

SECTION 1 - Category A

1.1 Purpose: The intent of this Category A Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow the form of land use and building activity in certain neighborhoods that are located within the City of...

ARTICLE 2: AMSTERDAM/CHURCHILL TOWN CORE SUBDISTRICTS

1.2 Use Allowed by Right: Uses allowed by right in the Category A Subdistrict are listed below. With the exception of Agriculture and Agriculture-Related Subdistrict, the uses are consistent with the Municipal Code and the zoning map of the Planning Department prior to any construction. Section Article X, Section 1 of the Planning Code.

Use	Comments
Agriculture	
Child care centers	
Community Center (Existing and Residential)	
Day Care	
Food Processing	
Health Care (Existing and Planned)	Including accessory buildings
Warehouse	
Residential	Residential duplexes, townhomes, and additional dwelling units
Other	

1.3 Conditional Use: Conditional use permitted in the Category A Subdistrict are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require a petition to request a permit in order to authorize the use. If a conditional use is approved, any new construction associated with the conditional use will require a building permit.

Use	Comments
Hotel and/or Resort Use	
Industrial	
Professional Services (Type II)	
Light Industrial (Existing)	
Residential	Residential duplex units (2 or more than 1) and accessory dwelling unit

SECTION 1 Category A

1.1 Purpose. This chapter establishes the Category A Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow for continued residential development in existing neighborhoods. Most property within the Category A Sub-District has already been developed; those properties having enough land area to develop shall do so in a manner consistent and compatible with the existing neighborhoods within the Sub-District. Standards established in the Category A Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan.

1.2 Uses Allowed By Right. Uses allowed by right in the Category A Sub-District are listed below. With the exception of Agriculture and Agriculture-Related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. Section Article X, Section X for the permitting process.

Use	Comments
Agriculture	
child care centers	
Extended Care (Nursing and Residential Care)	
Home Occupations	
Religious Organizations and Places of Worship	Including Accessory Structures
Residential	Not to exceed duplex units OR one Additional Dwelling Unit
Schools	

1.3 Conditional Uses. Conditional uses permitted in the Category A Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Bed and Breakfast Inn	
Boarding House	
Essential Services, Type II	
Home-Based Businesses	
Residential	Exceeding duplex units OR more than 1 Accessory Dwelling Unit

SECTION 2 Category B

- 2.1 Purpose.** This chapter establishes the Mixed Use (MU) Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow for new and continued commercial uses and residential uses. Typical new uses in the MU section include retail, personal services, offices, and other small-scale commercial uses serving the surrounding community. Residential and agricultural uses are also allowed. Standards established in the MU Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan Chapter 3 of the Amsterdam/Churchill Community Plan.
- 2.2 Uses Allowed By Right.** Uses allowed by right in the MU Sub-District are listed below. With the exception of Agriculture and Agriculture-Related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. Section Article X, Section X for the permitting process.

Use	Comments
All uses allowed by right and conditional in the Category A Sub-District	
Art and Entertainment Centers	
Emergency Services	
Financial Institutions and Services	
Health and Exercise Services	
Laboratory and Research Facilities	
Community Centers	
Lodges and Clubs	
Manufacturing, Light	
Medical and dental clinics	
Museums	
Offices	
Public/Quasi-Public Uses	
Repair, Light Goods	
Residential	Not to exceed duplex/tri-plex/fourplex??
Restaurants	
Retail	
Services, Personal and Business	
Special Events Facilities	
Veterinary clinics	
Warehousing	Personal storage only
Outdoor Sales	
Repair	

2.3 Conditional Uses. Conditional uses permitted in the RAC Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Opencut Operations	
Essential Services, Type II	
Amusement and Recreation Facilities	Temporary ?
Cell/Communication Towers	
Car Washes	
Hotels/Motels	

2.4 Prohibited Uses. The following uses are prohibited in the MU Sub-District.

Use	Comments
Adult-Oriented Businesses	
Bars	
Gambling Operations	

2.4 Specification Standards for New Construction.

Yard	Setback (in feet)
Front Yard, State/County Roads	50 Feet
Front Yard, all other roads	0 Feet
Rear Yard	0 Feet
Side Yard	0 Feet
Property Lines Bordering Agricultural Operations	0 Feet

2.5 New Subdivision. Density for new non-residential subdivision is established by the purpose of the MU-Sub-District, Policy 3.1 of the Amsterdam/Churchill Community Plan, and the availability of infrastructure. Density for non mixed-use, residential subdivision shall not exceed 2.5 units per gross acre.

2.6 Building Height. Unless otherwise excepted by Section 2.6.1, the height of all new Structures shall be limited to 36 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

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2.6.1 Exemptions. Building height for Schools and Religious Organizations and Places of Worship is not defined.

2.7 Additional Standards.

2.7.1 *Parking.* Parking between new Structures requiring a LUP and any public road (excluding alleyways) shall not be more than two rows deep.

2.7.2 *Connections.* New subdivision and construction of new Structures requiring a LUP shall design traffic and pedestrian connections, such as sidewalks and trails, between Lots and buildings, including, but not limited to, shared drives and multiple and/or shared access points.

