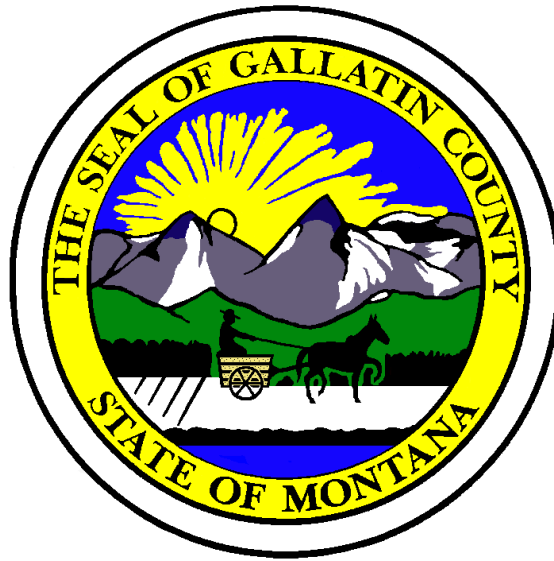


# BEAR CANYON ZONING REGULATION

GALLATIN COUNTY, MONTANA



JULY 14, 2020

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## SECTION 1 ADMINISTRATION

- 1.1 Title. This Regulation shall be known as the Bear Canyon Zoning Regulation ("Zoning Regulation") and is adopted specifically for the Bear Canyon Zoning District ("Zoning District"). The Zoning District was created by Resolution of the Board of County Commissioners, Gallatin County, Montana, on April 16, 1985.
- 1.2 Development Pattern. Pursuant to Section 76-2-101 through 76-2-117, MCA, there is hereby adopted a development pattern for the Zoning District consisting of the Bear Canyon Development Plan (Development Plan), Zoning Regulation, and Zoning Map.
- 1.3 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.
- 1.4 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 Development Rights. Every and each acre in the Zoning District shall have a development right of one dwelling unit. If the allowable density of the particular zone precludes use of the development rights for that given acreage, they may be transferred according to the procedure set forth in this Regulation.

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

## SECTION 2 GOALS AND PURPOSES

### 2.1 Goals:

- a. Agriculture is currently the predominant activity in the district. The goal of this Regulation is to preserve the integrity of the farm, and also to recognize adverse economic conditions that often confront the agricultural community. The Zoning District wishes to maintain flexibility when making decisions on the area's land use that will best serve the farm's interests.
- b. The Zoning District Committee recognizes the agricultural, scenic, and development values of the area. Any planning effort must strive to maximize development opportunities within the limits of sound planning practices. Such practices will include agricultural, scenic, and natural resource considerations. The intent of this Regulation is to protect and preserve, to the greatest extent possible, the Zoning District's scenic, natural resource and agricultural values, and the interests of the family farm.
- c. Because of several limiting factors (high groundwater levels, floodplain, fault lines, and considerations such as open space requirements), development options will be considered that will maximize densities without unduly impacting local services and effects on soils, scenery and the limiting factors mentioned.
- d. Protection of natural resources is highly desirable yet the committee recognizes:
  - i. Big game wildlife are rarely seen in the Zoning District.
  - ii. Most waterfowl and fish habitat are within wetland areas and stream zones that should not be developed, and
  - iii. Factors restricting development such as floodplain and high groundwater areas affect almost one quarter of the Zoning District.
- e. Commercial and natural resource development are encouraged in the Zoning District, but only to the extent that they do not detract from the interests of the family farm, and the Zoning District's scenic and amenity values. New commercial developments will be restricted to locations where impact on agricultural and residential areas will be minimal. Because residential development is severely limited in the floodplain areas, commercial development that meets floodplain construction requirements is encouraged here.
- f. Industrial development will be discouraged unless it is a type that will not adversely affect the Zoning District's natural resources, and will not be incompatible with the district's residential and commercial development. It is recognized that specialized industrial activities such as batch plants, contractor storage and warehousing are associated with and needed for any major development. It is recommended that these uses be considered commercial and allowed on a limited basis under special conditions.

2.2 Purposes. The purpose of this Regulation is for furthering the health, safety, and general welfare of Gallatin County, and to:

- a. Protect existing agricultural operations from nuisance suits, disruption of livestock operations, and nuisances from dogs and noxious weeds.
- b. Assure that new development is designed to minimize the public costs of providing services.
- c. Assure that any development will minimize or eliminate public health or safety hazards in the district.
- d. Preserve scenic resources.
- e. Prevent soil erosion.
- f. Ensure high water quality standards.
- g. Prevent overcrowding.
- h. Encourage innovations in residential developments so that growing demands for housing may be met by greater variety in type, design, and layout of tracts and by conservation and more efficient use of open space ancillary to said housing.
- i. Provide adequate open space, light and air.
- j. Allow minimum densities permitted as a matter of right without mandatory public review.
- k. Allow maximum densities as a matter of conditional use with sufficient study and public review to assure proper protection of the environment.



## SECTION 3            DEFINITIONS

For the purpose of this Regulation, certain terms and words are defined as follows:

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 plural shall also include the singular; the word building includes structure and structure includes building; 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. Where other definitions are necessary and are not defined herein, the County Commission may define such terms.

- 3.1     Accessory Use or Building. The use of land or a subordinate building or a portion of main building, such as being secondary or incidental to the principle use or structure.
- 3.2     Agriculture. The tilling of soil, the raising of crops, horticulture and gardening, dairying and animal husbandry including all uses customarily incidental thereto.
- 3.3     Airport. A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers make repairs, or take in fuel.
- 3.4     Apartment House. Any building or portion thereof containing three or more apartments or dwelling units.
- 3.5     Bars. An establishment designed for the dispensing of alcoholic beverages on a retail basis.
- 3.6     Bed and Breakfast Inn. An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.
- 3.7     Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- 3.8     Building Height. The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 3.9     Building, Principal. A structure in which is conducted the main use of a lot on which the structure is located.
- 3.10    Building Site. A parcel of land occupied or intended to be occupied by uses and buildings permitted herein and which includes such size, dimension, open space and parking as are required in the Zoning District in which such site is located; and which site abuts a County road or State Highway or which abuts a private road conforming to standards approved by the Zoning and Planning Commission.

