the Planning and Zoning Commission. The Planning and Zoning Commission may make the granting of the Conditional Use Permit subject to reasonable conditions as it may deem necessary to protect the health, safety, and general welfare of the citizens of the Zoning District; and to mitigate or avoid adverse impacts on nearby property, residents, groundwater, Watercourses and wetlands; and to make the proposed Use more compatible and consistent with the Gallatin Canyon/Big Sky Zoning Regulation, and the Gallatin Canyon/Big Sky Plan. These conditions may include, but are not limited to, the following:
- a. With the exception of the electric transmission line and access roads, require the applicant, following completion of construction, repair and maintenance activities on the electric transmission line, to reclaim the surface area disturbed by its activities to substantially the same condition as existed prior to the commencement of such activities.
 - b. Require the applicant to utilize wildlife/raptor friendly poles in those locations where needed and not otherwise impractical or prohibited by applicable regulation.
 - c. Require the applicant to exercise reasonable care and diligence in the maintenance of its electric transmission line.
 - d. Require the applicant to exercise reasonable care and diligence to prevent the introduction and spread of any noxious weeds along the route of the electric transmission line.
 - e. Require the applicant to exercise reasonable care to not unreasonably interfere with or unnecessarily disturb wildlife, during construction, repair or maintenance activities.
 - f. Require the applicant to remove the electric transmission line and reclaim the surface area disturbed by such removal upon abandonment of the electric transmission line.

- 32.7 Duration of Conditional Use Permit: A Conditional Use Permit issued under this Section shall remain effective for so long as the Electric Transmission Line or any subsequent replacements are used in the applicant's, or its successors or assigns, operations. Any temporary cessations of Use shall not cause the Conditional Use Permit issued under this Section to expire.
- 32.8 Electric Distribution Lines: electric distribution lines and local electric transmission lines defined under Essential Services (Type I) to which [69-4-102](#) MCA does not apply shall be installed underground, unless:
- a. The applicant shows that the installation of underground distribution lines would be technically or economically infeasible as defined in [Section 69-4-102](#), MCA, and Rule 38.5.1002, ARM, of the Montana Public Service Commission; or
 - b. The electric distribution lines defined under Essential Services (Type I) are built on the same overhead Structures as an electric transmission line defined under Essential Services (Type II and III); or
 - c. The electric distribution line is replacing an existing overhead line.
 - d. Documentation shall be provided to the Zoning Enforcement Agent demonstrating that a new or replaced electric distribution line fits within one of the preceding exemptions before construction begins.

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SECTION 33 ADOPTION

These regulations were recommended for adoption by Resolution No. 1996-03 of the Gallatin Canyon/Big Sky Planning and Zoning Commission on June 20, 1996.

KIMBERLY BUCHANAN, CHAIRMAN
COUNTY TREASURER/ASSESSOR

STEVE WHITE, MEMBER
COUNTY COMMISSIONER

JOE SKINNER, MEMBER
COUNTY COMMISSIONER

DON SEIFERT, MEMBER
COUNTY COMMISSIONER

CHARLOTTE MILLS, MEMBER
COUNTY CLERK &
RECORDER/SURVEYOR

THIS REGULATION WAS AMENDED BY RESOLUTION NO. 1996-07 AND RESOLUTION NO. 1996-08 OF THE GALLATIN COUNTY ZONING COMMISSION ON OCTOBER 17, 1996. THE REGULATION WAS AMENDED BY RESOLUTION NO. 1997-06 OF THE GALLATIN COUNTY ZONING COMMISSION ON NOVEMBER 13, 1997; AND

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AMENDED ON MAY 13, 2004 BY RESOLUTION NO. 2004-08; AND
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AMENDED ON DECEMBER 14, 2006.

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AMENDED ON DECEMBER 16, 2014 BY RESOLUTION NO 2014-148
AMENDED ON JANUARY 13, 2015 BY RESOLUTION NO 2015-001; AND

AMENDED ON MARCH 29, 2016 BY RESOLUTION NO. 2016-045.
AMENDED ON APRIL 3, 2018 BY RESOLUTION NO. 2018-030.
AMENDED ON DECEMBER 18, 2018 BY RESOLUTION NO. 2018-124.
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AMENDED ON JULY 26, 2022 BY RESOLUTION NO. 2022-107.