

## SECTION 1 Category A – Existing Residential

**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                                    | Family and group  |
| Extended Care (Nursing and Residential Care)  | See comments in CUP section below. Parking requirements: 4 spaces; plus 1 space for each 3 beds; plus 1 space for each employee on maximum shift. |
| Home Occupations                              |   |
| Religious Organizations and Places of Worship | Including Accessory Structures  |
| Residential                                   | One single-family residence and one additional dwelling unit up to 1,000 square feet  |
| Schools                                       | Including dorms and staff housing   |

**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                        | 1 parking space/rental unit shall be provided  |
| Boarding House                               | 1 parking space/rental unit shall be provided  |
| Essential Services, Type II                  |  |
| Extended Care (Nursing and Residential Care) | Expansion of more than 50% of existing use at the time of adoption; see required parking in Section above. |

|                                |  |
|--------------------------------|--|
| Home-Based Businesses          |  |
| Non-conforming uses, expansion |  |
| Residential                    | duplex units. Duplex lots approved as part of a subdivision after adoption of this code do not require a CUP |

**1.4 Specification Standards for New Construction.**

| Yard       | Setback (in feet)   |
|------------|---|
| Front Yard | 15 Feet   |
| Rear Yard  | 8 feet  |
| Side Yard  | 8Feet for single family residences; zero lot line for multi-family residences |

**1.5 New Subdivision.** Density for new subdivision is not defined. All new subdivision shall meet the intent of the Category A Sub-District and Policy 3.1 of the Amsterdam/Churchill Community Plan.

**1.6 Building Height.** Unless otherwise excepted by Section 1.6.1, 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.

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

**1.7 Standards for Dwellings.**

1.7.1 The pitch of the main roof shall not be less than one (1) foot of rise for every 4 feet of horizontal run

1.7.2 All dwellings shall be built on mortared-block or concrete foundations.

## SECTION 2      Category B - Commercial

- 2.1 Purpose.** This chapter establishes the Commercial (C) Subdistrict and the performance standards applicable to land development and building activity in the subdistrict. The purpose is to allow for allow for light commercial, retail, office uses, and businesses. Continued agricultural uses and residential uses accessory to other uses are also allowed. Standards established in the C Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan.
- 2.2 Uses Allowed By Right.** Uses allowed by right in the C 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                                   | Including accessory structures  |
| Child Care                                    | Family, Group, and Center.  |
| Art and Entertainment Centers                 |   |
| Emergency Services                            |   |
| Extended Care (Nursing and Residential Care)  |   |
| Financial Institutions and Services           |   |
| Health and Exercise Services                  |   |
| Community Centers                             |   |
| Lodges and Clubs                              |   |
| Medical and dental clinics                    | Not including medical marijuana   |
| Museums                                       |   |
| Offices                                       |   |
| Public/Quasi-Public Uses                      |   |
| Religious Organizations and Places of Worship | Including Accessory Structures  |
| Repair  | See standards in Section XX below   |
| Residential                                   | Not to exceed one 2,000 square-foot dwelling accessory to the principle use |
| Restaurants                                   | See standards in Section XX below   |
| Retail  | Including temporary and outdoor sales                                       |
| Repair  |   |
| Schools                                       | Includes associated accessory structures such as dorms and staff housing    |
| Services, Personal and Business               |   |
| Special Events Facilities                     |   |
| Warehousing                                   | Personal storage, single-story warehousing only.                            |

**2.3 Conditional Uses.** Conditional uses permitted in the C 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                  |
|-------------------------------------|---------------------------|
| Amusement and Recreation Facilities |                           |
| Cell/Communication Towers           |                           |
| Car Washes                          |                           |
| Essential Services, Type II         |                           |
| Hotels/Motels                       |                           |
| Laboratory and Research Facilities  |                           |
| Manufacturing, Light                |                           |
| Residential                         | More than 1 dwelling unit |
| Special Temporary Uses              |                           |
| Veterinary clinics                  |                           |

**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 not defined. Density shall be guided by the purpose of the C Sub-District, Policy 3.1 of the Amsterdam/Churchill Community Plan, and the availability of infrastructure.