- 3.11 Business, Retail. The retail sale of any article, substance, or commodity for profit or livelihood.
- 3.12 Campgrounds. Land or premises on which the principle use is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.
- 3.13 Church. A building designed for public worship by any religious body.
- 3.14 Commercial Livestock Confinement. Shall mean any premises on which livestock are held or maintained for any purpose where sixty (60) percent or more of the feed for such livestock is imported or purchased on a regular basis.
- 3.15 Density. The total number of single-family dwelling units allowed per acre.
- 3.16 Development Rights. One of a series of rights inherent in fee simple ownership of land (others include air rights or mineral rights) which may be separated from the land. The rights to build dwelling units on one's land.
- 3.17 Dwelling Group. A group of two or more detached or semidetached one-family, duplexes, or multiple family dwellings occupying a parcel of land in one ownership and having any yard or court in common.
- 3.18 Dwelling Unit. A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities for one family.
- 3.19 Family. One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity or sorority house, etc. A family unit shall be deemed to include necessary servants, and may include up to four boarders.
- 3.20 Guest House. Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site.
- 3.21 Home Occupation. The use of a dwelling or accessory structure for occupations at home which are clearly customary and incidental to the primary use of the parcel and do not change agricultural or residential character thereof. No home occupation conducted entirely within a dwelling shall occupy more than 40 percent of the gross floor area nor more than 800 square feet of gross floor area.
- 3.22 Hotel. Any building or portion thereof including any lodging house, rooming house, or dormitory containing five (5) or more guest rooms whether rent is paid in money, goods, labor or otherwise. Does not include any jail, hospital, asylum, sanitarium, orphanage, nursing home or other in which people are housed and detained under legal restraint.

- 3.23 Junk Yard. The use of more than two hundred (200) square feet of the area of any parcel (excluding areas the principle use of which is farm oriented), lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 3.24 Kennel. The confinement, boarding or raising of three or more canines with ages of six months or greater on the premises.
- 3.25 Labor Camps. Any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance car, trailer coach or other housing accommodations, maintained in connection with any work or place where work is being performed, and the premises upon which they are situated and/or the area set aside and provided for camping of five (5) or more employees by a labor contractor. Labor camp shall also mean a labor supply camp. A labor supply camp is hereby defined to be any place, area or piece of land where a person engaged in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees of another.
- 3.26 Lot or Parcel. A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 3.27 Mineral. Any ore, rock, or substance, other than sand, oil, gas, clay or gravel taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future use, refinement, or smelting.
- 3.28 Mining. Any part of the process followed in the production of mineral by the open cut or underground method.
- 3.29 Mobile Home. A portable dwelling unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 3.30 Mobile Home Park. A parcel of land that has been planned and improved for the placement of two or more mobile homes for lease or rent to the general public.
- 3.31 Overnight Accommodations. Establishment or building that provides a number of bedrooms, baths, for use by the general public on a temporary basis, not to exceed eight (8) continuous weeks.
- 3.32 Parking Space, Off-Street. A space located off any public right-of-way which is at least 9 x 20 feet in size for parking of any automobile and with access to a public street or road.
- 3.33 Private Club. Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.

- 3.34 Quarrying. Any part of the process followed in the extraction of clay, sand or gravel by the open cut method.
- 3.35 Restaurant. A public eating house which does not provide curb side or automobile service.
- 3.36 Setback. The horizontal distance required between any structure and the lot line. This distance to be measured at right angles to the property line.
- 3.37 Sign. Any face of any lettered or pictorial device and/or structure designed to form or attract attention.
- 3.38 Single Family Dwelling. A detached building designed for, or occupied exclusively by, one family and including the necessary domestic help thereof. Such dwelling could also be used for guest or rental purposes, provided these purposes are accessory to the principle use of the dwelling.
- 3.39 Structure. Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.40 Tourist Shop. An establishment designed to sell on a retail basis trinkets, souvenirs, and other keepsakes.
- 3.41 Transmission Line. Any electrical circuit carried on a steel pole; any electrical circuit carried on more than one wooden pole; any electrical circuit carried on a single wooden pole energized at more than 60,000 volts.
- 3.42 Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than eight (8) feet in body width or more than thirty six (36) feet in body length
- 3.43 Travel Trailer Park. Any area or tract of land rented or held out for rent to one or more persons or users for parking or placement of temporary recreational vacation housing.
- 3.44 Use. The purpose for which land or premises or a building thereon is designed, arranged, or intended, for which it is, or may be, occupied or maintained.
- 3.45 Vehicle Sales, Off-Road. An establishment or area of land designed for the selling of off-road vehicles such as snowmobiles, motorcycles, and boats.

## **SECTION 4 PUBLIC LAND AND INSTITUTIONS (PLI)**

4.1 Intent. The intent of this district is to provide for public and quasi-public uses outside of other districts. Public and quasi-public uses should be located in this district, although some may logically fit within another district.

### 4.2 Uses Allowed as Matter of Right:

- a. Public buildings, i.e., fire and police stations, municipal buildings, sites for public utilities.
- b. Public and non-profit quasi-public institutions, i.e., universities, elementary, junior and senior high schools, hospitals, private educational institutions.
- c. Publicly owned lands for parks, playgrounds, and open space.
- d. Accessory uses and buildings customarily appurtenant to a permitted use.
- e. Temporary buildings for and during construction only.

### 4.3 Height, Yard and Area Requirements:

- a. Height Regulations: No building shall exceed forty five (45) feet in height.
- b. Parcel width for this district shall not be less than 150 feet.
- c. No requirements for setbacks will be made except when a lot is adjacent to another district. The yards then shall be the same as in the adjacent district.