2.7.3 *Landscaping.* Landscaping and Landscape Buffers are used to mitigate impacts of contiguous land uses of differing intensity and to enhance the District.

A. Projects Requiring Landscaping:

- i. New construction of four or more Dwelling Units in one multi-family Structure; or
- ii. Construction of a permanent Principal Structure for Office, Retail, Personal and Business Service, industrial uses, or combinations of uses; or
- iii. Construction of Accessory Structures 1200 square feet or greater for Office, Retail, Personal and Business Services, industrial uses, or combination of the above uses; or
- iv. New use utilizing 10,000 or more square feet of exterior storage materials or goods; or
- v. Expansion of any of the above-mentioned uses by more than 50% of the total square footage of the structure or expansion causing the building to exceed 10,000 square feet.
- vi. Parking for any of the uses in Section 10.2.5.A.i through 10.2.5.A.v.

B. Designation of a Building Envelope. If a lot is over two acres in size, the applicant may request creation of a building envelope to satisfy the requirements of Section 10.2.5. A building envelope must wholly include the area on which the development is to occur and not exceed 75% of the area of the original site.

C. Yard Landscaping Requirements. Each use meeting the requirements of Section 10.2.5.A shall landscape at least three yards using one or more of the of the following landscape groupings in Table 10.1 for each 50 linear feet. At least one landscape element from both columns A and B are required. If any of the uses meeting the

requirements of Section 10.2.5.A are adjacent to residential uses, one of the three required landscaped yards shall be used to buffer these uses. Modifications to these landscaping requirements may be obtained in writing from the Planning Department. Modifications shall be approved based on existing landscape features and conditions.

Table 10.1 - Required Landscaping

Column A	Column B
1 large canopy tree	3 evergreen shrubs and 3 deciduous shrubs
1 large non-canopy tree	2 small trees
2 small trees	2 large evergreen trees
	6 evergreen shrubs
	6 deciduous shrubs

D. Parking Area Landscaping. Each use meeting the requirements of Section 10.2.5.A shall meet the following Parking Area landscaping. These standards do not apply to parking totally provided within a building or Parking Structure, or to loading and delivery areas.

i. Landscaping requirements within a Parking Area. Landscaping shall be provided in, or immediately contiguous to, all parking lots at a minimum average density of one of the following options for each 9 parking spaces required or provided, whichever is greater:

1. One Large Canopy Tree;
2. One Large Non-Canopy Tree and 1 Small Tree; or
3. Three Small Trees.

ii. Landscaping distribution within a Parking Area. Landscaping shall be distributed throughout the Parking Area so that no parking space may be located more than 90 feet from the trunk of a tree.

iii. Landscaping design standards within a Parking Area. Any parking lot providing 15 or more parking spaces shall have a minimum of 20 square feet of landscape area within the parking lot for each off-street parking space and meet the following standards:

1. The interior parking lot landscaping shall be designed to facilitate, control, and denote proper vehicular circulation patterns;
2. Internal parking lot landscaping provided shall be proportionally dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet, with landscaped areas provided in an appropriate scale to the size of the parking lot;

SECTION 3 Category C

- 3.1 Purpose.** This chapter establishes the Category C Subdistrict and the performance standards applicable to land development and building activity in the Sub-District. The purpose is to allow for creative, mixed-use development in the heart of the Town Core. Typical new uses in the Category C Sub-District include a mix of retail, personal services, offices, and other commercial uses in the northeast corner of the property grading to residential uses with substantial open space. Standards established in the Category C Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan.
- 3.2 Planned Unit Development.** New subdivision resulting in a major subdivision (six or more lots) shall also submit a zoning PUD concurrently with the subdivision application. The PUD shall detail uses, densities, setbacks, landscaping requirements, and any design standards for new structures. Landowners may also submit an MPUD for larger project design before proceeding with individual projects. Section 2. ___ details procedures for the PUD.
- 3.3 Uses.** New uses constructed on existing parcels or property created through minor subdivision (up to five lots) in the Category C Sub-District are listed in the following table. If future major subdivision occurs (following the PUD process detailed in Section ___), new uses in the Category C Sub-District may be determined through the PUD process if landowners desire to have different uses. All uses determined through the PUD process shall meet the intent of the Category C Sub-District and Chapter 3 of the Amsterdam/Churchill Community Plan.

Use	Comments
Agriculture	
Residential	
???	

- 3.4 Prohibited Uses.** The following uses are prohibited in the Category C Sub-District.