**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.

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

**2.7 Additional Standards.**

- Parking Design.* Parking between new Structures requiring a LUP and Amsterdam Road or Churchill Road shall not be more than two rows deep.

2. *Utilities.* Utilities for new development shall be buried unless demonstrated to not be technically feasible.
3. *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.
4. *Structure Design.* Side and front walls to Structures shall be animated by clearly-demarcated entrances, functional windows (including display windows), architectural detailing, and signs. At least one of these design elements shall be placed every 30 linear feet of a Structure wall. Exceptions may be allowed where a side wall does not face a street, pedestrian way, or customer parking area.
5. *Outdoor Storage.* Outdoor storage of material and goods not directly for sale or being stored for repair is permitted only within side and rear yards in the C Sub-District. If in a side yard, outdoor storage must be shielded from adjoining properties by landscaping as required by Section 11 below.
6. *Repair:* Repair shall take place within a structure or within a side or rear yard. If taking place within a side yard, the area designated for repair shall be shielded by landscaping as required by Section 11.
7. *Restaurants.* Drive-thru's are excluded, with the exception of temporary sales in structures less than 120 square feet not on a permanent foundation.
8. *Child Care:*
  - Parking requirements for Center are 4 spaces; plus 1 space/bed; plus 1 space/each employee on maximum shift.
  - All Child Care facilities shall meet appropriate state licensing standards.
  - Play areas for Child Care Centers shall be fenced with 5-8' fencing or as approved by state licensing requirements.
9. *Medical Marijuana.* Nothing in this ordinance shall be interpreted to allow the manufacture or distribution of medical marijuana.
10. *Trash and Garbage Enclosures.* A permanent enclosure for temporary storage of garbage, refuse, or other waste materials shall be provided for every use, other than residential, in the C Sub-District, except where a property is entirely surrounded by screen walls or buildings. Trash enclosures shall be constructed so that contents are not visible from a height of 5 feet above grade from any abutting street or property. Trash enclosures shall be constructed of solid walls and provide adequate drainage. Enclosures shall be of sufficient height to conceal contents, including containers, but in no case shall be less than 4 feet in height above grade.
  - A. Exception: Garbage enclosures are not required for dumpsters accessed via an alley.

11. *Landscaping.* Landscaping and Landscape Buffers are used to mitigate impacts of contiguous land uses of differing intensity and to enhance the District. Projects meeting the criteria below shall provide a landscape plan as part of LUP submittal. All landscaping shall be installed by the date of issuance of a Certificate of Occupancy. Any alterations to the approved landscaping plan shall be filed as an amendment to the LUP.

**A. Projects Requiring Landscaping:**

- i.* Construction of a permanent Principal Structure for Office, Retail, Personal and Business Service, industrial uses, or combinations of uses; or
- ii.* 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
- iii.* New use in an existing Structure utilizing 10,000 or more square feet of exterior storage materials or goods; or
- iv.* 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.
- v.* Parking for any of the uses in this section.

**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. Landscaping Maintenance.** Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. Maintenance shall include proper pruning of trees and shrubs, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings. Required landscaped areas shall be provided with a permanent watering or sprinkling system which shall consist of piped water lines terminating in an appropriate number of sprinklers or hose bibs to ensure a sufficient amount of water for plants within the landscaped area.

**D. 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. If any of the uses meeting the requirements of Section \_\_\_ are adjacent to Churchill Road or Amsterdam Road, one of the three required landscaped yards shall be that yard fronting those roads. 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**

| <b>Column A</b>         | <b>Column B</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                        |

**E. 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;
3. The minimum width and/or length of any parking lot landscaped area shall be 8 feet.

12. **Outdoor Lighting Standards.** The outdoor lighting standards apply to new commercial and industrial.