### 4.4 Parking Requirements:

- a. For public buildings, i.e., fire and police stations, municipal buildings, sites for public utilities: One (1) off-street parking space for each three hundred (300) square feet of gross floor area.
- b. One (1) off-street parking space for each ten (10) permanent seats in any public institution, i.e., universities, elementary, junior or senior high schools, or private educational institutions.

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## **SECTION 5 RESIDENTIAL 1 UNIT PER ACRE (R-1)**

5.1 Intent. The County Commission finds that agriculture is one of the primary occupational pursuits and the primary economic endeavor in the Zoning District. Because of economic hardships frequently confronting agricultural interests, the Board also finds that farm interests need flexibility to develop their lands in other than the traditional agricultural pursuit. The County Commission recognizes the development limitations facing Bear Canyon outlined in the Zoning District Development Plan, and encourages development that considers agricultural value, but minimizes constraints placed on the farm interests.

The intent of this district is to provide for single family development as a matter of right in keeping with the rural, agricultural character of the area.

### 5.2 Uses Permitted as a Matter of Right:

- a. Agricultural uses, including the cultivation of ground, preparation of soil, planting or seeding, raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops.
- b. The raising, feeding, managing and breeding of livestock, poultry, fish, birds, and other animals which do not constitute commercial livestock confinement.
- c. The keeping of animals and fowl for family food production and the keeping of horses and dogs for private use, together with their dependent young as hereinafter set per one acre. One horse, or one pig, or one cow, or two sheep, or two goats plus ten rabbits, or 24 fowl (chickens, pheasants, pigeons, etc.), or six larger fowl (ducks, geese, turkey, etc.). Dogs and other pets must be confined to the private premises or leashes.
- d. The excavation of earth and the drilling of wells when used exclusively for agricultural or domestic uses.
- e. Signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture produced on the premises. Signs for the selling of produce or property. Signs for real estate for sale and streets. Signs shall be indirectly illuminated only.
- f. One single family dwelling unit per 1 acre.
- g. Uses or structures accessory to the uses permitted.
- h. The sale on the premises of products produced thereon.
- i. The operation of private clubs.
- j. The packing, storing and processing of products grown on the land, together with accessory buildings required therefor.

- k. Non-agricultural home occupations and hobbies when conducted within buildings and structures, the principal use of which is one of the foregoing uses.
- l. Temporary buildings for and during construction only.
- m. Non-commercial airstrips together with accessory buildings and structures required therefor.
- n. Mobile homes.

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

- a. Cluster developments for residential purposes only.
- b. Quarries and quarrying operations.
- c. Oil and gas well.
- d. Mining.
- e. Mobile home parks.
- f. Bed and breakfast inns.
- g. Guest ranches.
- h. Accessory buildings and structures the principal use of which is the pursuit of non-agricultural home occupations and hobbies.
- i. Family Day Care Home (as defined in Section 53-4-501, M.C.A.).
- j. Kennels.

5.4 Similar Uses. Uses which in the opinion of the Planning and Zoning Commission are similar to those listed in the above two sections may be permitted therein.

5.5 Consistency with Goals and Purposes. All conditional uses permitted shall be consistent with the goals and purposes of Section 2 of this Regulation.

5.6 Lot Area and Width. The lot area of this district shall be not less than 1 acre in size.

5.7 Yards. Every lot shall have the following minimum yards:

Front yard	35 feet
Rear yard	25 feet
Side yards	25 feet



All buildings shall be setback 65 feet from the centerline of Bozeman Trail Road, Mount Ellis Lane, Bear Canyon Road, or any county road in the Zoning District.

- 5.8 Floor Area. Each permanent dwelling unit shall have a minimum of 800 square feet of floor area.
- 5.9 Building Height. Maximum residential building height in this district shall be 32 feet.
- 5.10 Off-Street Parking. Two off-street parking spaces shall be provided for each dwelling unit. (Off-street parking for non-residential uses shall be provided as specified in Section 7.8 of this Regulation.)
- 5.11 Lot Access. Access to lots not abutting a street must be provided. The access may be in the form of an easement over the tract of land separating the lot from a public street. Minimum easement width shall be 20 feet. If the access is an easement over other land, the easement shall be irrevocable as long as the lot it serves has no other access approved by the governing body.

This lot access standard shall apply to all lots not subject to state and county subdivision review. Lots subject to such review shall meet the appropriate access requirements.

Easements not subject to subdivision review shall be shown on a certificate of survey or described in a deed, approved by the Zoning Enforcement Agent, and recorded with the County Clerk and Recorder.

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## SECTION 6 RESIDENTIAL 1 UNIT PER 5 ACRES (R-5)

6.1 Intent. The County Commissioner finds that certain lands well-suited for agriculture may not, because of geologic and topographic constraints, be optimal for a one unit per acre density. It is the intent of this district to minimize residential development in proximity to a recognized geologic fault, (R-5) and on slopes exceeding 15% (R-5s). It is also the intent of this district to allow higher densities through the cluster development provisions of this Regulation.

### 6.2 Uses Permitted as a Matter of Right:

- a. Agricultural uses, including the cultivation of ground, preparation of soil, planting or seeding, raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops.
- b. The raising, feeding, managing and breeding of livestock, poultry, fish, birds, and other animals which do not constitute commercial livestock confinement.
- c. The keeping of animals and fowl for family food production and the keeping of horses and dogs for private use, together with their dependent young as hereinafter set per one acre. One horse, or one pig, or one cow, or two sheep, or two goats plus ten rabbits, or 24 fowl (chickens, pheasants, pigeons, etc.), or six larger fowl (ducks, geese, turkey, etc.). Dogs and other pets must be confined to the private premises or leashes.
- d. The excavation of earth and the drilling of wells when used exclusively for agricultural or domestic uses.
- e. Signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture produced on the premises. Signs for the selling of produce or property. Signs for real estate for sale and streets. Signs shall be indirectly illuminated only.
- f. One single family dwelling unit per five acres.
- g. Uses or structures accessory to the uses permitted.
- h. The sale on the premises of products produced thereon.
- i. The operation of private clubs.
- j. The packing, storing and processing of products grown on the land, together with accessory buildings required therefor.
- k. Non-agricultural home occupations and hobbies when conducted within buildings and structures, the principal use of which is one of the foregoing uses.
- l. Temporary buildings for and during construction only.