Use	Comments
Bars	
Gambling Establishments	
Adult-oriented businesses	

- 3.4 Setbacks for New Construction.** Property line setbacks for new construction shall be set during the PUD process.
- 3.5 New Subdivision.** New subdivision in the Category C Sub-District shall be preceded by a PUD (on existing parcels) or MPUD (on multiple parcels) establishing the uses, setbacks, and design of the subdivision. All standards in the Category C Sub-District

shall be met. The number of development rights allowed in new subdivision is based on Gross Average Density. There is no minimum Lot size; Lots may be any size as long as the overall density of the project does not exceed that allowed by this section. Density of future development shall be based on the following:

A. **Density of Residential Development.** Base density for residential development shall not exceed 1 development right per gross acre. Subdivision shall include at least 40% open space. New residential development with an average density of one lot per 20 acres is not required to meet the Open Space requirement. Open Space shall meet the following standards:

- i. Development must provide a buffer for adjacent agricultural land;
- ii. If present no property, Watercourses, wetlands, and Water Conveyance Facilities shall be preserved in open space;
- iii. Open space should be contiguous rather than dispersed;
- iv. Location of new lots shall be situated so as to maximize connections among open space parcels;

B. **Density of Non-Residential Development.** Density for new commercial and mixed used subdivision is established by the purpose of the Category C Sub-District, Policy 3.1 of the Amsterdam/Churchill Community Plan, and the availability of infrastructure.

C. **Fractional Density.** If the number of allowable Lots results in a fractional number, the fractional number shall be rounded off to the nearest whole number to determine the allowable Lots per project. For the purposes of rounding off, 0.5 and above shall be rounded up to the next highest number, and 0.49 and below shall be rounded down to the next lowest number.

D. **Residential Development Rights.** Residential development rights shall include one primary dwelling unit, as well as one accessory dwelling unit, and any additional accessory structures.

E. **Exemptions:** the following are exempt from the requirements of Section 4.2.4:

- i. Subdivision exemptions, including family transfers, boundary locations, agricultural exemptions, and mortgage exemptions;
- ii. Leases for uses including, but not limited to, cell towers and wind towers;
- iii. Creation of tracts of record to be used exclusively for utility, parkland, schools, or public safety (such as utility lots for the Amsterdam Rural Fire Department);

F. **Design and Patterns of Use.** Design of the non-Residential and Mixed Use component of the Category C Sub-District shall meet the following standards:

- i. *Spatial Organization.* Spatial organization of the overall MPUD shall be compact and pedestrian-oriented. The primary circulation system shall define a centrally-located public space.
- ii. *Pedestrian Connections.* There must be a direct pedestrian connection between the principal building entrance(s) and the sidewalk/trail along adjoining streets. This pedestrian connection shall be provided after approval of a LUP.
- iii. *Dead Walls.* Dead Walls are permitted in the rear of buildings to provide service and storage space. Other walls must have clearly-demarcated entrances; windows; architectural detailing; and signs. Exceptions may be made where a side wall does not face a street, sidewalk/path, or customer parking area.
- iv. *Parking.* Parking between new Structures requiring a LUP and any public road (excluding alleyways) shall not be more than two rows deep.
- v. *Connections.* New subdivision and construction of new Structures requiring a LUP shall ensure sound traffic and pedestrian connections, such as sidewalks and trails, between Lots and buildings, including, but not limited to, shared drives and multiple and/or shared access points.
- vi. *Outdoor Sales.* Outdoor sales shall not occupy more than 10,000 square feet of space per lot unless specifically approved through the PUD process.

F. Methods of Preserving Open Space. Open Space shall be permanently protected and may be held in one of the following ways:

- i. Open Space Parcel dedicated to the property owners' association;
- ii. A park dedication according to the requirements of the Gallatin County Subdivision Regulations;
- iii. A perpetual conservation easement restricting Development of the Open Space and allowing Open Space uses as provided above and granted to an organization acceptable to the County Commission;
- i. An individual Parcel owned by an individual Lot owner or other third party, dedicated as permanent Open Space on the plat.

G. Outdoor Lighting Standards. The following outdoor lighting standards apply to new Development:

- i. All exterior building lights shall be reflected downward with full cutoff luminaries. There shall be zero light spill outside of the property being illuminated.
- ii. *Prohibited Outdoor Lighting.* Search lights (except by emergency response personnel), beacon lights, strobe lights, blinking, flashing, or fluttering lights, including changes to the lighting intensity, brightness, or color. Holiday

lighting and any lighting required by state or federal law are exempt from this standard.

- i. Specific exemptions (such as emergency lighting, exit signs, and other safety-related lighting) shall be exempt from this standard.
- ii. The Commission shall have the authority to grant exemptions from this standard on a case-by-case basis.
- iii. The Commission shall have the authority to grant exemptions from this standard on a case-by-case basis.
- iv. The Commission shall have the authority to grant exemptions from this standard on a case-by-case basis.
- v. The Commission shall have the authority to grant exemptions from this standard on a case-by-case basis.

B. Methods of Providing Open Space. Open Space shall be permanently protected and may be held in any of the following ways:

- i. Open Space held in fee simple ownership by an individual, partnership, trust, or other legal entity.
- ii. A part dedicated according to the requirements of the California Subdivision Map Act.
- iii. A part dedicated according to the requirements of the California Subdivision Map Act.
- iv. A part dedicated according to the requirements of the California Subdivision Map Act.
- v. A part dedicated according to the requirements of the California Subdivision Map Act.