**A. Lighting Standards:**

- i.* Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the Structure façade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way;
- ii.* Except for residential lighting, street lighting, pathway intersection lighting, and security lighting, all lighting shall be turned off between 11:00 p.m. and 6:00 a.m. Exceptions shall be granted to those businesses which operate during these hours; such lighting shall remain illuminated only while the establishment is actually open for business.
- iii.* All outdoor lighting fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light-emitting element, so that direct light emitted above the horizontal plane is eliminated.
- iv.* Externally illuminated wall-mounted and pole signs shall be lighted by fixtures mounted at the top of the sign and aimed downward; ground-mounted sign lighting may only be used for monument-style signs. Fixtures used to illuminate signs shall be aimed so as not to project their output beyond the sign.
- v.* On-site lighting may be used to accent architectural elements but not to illuminate entire portions of buildings. Building façade and accent lighting shall not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed onto the building façade and spillover light is eliminated.
  - a.* Directional fixtures used to illuminate flag poles may project their output beyond the flag pole.
- vi.* PLACEHOLDER FOR LUMENS

## **B. Prohibited Outdoor Lighting:**

- i.* Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, or lighting for public safety;
- ii.* Any light fixture that may be confused with or construed as a traffic control device;
- iii.* Any upward oriented lighting except as otherwise provided for in this section;

iv. Searchlights, beacons, and laser source fixtures.

11. Sign Provisions. The following standards apply to signs within the District:

A. **Standards Applying to All Signs.** The following general standards apply to all Signs within the District:

- i. Signs governed by this section are prohibited within any public road right-of-way or public easement (this does not include traffic control signs, road name signs, highway number signs, historic markers, travel information, Signs controlled by the Montana Outdoor Advertising Act, etc. or any other Signs installed and maintained by a government agency such as the Montana Department of Transportation or Gallatin County).
- ii. Signs shall be maintained by the owner and kept in good condition and routinely painted and repaired. Ground surface under and around any Sign shall be kept free of weeds, rubbish, or flammable waste material. Signs shall be repaired so that the condition no longer exists within 30 days of receipt of written notification of the hazard unless otherwise specified.
- iii. Signs for notification purposes approved as part of an Opencut Operations CUP for gravel mining operations shall refer to Section 2.6.3 for Sign standards.

B. **Standards for Signs on property within the Commercial or Mixed Use Districts.**

- i. *Wall Signs.* Canopy, window, or awning signs shall be classified as wall Signs. Dimensions of wall Signs shall not exceed 1.5 square feet per linear foot of building frontage. Lots fronting two or more streets shall be permitted an additional 35% of wall Sign area for each additional building frontage.
- ii. *Temporary Signs.* There are no dimension standards for temporary Signs. Temporary Signs, including, but not limited to, banners, pennants, or portable Signs, may be used as temporary supplemental signage by an organization or business in connection with a special event, or specific major commercial sales even such as grand opening, close-out and going-out-of business, or truckload sales. Display of Temporary Signs shall not exceed a maximum of 30 days at any one time, nor occur on more than four separate occasions within any calendar year.
- iii. *Freestanding Signs.*
  - a. On-premise Permanent Signs with up to ??? total square feet of Sign Area per Sign Face, with no more than two Sign Faces, and mounted with its highest point no higher than ?? feet above the existing grade. For Signs consisting of multiple elements supported by a single Structure, the total square footage of

the Sign shall be the sum of the square footages of each individual element. On-premise Permanent Signs greater than 16 square feet of Sign Area per Sign Face require a permit pursuant to Section 2.3.4.