- m. Non-commercial airstrips together with accessory buildings and structures required therefor.
- n. Mobile homes.

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

- a. Cluster developments for residential purposes only.
- b. Quarries and quarrying operations.
- c. Oil and gas well.
- d. Mining.
- e. Mobile home parks.
- f. Bed and breakfast inns.
- g. Guest ranches.
- h. Accessory buildings and structures the principal use of which is the pursuit of non-agricultural home occupations and hobbies.
- i. Family Day Care Home (as defined in Section 53-4-501, M.C.A.).
- j. Kennels.

6.4 Similar Uses. Uses which in the opinion of the Planning and Zoning Commission are similar to those listed in the above two sections may be permitted therein.

6.5 Consistency with Goals and Purposes. All conditional uses permitted shall be consistent with the goals and purposes of Section 2 of this Regulation.

6.6 Lot Area and Width. The lot area of this district shall be not less than 5 acres in size and no lot width shall be less than 150 feet.

6.7 Yards. Every lot shall have the following minimum yards:

Front yard	35 feet
Rear yard	25 feet
Side yards	25 feet

All buildings shall be setback 65 feet from the centerline of Bozeman Trail Road, Mount Ellis Lane, Bear Canyon Road, or any county road in the Zoning District.

6.8 Floor Area. Each permanent dwelling unit shall have a minimum of 800 square feet of floor area.

- 6.9 Building Height. Maximum residential building height in this district shall be 32 feet.
- 6.10 Off-Street Parking. Two off-street parking spaces shall be provided for each dwelling unit. (Off-street parking for non-residential uses shall be provided as specified in Section 7.8 of this Regulation.)
- 6.11 Lot Access. Access to lots not abutting a street must be provided. The access may be in the form of an easement over the tract of land separating the lot from a public street. Minimum easement width shall be 20 feet. If the access is an easement over other land, the easement shall be irrevocable as long as the lot it serves has no other access approved by the governing body.

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## SECTION 7 LIGHT MANUFACTURING (M-1)

7.1 Intent. The intent of this district is to provide for the Zoning District's needs for wholesale trade, storage, and warehousing, trucking, and transportation terminals, light manufacturing and similar activities yet arranged to minimize adverse effects on residential development; therefore, some type of screening may be necessary. Residences shall not be permitted in this district.

### 7.2 Permitted Uses:

- a. Accessory uses.
- b. Ambulance service.
- c. Building sales.
- d. Building contractors establishments.
- e. Cabinet shops.
- f. Churches.
- g. Conditional uses.
- h. Enclosed warehousing.
- i. Fire stations.
- j. Flour and feed mills.
- k. Food processing plants.
- l. Gasoline service stations.
- m. Grain elevators.
- n. Greenhouses.
- o. Machine shops.
- p. Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages.
- q. Outside storage if accessory to permitted use and if screened from street and surrounding properties by solid fence or dense plantings at least six (6) feet high.
- r. Paint shops.
- s. Public utility facility.

- t. Repair and service establishments for light consumer goods, i.e., automobiles, appliances, furniture.
- u. Signs as permitted in Section 10.1 of this Regulation.
- v. Sign shops.
- w. Temporary buildings for and during construction only.
- x. Truck terminal facilities.
- y. Vehicle and boat sales.

7.3 Lot Area and Width. Lot area for this district shall not be less than 7500 square feet and no lot width shall be less than 75 feet.

7.4 Lot Coverage. The entire lot, exclusive of required yards and parking may be occupied by the principal and accessory buildings.

7.5 Yards. Every lot shall have the following minimum yards:

Front yard	20 feet
Rear yard	None*
Side yards	None*

\* When a lot is adjacent or faces upon another zone, the yards shall meet the requirements of the adjoining zone and buildings shall be screened with either a berm or decorative fence or plantings. When a lot abuts a street or alley on either side or the rear, a yard of at least 15 feet shall be provided on the street or alley side.

7.6 Building Height. Maximum building height in this district shall be 40 feet.

7.7 Permitted Uses Upon Conditional Approval. Amusement and recreational activities, open storage (if adequately screened), retail establishments (in addition to those listed in Section 7.2), residences for owner or caretaker, animal shelters, and veterinary clinics.

7.8 Parking Requirements:

- a. Two (2) off-street spaces shall be provided for each dwelling.
- b. One (1) off-street parking space shall be provided for each three hundred (300) square feet in any private club.
- c. One (1) off-street parking space shall be provided for each one hundred (100) square feet in any stand for the sale or products produced on the premises.



- d. One (1) off-street parking space shall be provided for each classroom and administrative office in any school together with one (1) off-street parking space for each ten (10) seats in any building designed for public assembly.
- e. For commercial and office uses: one (1) off-street parking space for each two hundred (200) square feet of gross floor area.
- f. One (1) off-street parking space for each ten seats in any place of public assembly.
- g. Parking required for other uses shall be set forth by the Zoning Enforcement Agent subject to appeal as outlined in this ordinance.

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## **SECTION 8                    NEIGHBORHOOD COMMERCIAL (NC)**

8.1    Intent. To provide centers for convenient shopping and local commercial services in residential neighborhoods with controls to preserve the basic residential and scenic character of such neighborhoods.

8.2    Uses Allowed as a Matter of Right:

- a.    Local retail business or service establishments, such as service stations, grocery, fruit or vegetable stores, bakeries, drug stores, barber shops, clothes cleaning and laundry stores and restaurants.
- b.    Business, professional and medical offices.
- c.    Commercial parking lots for passenger and delivery vehicles.
- d.    Social halls, lodges, fraternal organizations.
- e.    Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
- f.    Schools and school facilities.
- g.    Dwellings.
- h.    Living quarters when accessory to the principal permitted use.
- i.    Signs which pertain only to a permitted use on the premises; which do not project above the highest point of the roof; which are integral with the building, or attached flat against the building, or which are suspended entirely beneath the canopy portion of the building. The aggregate area of said sign or signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage. Moving signs, flashing and oscillating lights shall be prohibited. Signs shall only be illuminated at such times as said uses are open for business.
- j.    Nursing homes.