C. Outdoor Lighting Standards. The following outdoor lighting standards apply to new development:

- i. All exterior lighting shall be directed downward and shall not be directed upward.
- ii. All exterior lighting shall be shielded to prevent light trespass.
- iii. All exterior lighting shall be shielded to prevent light trespass.
- iv. All exterior lighting shall be shielded to prevent light trespass.
- v. All exterior lighting shall be shielded to prevent light trespass.

SECTION 4 Category D

4.1 Purpose. This chapter establishes the Category D Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow for new large-lot residential Development on the edge of the Town Core similar to other properties in the vicinity. Standards established in the Category D Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan.

4.2 Uses Allowed By Right. Uses allowed by right in the Category D Sub-District are listed below. With the exception of Agriculture and Agriculture-Related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. Section Article X, Section X for the permitting process.

Use	Comments
Agriculture	
child care centers	
Extended Care (Nursing and Residential Care)	
Home Occupations	
Religious Organizations and Places of Worship	Not to exceed duplex units OR on Additional Dwelling Unit
Residential	Including Accessory Structures
Schools	

4.3 Conditional Uses. Conditional uses permitted in the Category A Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Bed and Breakfast Inn	
Boarding House	
Essential Services, Type II	
Home-Based Businesses	
Residential	Exceeding duplex units OR more than 1 Accessory Dwelling Unit

4.4 Specification Standards for New Construction.

Yard	Setback (in feet)
Front Yard	30 Feet
Rear Yard	25 feet
Side Yard	15 Feet

4.5 New Subdivision. Density for new subdivision shall not exceed 1.5 Lots per gross acre.

4.6 Building Height. Unless otherwise excepted by Section 4.6.1, the height of all new Structures shall be limited to 36 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

4.6.1 Exemptions. Building height for Schools and Religious Organizations and Places of Worship is not defined.

4.7 Additional Standards. Refer to Section 8 for Development Standards.

SECTION 6 Category F

6.1 Purpose. This chapter establishes the Category F Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow for new large-lot residential Development on the edge of the Town Core similar to other properties in the vicinity. Standards established in the Category D Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan.

6.2 Uses Allowed By Right. Uses allowed by right in the Category D Sub-District are listed below. With the exception of Agriculture and Agriculture-Related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. Section Article X, Section X for the permitting process.

Use	Comments
Agriculture	
child care centers	
Extended Care (Nursing and Residential Care)	
Home Occupations	
Religious Organizations and Places of Worship	Including Accessory Structures
Residential	Not to exceed duplex units OR on Additional Dwelling Unit
Schools	

6.3 Conditional Uses. Conditional uses permitted in the Category A Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Bed and Breakfast Inn	
Boarding House	
Essential Services, Type II	
Home-Based Businesses	
Residential	Exceeding duplex units OR more than 1 Accessory Dwelling Unit

6.4 Specification Standards for New Construction.

Yard	Setback (in feet)
Front Yard,	30 Feet
Rear Yard	25 feet
Side Yard	15 Feet

6.5 New Subdivision. Density for new subdivision shall not exceed one development right per five acres. Existing parcels within Category F smaller than this base density at the time of adoption of this Regulation may be subdivided as long as each new parcel is greater than ½ acre.

6.6 Building Height. Unless otherwise excepted by Section 4.6.1, the height of all new Structures shall be limited to 36 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

6.6.1 Exemptions. Building height for Schools and Religious Organizations and Places of Worship is not defined.

6.7 Construction setbacks to Watercourses. A 150-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This section does not apply to Watercourse Conveyance Facilities.

6.8 Additional Standards. Refer to Section 8 for Development Standards.

SECTION 7 Category G

7.1 Purpose. This chapter establishes the Category G Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow for compatible new residential development adjacent to existing development in the southern portion of the Town Core. Standards established in the Category G Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan.

7.2 Uses Allowed By Right. Uses allowed by right in the Category A Sub-District are listed below. With the exception of Agriculture and Agriculture-Related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. Section Article X, Section X for the permitting process.

Use	Comments
Agriculture	
child care centers	
Extended Care (Nursing and Residential Care)	
Home Occupations	
Religious Organizations and Places of Worship	Including Accessory Structures
Residential	Not to exceed duplex units OR on Additional Dwelling Unit
Schools	

7.3 Conditional Uses. Conditional uses permitted in the Category A Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Bed and Breakfast Inn	
Boarding House	
Essential Services, Type II	
Home-Based Businesses	
Residential	Exceeding duplex units OR more than 1 Accessory Dwelling Unit

7.4 Specification Standards for New Construction.

Yard	Setback (in feet)
Front Yard	20 Feet
Rear Yard	8 feet
Side Yard	8 Feet

7.5 New Subdivision. Density for new subdivision shall not exceed 2.5 units per gross acre

7.6 Building Height. Unless otherwise excepted by Section 7.6.1, the height of all new Structures shall be limited to 36 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

7.6.1 Exemptions. Building height for Schools and Religious Organizations and Places of Worship is not defined.

7.7 Additional Standards. Refer to Section 8 for Development Standards.

SECTION 8 Development Standards for the Town Core

5.1 Standards Protecting Agriculture

5.1.1 Water Conveyance Facilities.

A. Identification of Water Conveyance Facilities. Any proposed Development requiring a LUP shall identify all Water Conveyance Facilities located on the property or, if off-site, those Water Conveyance Facilities located within 100 feet of the Development requiring and LUP.