*For example; a Sign assembly consisting of an oval element 8' wide by 4' tall (32 sq. ft.) and a rectangular element 6' wide by 4' tall (24 sq. ft.) enclosed within an open supporting Structure 10' wide by 17' high, shall be considered to be 56 sq. ft. per side (32' + 24')*

- b. Off-premise directional Signs of no more than ?? square feet of Sign Area per Sign Face, with no more than two Sign Faces, and mounted with its highest point no higher than ?? feet above the existing grade. Off-premise directional Signs shall carry only plain text messages and directional arrows.
- c. On-premise Temporary Signs, including, but not limited to, banners, sandwich boards, yard Signs, real estate Signs, "For Sale" Signs, and political Signs, with no more than ?? total square feet of Sign Area per Sign Face, with no more than two Sign Faces, and mounted with its highest point no higher than ?? feet above the existing grade.

*For example, a 14' wide by 10' high Sign painted on the side of a truck would not be allowed as it would exceed the size restriction.*

- d. Government or Official Signs and notices.
- e. *Master Signs.* Structures or clusters of Structures having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a master Sign for the entire Structure or project. If a Development has more than one entrance, Master Signs may be utilized at each entrance.
  - a. Height. Maximum height of all Master Signs shall be ?? feet.
  - b. Square Footage. Master Signs shall not exceed a maximum square footage of ?? square feet of Sign Area per Sign Face.
  - c. Height for other Signs within multi-Lot Developments. Individual lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign up to ?? feet in height measured from the base of the nearest road edge.
  - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to ?? square feet per Sign Face.
- i. *Prohibited Signs.* The following Signs are prohibited:

- a. Flashing, blinking, or moving Signs.
  - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.
- iv. *Prohibited Signs.* The following Signs are prohibited:
- a. Flashing, blinking, or moving Signs.
  - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.

### SECTION 3 Ecton Ranch Sub-District

3.1 **Purpose.** This chapter establishes the Ecton Ranch (ER) Sub-District and the standards applicable to land development and building activity in the sub-district. The purpose the ER Sub-District is to allow for creative, mixed-use development near the Churchill Bank and the intersection of Amsterdam Road and Churchill Road as well as west of Bethel Church, and residential development with substantial open space and park space on the remainder of the property. Typical new uses in the ER Sub-District 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 ER Sub-District support and implement Chapter 3 of the Amsterdam/Churchill Community Plan. Further, the intent of the ER Sub-District is to meet the following objectives:

1. To ensure that future growth and development in the ER Sub-District respects the existing character of the Amsterdam/Churchill community and meets goals and policies of the Amsterdam/Churchill Community Plan;
2. To allow opportunities for creative and innovative land development in the central area of the Amsterdam/Churchill Town Core;
3. To encourage patterns of development which connect key areas of the Amsterdam/Churchill Town Core;
4. To provide a process which encourages a comprehensive approach to development of the sub-district.

3.2 **Planned Unit Development.** The intent of the ER Sub-District is to be developed as a PUD. PUD's may be composed of a single use/parcel or a mixture of uses/parcels. The PUD process may follow the process as defined in Section XX or may be submitted concurrently with a subdivision application. The Commission shall find that the applicant of a PUD has demonstrated the following:

1. Have the intent, purpose, and standards of the ER Sub-District been met?
2. Have the intent and purpose of the Amsterdam/Churchill Community Plan, specifically Chapter 3, been met?
3. Are the elements of the PUD (e.g., buildings, circulation, open space, landscaping, etc.) designed and arranged to produce an efficient, functionally-organized and cohesive development?
4. Have the elements of the PUD been designed and arranged to minimize impact (traffic, visual resources) on existing development in the Amsterdam/Churchill Town Core?

3.3 **Uses Allowed By Right.**

Categories of uses allowed by right in the ER Sub-District are listed below. With the exception of one single-family residential structure per existing parcel, specific uses and locations of uses will be determined by the PUD process.

Uses allowed within this sub-district will be further defined in the following areas:

1. **Residential:** Residential development shall predominantly consist of single family dwellings; duplex residential development may be allowed in the northern and eastern portion of the site as part of mixed-use development and as stand-alone structures.