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

- a.    Free standing signs when pertaining to a use permitted on the premises.
- b.    Public and quasi-public buildings and uses of a recreational, educational, religious, cultural, or public service type; but not including corporation yards, storage or repair yards, or warehouses.
- c.    Amusement and recreational activities, open storage (if adequately screened), retail establishments (in addition to those listed in Section 7.2),

residences for owner or caretaker, animal shelters, and veterinary clinics, family day care homes.

d. Cluster Developments.

8.4 Similar Uses. Any other commercial use or service which the Planning and Zoning Commission find to be consistent with the purpose of this article, and which is of the same general character as the above permitted uses.

8.5 Lot Area and Width. Lot area for this district shall not be less than 7500 square feet and no lot width shall be less than 75 feet.

8.6 Lot Coverage. The entire lot, exclusive of required yards and parking may be occupied by the principal and accessory buildings.

8.7 Yards. Every lot shall have the following minimum yards:

Front yard	20 feet
Rear yard	None*
Side yards	None*

\* When a lot is adjacent or faces upon another zone, the yards shall meet the requirements of the adjoining zone and buildings shall be screened with either a berm or decorative fence or plantings. When a lot abuts a street or alley on either side or the rear, a yard of at least 15 feet shall be provided on the street or alley side.

8.8 Building Height. Maximum building height in this district shall be 40 feet.

8.9 Off-Street Parking. Off-street parking shall be provided in accordance with Section 7.8.

## SECTION 9 RESIDENTIAL CLUSTER DEVELOPMENT (RCL)

9.1 Intent. The intent of cluster development, to be used in combination with other districts, is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage development that considers agricultural values; which will encourage development that avoids geologic hazards and slopes exceeding 15%; which will encourage ingenuity and originality in total subdivision and individual site design; which will encourage development utilizing otherwise undevelopable land as open space; and which can preserve open space to serve recreational, scenic, agricultural and public service purposes, and other purposes related thereto, within the densities established for the cluster net tract area.

The purpose of cluster developments is also to provide an alternative procedure under which land may be developed by transfer of permitted dwelling units to locations suited to such use, thereby retaining the remaining land in agricultural use or open space. To achieve these purposes:

- a. Variations in lot areas are permitted.
- b. A greater variety of building types is permitted in the appropriate zones.
- c. Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use.
- d. Procedures are established to assure adequate protection of existing and potential developments adjoining the proposed cluster development.

9.2 Sites in More than One Land Use District. Provided that sufficient land area is available to meet the standards prescribed in this section, the development shall be located on the portion of the site on which the greater density would be permitted by the land use district regulations. If sufficient land area is not available to locate all of the development there, then as much of the development as the Zoning Commission may determine, at its discretion, to be sufficient shall be located on that portion of the site.

9.3 Cluster Development - Special Definitions:

- a. Certificates of Development Rights. A certificate entitling the owner to build (1) one single family dwelling unit per acre. Interpolation is permitted by rounding off to the nearest dwelling unit permitted (because of size of whole parcel, rounded off to the nearest tenth of an acre). Example:  
Minimum - 1 DU/1 acre  
Actual property survey - 6.58 acres (round to 6.6 acres)  
Maximum number of dwelling unit certificates permitted would equal 7 units.

- b. Cluster Development. An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the Regulations established in the underlying zone.
- c. Common Open Space. A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a Cluster Development and designated and intended for the use or enjoyment of residents of the Cluster Development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Cluster Development.
- d. Development Rights. One of a series of rights inherent in fee simple ownership of land (others include air rights or mineral rights) which may be separated from the land. The rights to build dwelling units on one's land; the potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- e. Landowner. The legal or beneficial owner or owners of all of the land proposed to be included in a Cluster Development. The holder of an option or contract to purchase, a lessee having remaining term of not less than twenty (20) years or other persons having an enforceable proprietary interest in such land, shall be deemed to be Landowner for the purposes of these provisions.
- f. Open Space. Land subject to valid restriction against housing development, the maintenance of which in its natural, recreational, or agricultural state within the site designated for cluster development, is necessary for the enhancement of living conditions in Cluster Development.
- g. Plan. The provisions for development of a Cluster Development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, and a general layout of water and sanitary facilities. The phrase "provisions of the plan", when used in these provisions, shall mean the written and graphic materials referred to in this definition.
- h. Residential. If permitted in the basic zone, those uses allowed therein and duplexes, condominiums, lodges, apartments, and motels.
- i. Transfer of Development Rights. The conveyance of development rights by certificate authorized by the Zoning Regulation, to another parcel of land and the recordation of that conveyance at the Office of the Gallatin County Clerk and Recorder.

- a. All types of attached and detached single family dwelling units may be permitted in cluster developments in the R-1, R-5 and NC Zones.
- b. Cluster developments shall consist of a minimum of two (2) dwelling units, except that cluster developments that are found by the Planning and Zoning Commission to be a logical extension of an existing or approved cluster development may contain one dwelling unit.
- c. Cluster development density shall be two (2) dwelling units per acre except for the following:
  - i. A transfer of a development right from another 1 acre tract will permit one additional dwelling unit per acre.
  - ii. A bonus of one additional development and density right will be granted to a cluster development that does not locate on any acre containing more than 30% (best soil type 70A) or 50% (second best soil type 70B). These soil types are described in the Development Plan and identified on the official district map. (See procedure for amending soils map.)
  - iii. A bonus of one additional development and density right will be granted to a cluster development which does not locate building sites, roads, or other development on slopes of/or exceeding 15.0% in the R-5s Zone.
- d. Maximum cluster development density will be four (4) dwelling units per acre in the R-1 and R-5 Zone based on the 2 DU per acre minimum plus soils bonus plus one TDR option. Cluster developments not using the soils bonus shall have a maximum of 3 DU's per acre (2 DU minimum plus one TDR).
- e. The R-5s Zone will have the same maximum cluster density as above, except the bonus for avoiding excessive slope will replace the soils bonus.