B. Acknowledgment of contact with water conveyance facilities. Any proposed Development requiring a LUP within 100 feet of the centerline of a Water Conveyance Facility shall submit with their LUP application acknowledgement of contact with the appropriate water users and/or Water Conveyance Facility's authorized representatives. Applicant shall provide written notice to the identified applicable water users and/or water conveyance facility's authorized representatives of the proposed Development, provide them with a copy of the proposed layout, provide a description of any anticipated adverse effects to the water conveyance facility, provide a description of any mitigation proposed to remedy such adverse effects, and provide 45 calendar days for the water users and/or water conveyance facility's authorized representatives to submit written comments. If no response is received, the application may proceed. Where the water users and/or water conveyance facility's authorized representatives have provided the applicant with written comments, those comments shall be submitted with the LUP application and applicant shall demonstrate how any concerns have been mitigated. If a subdivision has addressed impacts to a Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a LUP application for an acknowledgement form.

C. Stormwater or snowmelt runoff. Unless there is written consent from the appropriate water users and/or water conveyance facility's authorized representatives, no proposed Development requiring a LUP shall direct stormwater, snowmelt runoff, water from dewatering practices, or other water originating from within the boundaries of the Development to any irrigation ditch, canal, pipeline, or other water conveyance facility.

5.1.2 Buffers. New subdivision shall provide an open space buffer of 50 feet between residential lots and the property lines of existing agricultural operations

5.3 Standards for Land Use Compatibility

A. Connections. All uses shall be designed, where possible, to share functional connections with adjoining uses to facilitate an even flow of traffic, to allow for functional pedestrian connections, and to provide appropriate and efficient access for emergency vehicles.

Rural Amsterdam/Churchill SECTION 3

3.1 Purpose: The purpose of this section is to establish the standards and guidelines for the development and building activity in the Rural Amsterdam/Churchill Subdistricts. The purpose of this section is to establish the standards and guidelines for the development and building activity in the Rural Amsterdam/Churchill Subdistricts.

ARTICLE 3: RURAL AMSTERDAM/CHURCHILL SUBDISTRICTS

3.2 Land Use: All land use within the Rural Amsterdam/Churchill Subdistricts shall be subject to the standards and guidelines established in this section. All land use within the Rural Amsterdam/Churchill Subdistricts shall be subject to the standards and guidelines established in this section.

3.3 Conditional Use: Conditional use is permitted in the Rural Amsterdam/Churchill Subdistricts. Conditional use is permitted in the Rural Amsterdam/Churchill Subdistricts. Conditional use is permitted in the Rural Amsterdam/Churchill Subdistricts.

Comments	Title
	Special Districts
	Special District Type II
Rate to be used for the purpose of the	Rate to be used for the purpose of the
interior and exterior lighting shall be	interior and exterior lighting shall be
based on the number of fixtures in the	based on the number of fixtures in the
area. The number of fixtures shall be	area. The number of fixtures shall be
based on the number of fixtures in the	based on the number of fixtures in the
area. The number of fixtures shall be	area. The number of fixtures shall be
based on the number of fixtures in the	based on the number of fixtures in the
area. The number of fixtures shall be	area. The number of fixtures shall be

3.4 Conditional Use: The following uses are prohibited in the Rural Amsterdam/Churchill Subdistricts.

Comments	Title
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses
	Prohibited Uses

SECTION 3 Rural Amsterdam/Churchill

3.1 Purpose. This chapter establishes the Rural Amsterdam/Churchill (RAC) Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to promote and preserve the agricultural land and lifestyle, natural amenities, and rural lifestyle of land within the Sub-District. Standards established in the RAC Sub-District support and implement Chapter 4 of the Amsterdam/Churchill Community Plan.

3.2 Land Uses. All uses not listed as a conditional use or as a prohibited use are uses allowed by right in the RAC Sub-District; any new non-Agricultural Structures greater than 500 square feet associated with a use allowed by right must obtain an approved Land Use Permit. Uses listed as a conditional use in Section 3.2.1 must receive an approved conditional use permit; prohibited uses are list in Section 3.2.2. All uses and construction associated with Agriculture shall be exempt from any permitting requirements and the standards of this Regulation.