2. **Neighborhood Commercial**

The neighborhood commercial area will be a diverse environment with business, entertainment, and retail components that share a common design character creating a community core. Uses shall generally fall in the category of personal and business services, retail, personal and business services, offices, and other small-scale commercial uses serving the surrounding community. Residential uses may be a secondary component of this area. Prohibited uses include medical marijuana dispensaries, adult-oriented business, gambling operations, and bars.

3.4 **Design Standards.**

1. Setbacks shall be established through the PUD process.
  - a. Rear yard setbacks for lots along the Amsterdam Bluff and its tributary shall be 30 feet.
  - b. Setbacks for properties in area planned for “Neighborhood Commercial” are intended to create a continuous street-front façade along the streetscape.
2. The principal structure on the site shall be the dominant element. All accessory structures shall be subordinate in size, features and form to the principal structure.
3. Structure massing and scale should be responsive to the site, including views, visibility of site, and existing vegetation.
4. Customer parking and/or outdoor storage of equipment or RV’s is prohibited within the front yard setback of any lot.
5. 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.

6. New subdivision shall be designed to provide a connection between Churchill Road and Camp Creek Road. If development in the ER Sub-District is phased, the road connection may be done concurrently with each phase.
7. New development shall place the bluffs on the western edge of the property in common open space.

## 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 residential Development in the northeastern portion and the southern portion of the Town Core similar to other properties adjacent to the sub-district. The intent of this sub-district is to provide primarily single-family homes; some duplex lots shall be allowed upon approval of new subdivision. 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                                    | Family and Group   |
| Extended Care (Nursing and Residential Care)  | See comments in CUP section below. Parking Requirements: 4 spaces; plus 1 space for each 3 beds; plus 1 space for each employee on maximum shift |
| Home Occupations                              |  |
| Religious Organizations and Places of Worship | One single-family residence and one additional dwelling unit up to 1,000 square feet   |
| Residential                                   | Single-family residences. Duplex lots shall be allowed upon approval during subdivision process.   |
| Schools                                       | Including dorms and staff housnig  |

**4.3 Conditional Uses.** Conditional uses permitted in the Category D 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                        | 1 parking space per rental unit   |
| Boarding House                               | 1 parking space per rental unit   |
| Essential Services, Type II                  |   |
| Extended Care (Nursing and Residential Care) | Expansion of more than 50% of existing use at the time of adoption; see required parking in |

|                       |               |
|-----------------------|---------------|
|                       | Section above |
| Home-Based Businesses |               |

**4.4 Specification Standards for New Construction.**

| <b>Yard</b> | <b>Setback (in feet)</b>                      |
|-------------|---|
| Front Yard  | 30 Feet                                       |
| Rear Yard   | 25 feet                                       |
| Side Yard   | 15 Feet                                       |
| Corner lots | 15 feet from side lot line contiguous to road |

**4.5 New Subdivision.** Density for new subdivision shall not exceed 2 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 32 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.

## **Definitions**

**Amusement and Recreation Facilities.** Commercial facilities include, but are not limited to, arenas, rings, rinks, and racetracks; arcades, amusement parks; amusement and bathing beaches; campgrounds; swimming pools; riding academies; paintball facilities; carnival operations; bowling alleys and pool halls; and horse shows.

**Arts and Entertainment Center.** A Structure or facility for the presentation of the performing arts, including indoor motion picture theaters; dance halls; theaters for live performances; indoor concert halls; studios for arts education, such as dance or painting.

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

**Essential Services, Type II:** Including, but not limited to, Pipelines to transport gas, oil, and coal (interstate and intrastate); electric substations; electrical transmission lines (interstate and intrastate); public supply facilities (electric and gas); public treatment facilities (water, sanitary sewer, and storm sewer); telephone satellite community dial offices; telephone exchanges and repeater stations, except those facilities which may be considered wireless facilities.