9.5 Subdivision Approval for Cluster Development:

- a. The provisions of the Cluster Development section shall be subject to the general provisions of this Regulation except where different therefrom.
- b. No cluster development may be constructed except in accord with a Preliminary Subdivision Plat approved by the County Commission under the Gallatin County Subdivision Regulations.

9.6 Cluster Development - Modification of Yard and Lot Requirements. Modification and variation of yard and lot requirements maybe permitted in accord with the pertinent sections of the applicable zone. Such modifications and variations must be shown on any cluster Preliminary Subdivision Plan.

9.7 Cluster Open Space Requirement; Ownership:

- a. Each Cluster Development shall provide an area for dedicated park or common open space appropriate in size to the proposed development and design; however, such area shall not be less than one-ninth (1/9) of the area of the cluster development, exclusive of all other dedications. All cluster open space must be preserved and maintained for its scenic value, or for recreation, agricultural or conservation purposes.
- b. Public ownership. Cluster open space shall be made available for the use of all residents of Gallatin County, unless the Planning and Zoning Commission finds that the size, location, type of development, or cost of development or maintenance of such cluster open space or the availability of public open space would make public use undesirable or unnecessary. The Planning and Zoning Commission generally will require dedication of all cluster open space areas.
- c. Private ownership. If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning and Zoning Commission, sufficient to ensure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Planning and Zoning Commission; and any other specifications deemed necessary by the Planning and Zoning Commission.

All legal documents required under this section shall not be acceptable until approved by the County Attorney when required by the County.

9.8 Cluster Developments - Approval; Appeal. An approved preliminary subdivision plan for a cluster development shall provide for a total environment better than that which could be achieved under standard regulations. If, in the opinion of the Planning and Zoning Commission, the proposed plan could be improved in respect to the criteria listed below by the reasonable modification of the location of cluster open space or buildings or configurations of lots, streets, and parking areas, the proposed plan shall be so modified or denied. In acting on a proposed plan, the Planning and Zoning Commission shall give particular consideration to the following criteria:

- a. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.
- b. The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.



- c. Cluster open space shall include irreplaceable natural features located in the tract (such as, but not limited to stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
- d. Cluster open space intended for a recreation or public use shall be easily accessible to cluster development dwellers.
- e. The suitability of cluster open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.
- f. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- g. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen area devoted to motor vehicle access.
- h. Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, undesirable views, noise, and traffic on the residents of the site.
- i. Up to one-fourth of the land with slopes greater than fifteen percent (15%) may be removed or altered only when such slopes are isolated, small, necessary for roads, or otherwise occur as insignificant knolls which do not adversely affect the design of the plan or cluster open space. Cluster developments shall follow the procedure for securing approval of a conditional permit in Section 10 of the Administrative Regulations.
- j. Cluster development preliminary plans must be approved by the Planning and Zoning Commission before submission to the County for subdivision approval.

9.9 Conveyance of Open Space in Cluster. A signed statement of conveyance of cluster open space land to the appropriate public agency or cooperative association shall be placed on the record plat, if appropriate, as follows:

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OWNER'S NAME

owner(s) of the property shown and designated hereon, hereby dedicate, grant, and convey the open space land shown hereon to the public or homeowners

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GALLATIN COUNTY COMMISSION

Further, (I or we) certify that there are no suits, actions, liens, or trusts on the property conveyed herein, and warrant generally and specifically the property conveyed to \_\_\_\_\_ (Appropriate public agency or cooperative association) for public use and will execute such further assurance as may be requisite.

- 9.10 Amendment and Withdrawal of Plan. The variations and modifications from the standard requirements of the applicable zone regulations shown on an approved Preliminary Subdivision Plan may be:
- a. Amended upon petition by the applicant for subdivision.
  - b. Amended upon petition of a subsequent owner who is not subdividing the property; or,
  - c. Withdrawn by the applicant at any time prior to the effectuation of the plan. Effectuation of the plan shall be deemed to have occurred when a record plat defining cluster open space is filed with the Clerk and Recorder, or when construction of structures has been commenced on the site, whichever event occurs first.
- 9.11 Assignment of Development Rights. Every acre in the Zoning District shall have one single family dwelling unit development right, as designated in the Development Plan, adopted \_\_\_\_\_, 1987, and shall exclude transfers of development rights. A current record of available and transferred development rights shall be maintained by the Gallatin County Department of Planning and Community Development. Any transfer of certificates of development rights shall be recorded with the Office of the Gallatin County Clerk and Recorder and notification shall be provided to the Gallatin County Department of Planning and Community Development.
- 9.12 General. Development rights shall only be transferred within the boundaries of the zones designated on the official map. Development rights are valued by the private market, and may be conveyed and re-conveyed. Development rights may be sold or accumulated without Planning and Zoning Commission approval. Their use must be approved.
- 9.13 Procedure for Use. Application shall be made to the Gallatin County Department of Planning and Community Development for the use of the development rights. The application shall consist of a document indicating the ownership or contract to purchase development rights and the necessary submittals for review as a cluster development, as required by the Zoning Regulation and Gallatin County Subdivision Regulations.

The use of transferred development rights shall meet the provisions in this Regulation for cluster developments.

Upon preliminary approval of the cluster development, the applicant shall record the approved development rights transfer certificate with the Office of the Gallatin County Clerk and Recorder.

- 9.14 Staged Development. If the sequence of construction of various portions of the development is to occur in stages, then the open spaces and the recreational facilities proposed for the entire development shall be developed, or committed thereto, in proportion to the number of dwelling units constructed. At no time during the construction of the project shall the number of constructed dwelling units exceed the overall density per acre established by the provisions of this Regulation.