3.2.1 Conditional Uses. Conditional uses permitted in the RAC Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Opencut Operations	
Essential Services, Type II	
Any use generating more than 250 Average Daily Trips OR 50 trips in peak hour	Refer to the most recent manual of the International Traffic Engineers Code. Uses not listed shall refer to similar uses in the manual or provide evidence of proposed traffic counts.
Cell/Communication Towers	

3.2.2 Prohibited Uses. The following uses are prohibited in the RAC Sub-District.

Use	Comments
Bars	
Gambling Establishments	
Adult-oriented businesses	

3.2.3 Specification Standards for New Construction.

Yard	Setback (in feet)
Front Yard, County Roads	50 Feet
Front Yard, all other roads	30 Feet
Rear Yard	20 feet
Side Yard	20 Feet
Property Lines Bordering Agricultural Operations	50 Feet

3.3 New Subdivision. The number of development rights allowed in new subdivision is based on Gross Average Density. Average residential density shall be one development right per 160 acres or existing tract of record. There shall be no minimum lot area or width. The number of development rights may be increased if the standards detailed in 3.3.2 are met. For parcels with greater than 160 acres, there is a development right for each 160 acres; in the event the acreage is within 90% or higher of an additional 160 acres, there is a development right for that acreage:

3.3.1 Residential Development Rights. Residential development rights shall include primary dwelling units, as well as accessory dwelling units and any additional accessory structures.

A. *Exemptions:* the following are exempt from the density requirements:

- i. Subdivision Exemptions, including family transfers, boundary locations, agricultural exemptions, and mortgage exemptions;
- ii. Leases for uses including, but not limited to, cell towers and wind towers;
- iii. Employee housing for agricultural purposes;
- iv. Additional development rights pursuant to the requirements of Section 3.3.2;
- v. Subdivision of lots exclusively for commercial use
- vi. Creation of tracts of record to be used exclusively for utility, parkland, schools, or public safety (such as utility lots for the Amsterdam Rural Fire Department);
- vii. The transfer of additional development rights pursuant to Section 3.3.3 below.

3.3.2 Additional Residential Development Rights. For every 80 acres within an original parcel, there is one additional development right. The additional development right can be used to subdivide the original parcel, or be transferred to another parcel to be subdivided (see Section 3.3.3). In the event the acreage of the original parcel is within 90% or higher of the 80-acre minimum, the parcel would qualify for an additional development right.

3.3.3 Transferred Development Rights (TDRs).

A. A development right existing as a matter of right or an additional development right may be transferred from one parcel to another. Any property transferring a development right shall record such transfer with the Clerk and Recorder's Office.

- B. An owner of property intending to use a development right transferred from another parcel shall apply for a conditional use permit.
 - i. A parcel receiving transferred development rights may be allowed a density of up to one development right per 40 acres per each increment of 160 acres owned. This is defined as total density and includes the original development right and any additional development rights allowed on the receiving parcel, as well as the transferred development rights. Transferred rights shall meet the standards detailed in Section 3.3.4 below.

3.3.2 Standards for Use of Additional or Transferred Residential Development Rights.

- A. Additional or transferred development rights shall only be used on 15% or less of the total original parcel area. If more than one additional development right is utilized on a single parcel, the development rights are not required to be contiguous but shall meet the standards of Section 3.3.4.C below.
- B. When a total of 15% of the original parcel is platted for development purposes, the owner may use the original development right anywhere in the remaining 85% of the original parcel. A deed restriction shall be placed on the remaining 85% of the original parcel restricting future development to use of the original development right.
- C. At least two of the following three conditions shall be required for approval of the use of an additional development right:
 - viii. The building site is located in close proximity to existing homes and roads;
 - ix. The building site is located on the least fertile soils for agricultural use, and in a manner which maximizes the usable area remaining for such use;
 - x. The building site is located with the least disturbance to the natural topography, landscape, and vegetation. Nature features such as watercourses and wetlands are not located within the boundaries of any lot used for an additional development right.

3.3.3 Transfer of Development Credits (Countywide Program). In the event a countywide TDR or Transfer of Development Credit (TDC) program is developed, properties within the RAC may participate.

SECTION 4 Southeast Rural Amsterdam/Churchill

4.1 Purpose. This chapter establishes the Southeast Rural Amsterdam/Churchill (SRAC) Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to promote and preserve the agricultural land and lifestyle, natural amenities, and rural lifestyle of land within the Sub-District while also recognizing the unique nature of the area due to its proximity to Four Corners and the increased access provided by Norris Road and River Road. Standards established in the SRAC Sub-District support and implement Chapter 4 of the Amsterdam/Churchill Community Plan.

4.2 Land Uses. All uses not listed as a conditional use or as a prohibited use are uses allowed by right in the RAC Sub-District; any new non-Agricultural Structures greater than 500 square feet associated with a use allowed by right must obtain an approved Land Use Permit. Uses listed as a conditional use in Section 4.2.1 must receive an approved conditional use permit; prohibited uses are list in Section 4.2.2. All uses and construction associated with Agriculture shall be exempt from any permitting requirements and the standards of this Regulation.