**Extended Care (Nursing and Residential Care).** An extended or intermediate care facility licensed or approved to provide part time, full time, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves, including, but not limited to nursing homes, infirmity unit, and adult day care.

**Financial Institutions and Services.** Uses including, but not limited to, banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, and mortgage companies.

**Health and Exercise Services.** An establishment equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including, but not limited to, tennis, racquetball, handball or squash courts, martial arts, gymnastics, weight and aerobic exercise rooms, running facilities, swimming pools, and whirlpool/sauna facilities. Allowed accessory uses shall include, but are not limited to, child care, tanning booths, massage, health and nutrition services, retail sales of sporting goods, and restaurant services.

**Home-Based Business.** A business operated by a person residing w/in the dwelling including, but not limited to, contracting businesses; service businesses; offices; music, art or other school instruction; individual artist studios or galleries.

**Home Occupation.** An occupation operated by a person residing within the dwelling where activities are wholly contained within the principal building and/or an accessory structure, including, but not limited to, professional services such as accountant, physician, real estate agent; individual artist studios and galleries, handcraft studio, music studio, or similar studio uses; tailors; repair of furniture and small appliances; tutoring; and counseling primarily for individual persons.

**Laboratory and Research Facilities.** A facility for conducting investigation in the natural, physical, technological, or social sciences, including, but not limited to, engineering, technological, and product development.

**Landscape Plan.** A component of a Development plan which may show: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection and irrigation of existing vegetation during and after construction; proposed decorative features; Grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

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

**Manufacturing, Light.** The manufacture, predominantly from previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Manufacturing, Heavy.** The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive material, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Offices.** Buildings or portions of buildings in which commercial activities take place but where goods are not produced, sold, or repaired, including, but not limited to, general and professional offices; governmental offices; insurance offices; real estate offices, travel agencies; utility offices; and radio and TV broadcasting offices.

**Public/Quasi-Public Uses.** A building or use, often supported by government funds, to be used in an official capacity on behalf of the public, including, but not limited to, Structures

with various civic uses such as libraries, meeting rooms, post offices, trade schools and other academic institutions, both public and private.

**Repair.** Uses primarily engaged in Repair services, including, but not limited to, the repair of appliances, shoes, clothing, watches, jewelry, instruments, office equipment, or electronics, automobile, and agricultural equipment.

**Restaurant.** A commercial establishment where food and drink are prepared, served, and consumed primarily within the principal Structure or on the premises. Does not include establishments operating primarily as a bar or utilizing gambling operations.

**Retail.** Businesses engaged in selling or renting goods or merchandise to the general public and rendering services incidental to the sale of such goods. Does not include adult-oriented businesses as defined by Montana Code Annotated.

**Services, Personal and Business.** Businesses offering services including, but not limited to, barbershops, beauty shops, tailors, shoe repair, pet grooming, laundromats, laundry and dry cleaning, pickup and delivery stations, photocopying, office product repair, catering, and similar services. Production of finished goods may occur as an activity accessory to the delivery of services.

**Shielding.** Fencing or other manmade barriers or natural barriers used to conceal community decay or other activity as required by this Zoning Regulation from public view. This is not intended to require that permanent buildings, other structures, utility poles or any farm buildings, ranch buildings, or other agricultural facilities or appurtenances are to be included in this and be shielded.

**Special Temporary Uses.** Carnivals, Circuses, etc.

**Trees, Canopy.** A tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

**Trees, Large.** Trees that, at time of installation, have a minimum caliper of one and one-half inches to two inches, or a minimum height of ten feet.

**Trees, Non-Canopy.** A tree which normally bears crown foliage lower than 6 feet above ground level upon maturity.

**Trees, Small.** Trees that, at time of installation, have a minimum caliper of one inch to one and one-half inch, or a minimum of eight feet in height.

**Warehousing.** An enclosed building designed and used primarily for the storage of goods and materials. Includes self-storage (mini-warehousing) and outdoor storage of RV/boats/trailers not for sale.