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## SECTION 10 SUPPLEMENTARY REGULATIONS

### 10.1 Signs:

- a. General. Signs within the districts shall be subject to the following requirements. No blinking, internally illuminated, temporary, or portable signs shall be permitted in the Zoning District. Illumination for signs shall not illuminate other than the area intended, and shall not illuminate adjacent yards or lots.
- b. Residential (R-1) and (R-5). Signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture produced on the premises. Signs for the selling of produce, real estate and streets. Illumination of signs in this district shall be indirect.
- c. Neighborhood Commercial (NC) and Public Lands and Institutions (PLI). Signs shall not project above the highest point of the roof; shall be integral with the building or attached flat against the building; or shall be suspended entirely beneath the canopy portion of the building. The aggregate area of said sign or signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage. Signs shall only be illuminated externally and at such times as said uses are open for business. All uses shall be limited to two (2) signs per use.
- d. Light Manufacturing (M-1):
  - i. All signs permitted in residential and neighborhood commercial/public lands, institutions are permitted in this zone.
  - ii. Freestanding signs within 300 feet of a controlled freeway exit or entrance shall be permitted. Such signs shall be 500 feet apart. Such signs shall be allowed a height of .5 feet for every one (1) feet of distance between the sign and the edge of the highway right of way on a line perpendicular to the nearest part of the sign, up to a maximum height of 60 feet.
  - iii. All freestanding signs within 300 feet of a controlled freeway exit or entrance shall be allowed a sign area of 5 square feet for every one (1) feet of distance between the sign and the edge of the highway on a line perpendicular to the nearest part of the sign, up to a maximum sign area of 400 square feet.

### 10.2 Procedure for Changing Soils Type:

- a. Intent. It is the intent of this section to provide for changing the boundaries of soil types on the official district soils map. This procedure shall provide for inaccuracies in soil types and locations that may have arisen in the original soils mapping for the district.

The official soils map shall be kept on file in the Gallatin County Clerk and Records Office and shall follow the procedure in Section 1.5 of this Regulation.

- a. Procedure. A landowner may submit a request to the Zoning Enforcement Agent for a change in the soil map, if he provides data showing the predominant soil type on the subject acreage. The request shall be made and a decision granted prior to cluster development application.

The applicant shall submit a map identifying the soil type, accurate to the nearest acre.

An inspection of the acreage proposed for a soils map change shall be conducted by the Gallatin County Department of Planning and Community Development, the landowner and an area Soils Conservation service representative. A majority opinion of the inspecting team shall prevail. A written decision by the Zoning Enforcement Agent shall be kept on file in the Gallatin County Department of Planning and Community Development and Soils changes shall be reflected on the Official district soils map. Soils change inspections shall be conducted within 30 days of application submittal, weather permitting. If on-site soils verification is not possible because of weather conditions, the inspection date shall be determined at the Zoning Enforcement Agent's discretion.

- c. Fee. A soils change request shall not be considered complete, and no action shall be taken, until a \$25.00 fee has been submitted together with all required information.
- d. Appeals. Appeals on soils change decisions shall be made pursuant to Section 13 of the Administrative Regulation.

### 10.3 Standards for Exterior Appearance for all Single Family Dwelling Units:

- a. Minimum Width. Minimum width of any dwelling unit shall be not less than fourteen (14) feet, as measured across the narrowest portion.
- b. Minimum Roof Pitch. The pitch of the main roof shall be not less than one foot of rise for each four feet of horizontal run.
- c. Manufactured Housing Specifications. All dwelling units manufactured substantially or entirely off-site shall meet current Department of Housing and Urban Development (HUD) code.
- d. Permanent Foundation. All dwelling units shall be built on mortared block or concrete foundations.
- e. Siding. Metal siding shall run predominantly in a horizontal direction and shall be lapped. Wood siding may run in either a horizontal or vertical direction. All

siding shall be in earth tones, whites or colors to blend with the natural environment.

- f. Signs. Signs within residential districts shall be limited to those permitted in Section 10.1 of this Regulation. Signs within commercial or manufacturing areas shall be limited to two identification signs, one of which may be a facade sign not greater than four feet by six feet, and one free-standing sign that may not be larger than four feet by six feet nor higher than twenty feet. Flashing, mobile and temporary signs shall be prohibited.
- 10.4 Accessory Buildings. No accessory buildings shall be erected in any required front yard. Detached garages shall be erected no closer than five and one half (5 1/2) feet of any principal structure. No other separate accessory use shall be erected within ten (10) feet of any principal structure.
- 10.5 Outdoor Lighting. Outdoor lighting of trees, bushes, fountains, swimming pools, or grounds or residences shall not illuminate or be reflected upon any adjacent property.
- 10.6 Corner Lots. When a lot faces more than one street and front yard setbacks have been established or in all probability will be established on both streets, corner lot setbacks shall be at least as great as established for each street.
- 10.7 Protection of Irrigation Ditch Easements. No land use permit shall be issued or use proposed within twenty (20) feet of either side of an active irrigation ditch.
- 10.8 Fences, Walls and Hedges. Fences, walls and hedges in any district may be located on lot lines provided such fences, walls and hedges do not exceed eight (8) feet in height. Fences exceeding eight (8) feet in height shall be subject to the minimum yard requirements of the district in which such fences are located. However, no fences, walls and hedges shall exceed four (4) feet in any front yard as defined in this ordinance. Fences used in an agricultural pursuit to retain stock animals shall be excepted.
- 10.9 Lot in Two Zones. Where a district boundary line as established in this Regulation divides a lot which was of single ownership and of record at the time of this Regulation, the use thereon and the district requirements applying to the least restricted portion of such lot is entirely within twenty (20) feet of the dividing line, the use so extended shall be deemed to the conforming.
- 10.10 Swimming Pools. No public or private swimming pool in any district shall be located in any required front yard; however, if not more than six feet in height, such use may be located in any required side or rear yard. In addition, all swimming pools shall be enclosed in an area with a fence or wall not less than forty-two inches in height and no opening therein, other than doors or gates, larger than four inches in any direction. A structure of any type may be used as part of such enclosure. All gates and doors opening through such enclosure shall be kept equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure for private residential pools need not be so equipped.