4.2.1 Conditional Uses. Conditional uses permitted in the SRAC Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
Accessory Dwelling Units	Accessory Dwelling Units exceeding Section 4.2.4.C
Opencut Operations	
Essential Services, Type II	
Any use generating more than 250 Average Daily Trips OR 50 trips in peak hour	Refer to the most recent manual of the International Traffic Engineers Code. Uses not listed shall refer to similar uses in the manual or provide evidence of proposed traffic counts
Cell/Communication Towers	

4.2.2 Prohibited Uses. The following uses are prohibited in the RAC Sub-District.

Use	Comments
Bars	
Gambling Establishments	
Adult-oriented businesses	

4.2.3 Specification Standards for New Construction. All Essential Services, Type I are exempt from the following standards.

Yard	Setback (in feet)
Front Yard, County Roads	50 Feet
Front Yard, all other roads	20 Feet
Rear Yard	10
Side Yard	10 Feet
Property Lines Bordering Agricultural Operations	50 Feet

4.2.4 New Subdivision. The number of development rights allowed in new subdivision is based on Gross Average Density. Average residential density shall be one development right per 40 acres or existing tract of record. There shall be no minimum Lot area or width. The number of development rights may be increased if the standards of 4.2.4.A are met. In the event the acreage is within 90% of the necessary acreage, there shall be a development right for that acreage.

A. Density may be increased to a maximum of one development right per 5 acres if the following clustering standards are met and the subdivision includes at least 65% open space. One-lot minor subdivisions are exempt from this standard.

- i. Development must provide a buffer for adjacent agricultural land;
- ii. If present, Watercourses, Wetlands, and Water Conveyance Facilities should be included in open space to the extent possible;
- iii. Open space should be contiguous rather than dispersed;
- iv. Location of new lots shall be situated so as to maximize the size of the open space parcel;
- v. New lots should be in close proximity to public roads;
- vi. New lots should be contiguous;
- vii. Open Space calculations shall not include road rights-of-way, Parking Areas, or land within individually owned Lots (unless meeting the requirements of E below);
- viii. Maintenance of designated Open Space shall be the responsibility of the property owners' association or, in the case of 4.2.4.F, individual Lot owners.

B. *Fractional Density.* If the number of allowable Lots result in a fractional number, the fractional number shall be rounded off to the nearest whole number to determine the allowable Lots per project. For the purposes of rounding off, 0.5 and above shall be rounded up to the next highest number, and 0.49 and below shall be rounded down to the next lowest number.

C. *Residential Development Rights.* Residential development rights shall include primary dwelling unit, one accessory dwelling unit, and any additional non-residential accessory structures.

D. *Exemptions:* the following are exempt from the density requirements of Section 4.2.4:

- i. Subdivision Exemptions, including family transfers, boundary locations, agricultural exemptions, and mortgage exemptions;
- ii. Leases for uses including, but not limited to, cell towers and wind towers;
- iii. Employee housing for agricultural purposes;
- iv. Creation of tracts of record to be used exclusively for utility, parkland, schools, or public safety (such as utility lots for the Amsterdam Rural Fire Department);

F. *Methods of Preserving Open Space.* Open Space shall be permanently protected and may be held in one of the following ways:

- i. Open Space Parcel dedicated to the property owners' association;
- ii. A park dedication according to the requirements of the Gallatin County Subdivision Regulations;
- iii. A perpetual conservation easement restricting Development of the Open Space and allowing Open Space uses as provided above and granted to an organization acceptable to the County Commission;
- xi. An individual Parcel owned by an individual Lot owner or other third party, dedicated as permanent Open Space on the plat.

G. *Master Planned Unit Development.* The intent of the master planned unit development (MPUD) is to permit the approval of a master plan for development within the SRAC. All MPUD projects shall follow the procedures in Section XXXX.

Section 5. Development Standards for the RAC and the SRAC

5.1 Standards Protecting Agriculture

5.1.1 Water Conveyance Facilities.

- A. Identification of Water Conveyance Facilities.** Any proposed Development requiring a LUP shall identify all Water Conveyance Facilities located on the property or, if off-site, those Water Conveyance Facilities located within 100 feet of the Development requiring and LUP.
- B. Acknowledgment of contact with water conveyance facilities.** Any proposed Development requiring a LUP within 100 feet of the centerline of a Water Conveyance Facility shall submit with their LUP application acknowledgement of contact with the appropriate water users and/or Water Conveyance Facility's authorized representatives. Applicant shall provide written notice to the identified applicable water users and/or water conveyance facility's authorized representatives of the proposed Development, provide them with a copy of the proposed layout, and provide 30 calendar days for the water users and/or water conveyance facility's authorized representatives to submit written comments. If no response is received, the application may proceed. Where the water users and/or water conveyance facility's authorized representatives have provided the applicant with written comments, those comments shall be submitted with the LUP application. If a subdivision has addressed impacts to a Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a LUP application for an acknowledgement form.
- C. Setback from Water Conveyance Facility.** All new Development requiring a LUP shall be set back 50 feet from the centerline of any Water Conveyance Facility unless such setback is waived or reduced by the water user or Water Conveyance Facility's authorized representatives during the comment period described in Section 5.1.1.B. The setback may be different if specifically delineated through the subdivision process and shown on the final plat.
- D. Stormwater or snowmelt runoff.** Unless there is written consent from the appropriate water users and/or water conveyance facility's authorized representatives, no proposed Development requiring a LUP shall direct stormwater, snowmelt runoff, water from dewatering practices, or other water originating from within the boundaries of the Development to any irrigation ditch, canal, pipeline, or other water conveyance facility.

5.1.2 Buffers. New subdivision shall provide an open space buffer of 50 feet between residential lots and the property lines of existing agricultural operations

5.1.3 Protecting Agricultural Operations. Development in the RAC shall not interfere with existing agriculture operations, including the normal operation of dairies, feedlots, potato cellars, and other agricultural activities that may, at times, be perceived as a nuisance by inhabitants of nearby residences. No land use permit for a ~~principal~~ Structure in the RAC

shall be issued until an "agricultural acknowledgement form" has been recorded at the Clerk and Recorder's Office by the owner. This form shall include acknowledgement of water conveyance facilities if present. A model resource management easement is included in Appendix XX.

5.1.4 Fencing. All new subdivision shall be fenced to prevent conflict with any agricultural operations on neighboring properties. Providing legally adequate fencing shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

5.2 Standards Protecting Natural Assets

5.2.1 Standards for Watercourses and Wetlands.

- A. *Construction setbacks to the Gallatin River.* A 300-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock.
- B. *Construction setbacks to other Watercourses.* A 150-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This section does not apply to Watercourse Conveyance Facilities.
- C. *Wetlands Delineation.* A wetlands delineation prepared in accordance with the current guidelines of the Army Corps of Engineers must accompany the following applications (or adequate documentation presented showing no wetlands are present):
 - a. The subdivision of land in compliance with Title 76, Chapter 3, MCA;
 - b. Development requiring any of the following permits:
 1. Montana Stream Protection Act (SPA 124 Permit);
 2. Stormwater Discharge General Permit;
 3. Montana Natural Streambed and Land Preservation Act (310 Permit);
 4. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
 5. Federal Clean Water Act (404 Permit);
 6. Federal Rivers and Harbors Act (Section 10 Permit);
 7. Montana Land-Use License or Easement on Navigable Waters.
- D. *Wetland Protection Standards.* The following standards shall apply to all jurisdictional and non-jurisdictional Wetlands:

- a. *Location in Open Space.* When land is subdivided, open space shall include all delineated Wetlands to the extent possible;
- b. *Setback.* A 35-foot setback shall be provided between all Wetlands and any new Structures requiring a Land Use Permit, with the exception of Structures used for agricultural purposes or for the maintenance of livestock;
- c. *Alterations.* Wetlands may be altered if federal and state permits are obtained, or if permits are not required, documented compliance with all federal and state requirements. All altered and newly-created Wetlands shall meet the standards of Section 5.2.1.D.
- d. *Exemptions.* Exemptions to Section 5.2.1.C and 5.2.1.D are as follows:
 1. Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained;
 2. Structures used for agricultural purposes or the maintenance of livestock exempt from these requirements;
 3. If federal and state permits are obtained, or if permits are not required, wetlands may be altered; all altered and newly-created wetlands shall continue to meet the standards of this section.

5.3 Standards for Land Use Compatibility

- A. *Connections.* All uses shall be designed, where possible, to share functional connections with adjoining uses to facilitate an even flow of traffic, to allow for functional pedestrian connections, and to provide appropriate and efficient access for emergency vehicles.
 - i. **Traffic Routing.** The primary access of new subdivision or uses generating more than 250 Average Daily Trips (ADT) shall be sited and designed to route traffic directly to collector or arterial roads, rather than through neighboring areas of single-family homes.
- B. *Road Improvements.* For uses with traffic exceeding 60 ADT (as detailed in the most recent edition of the ITE Manual but excluding agricultural uses as defined by this Regulation), the following mitigation may be required at the time of application for land use permit:
 - i. Road improvements, designation of rights of way, installation of signage, lighting, and other reasonable conditions mitigating against any potentially-adverse impacts;

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- ii. Security, performance bonds, cash deposits, or other financial security in a form acceptable to Gallatin in order to guarantee compliance with conditions imposed;
 - iii. On-site improvements for parking, drainage, loading/unloading and other on-site improvements reasonably necessary to prevent adverse impacts.
- C. *Solid Waste*. Industrial or commercial solid waste handling and storage areas shall be effectively screened from the public view by enclosure in a building, location on the site, or the construction of a fence or wall. This includes expansion of existing solid waste handling and storage area.
- D. *Outdoor Lighting Standards*. The outdoor lighting standards apply to new Development (Agricultural uses are exempt).
- i. Outdoor light fixtures shall be designed and installed to minimize light trespass beyond the property line to the extent feasible by shielding, directional control, fixture location, fixture height, fixture aim, use of tinted glass, or a combination of these or other factors.
 - ii. *Prohibited Outdoor Lighting (including lighting on signs)*. Beacon lights, strobe lights, blinking, flashing, or fluttering lights, including changes to the lighting intensity, brightness, or color. Holiday lighting and any lighting required by state or federal law are exempt from this standard.