10.11 Landscaping. Not less than 75 percent of all yards and side yards on abutting streets or avenues shall be landscaped.

10.12 Outside Storage. All accumulation or storage of salvage materials shall be within an authorized accessory building.

10.13 Utility Uses. Radio and TV receiving antennas, and public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a Land Use Permit, provided, however, that community receiving antennas and the routes of proposed electric transmission lines shall be submitted to the Planning and Zoning Commission for recommendation, and said recommendation shall be favorable prior to acquisition of locations of rights of way therefore, and any construction thereon. TV receiving satellite dishes shall not be permitted in front yards.

10.14 Guest Ranches, Guest Quarters. The following regulations shall apply to all guest facilities:

- a. Guest units shall not contain kitchen or cooking facilities. This shall not exclude the provision and use of a central kitchen and cooking facilities.
- b. Guest ranches shall provide or have direct access to riding trails or other recreational facilities which will tend to limit off-site travel by automobile.

10.15 Building Site Frontage. Every building site shall have at least as much frontage on a road, lane or street as will equal the building site width required by the regulations for the district wherein it is located, unless:

- a. Such site is non-conforming in accordance with Section 5 of the Administrative Regulations:
- b. Such site contains the necessary dimensions and is connected to a road or street by a driveway not over four hundred (400) feet in length;
- c. Such site is shown on a recorded subdivision plat which has been approved by the County Commission, or;
- d. A variance is first secured in accordance with Section 11 of the Administrative Regulations.

10.16 Temporary Dwellings:

- a. Temporary dwelling unit occupancy may be permitted with a special permit issued upon application by the Gallatin County Department of Planning and Community Development. Such occupancy shall be limited for a period not to exceed one (1) year where all the following conditions exist:
  - i. A Land Use Permit for a permanent dwelling has been issued;



- ii. Said temporary dwelling does not violate any valid existing deed restrictions;
  - iii. Temporary dwelling must comply with all siting requirements outlined in these Regulations;
  - iv. Temporary dwellings shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are installed that meet all State and County Health Department Regulations.
- b. Occupancy in connection with highway or other temporary construction work may be permitted where all of the following conditions are found to apply:
- i. When construction work takes place outside urban areas, permanent housing is unfeasible and trailer courts unavailable.
  - ii. Where at least one of the occupants is employed by a contractor engaged in said temporary work.
  - iii. Occupancy for mining purposes may be permitted on or near the property where any mine is located, provided temporary dwelling is occupied for mining purposes.

10.17 Site Distance at Intersecting Streets. In all zones no obstruction to view in excess of two (2) feet in height above the level of the curb or roadside, where no such curb exists, shall be permitted on any corner within a triangular area formed by the street property lines and a line connecting them between points fifty (50) feet from the intersection of the street property lines, except a reasonable number of trees pruned or maintained in such a way as to provide reasonable unobstructed vision to drivers of automobiles through such areas.

10.18 Bed and Breakfast Inns. All bed and breakfast inns shall be subject to the following supplementary regulations.

- a. The bed and breakfast inn must be the proprietor's actual residence.
- b. Breakfast shall be the only meal served and shall be served to registered guests.
- c. There shall be no alteration to the exterior of the structure which would change the character thereof. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.
- d. The number of guest rooms shall be limited to four (4).
- e. One parking space per guest room shall be provided, in addition to the two parking spaces required for a single family dwelling unit. All parking shall be off-street.
- f. Signs shall be of rustic wood with recessed lettering, illuminated by hooded spot lights directed at the sign. Signs shall be mounted or hung on wooden

posts, and only one sign per establishment shall be permitted. Moving signs and flashing oscillating lights shall be prohibited. Maximum area of the sign shall be twelve (12) square feet.

#### 10.19 Mobile Home Park Design Standards:

- a. Mobile home parks shall be designed for adequate stormwater runoff, absorption and drainage. A complete site grading and drainage plan shall be submitted to and approved by the staff before approval of the Park's final plat. On-site absorption of runoff shall be maximized.
- b. Mobile home parks shall be designed to maximize the solar exposure of individual units. A complete "shadow" or solar access plan shall be submitted with the application for a conditional use permit.
- c. Mobile home park road systems shall be in accordance with the Gallatin County Subdivision Regulations, but internal roads may be constructed with narrower right-of-way and surface widths than required by county standards, provided they allow for adequate traffic circulation, emergency access and drainage.
- d. Guest parking shall be provided in separate bays or lots, with one guest parking space being provided for each two units, in addition to the two on-site spaces required for each unit. Storage parking for recreational vehicles, boats, etc. shall be provided in all parks of over 5 units.
- e. Pedestrian circulation shall be provided on sidewalks or separate all-weather trailways in all parks of over 5 units. Pedestrian circulation should have a logical relationship to the park's recreational space and other places.
- f. Mobile home parks of over 5 units shall be designed to provide adequate, developed recreational space. Recreational space should be directly accessible to as many units as possible and may be integrated into the protection of floodplains, slopes, etc. A plan for the improvement and development of the park's recreational space shall be submitted to and approved by the staff prior to approval of the park's final plat.
- g. Mobile home park water and sewage plans shall be approved by DHES prior to County approval of the final plat.
- h. Mobile home parks shall be designed to provide spacious, landscaped units. The spacing of units will be determined by solar exposure considerations (see b. above) by adequate emergency and service access, parking considerations, and the logical relationship of units to recreational spaces. Parks shall provide adequate irrigation systems for the maintenance of public or common spaces and for on-unit lawns, shrubs, etc. or include irrigation demands in planning their central water system.

- i. Mobile home parks shall be designed to maximize aesthetic values. Existing trees shall be preserved to the extent feasible. Utilities shall be underground. Monotonous arrangement of units with identical setbacks and sightings shall be avoided.

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## **SECTION 11    ADOPTION**

This entire Regulation was adopted May 28, 1987. This draft of the Regulation was reviewed by the Planning and Zoning Commission and is an accurate draft of the Regulations adopted by the County Commission.