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ORIGINAL

BRIDGER CANYON ZONING ORDINANCE

Gallatin County, Montana

October 1971

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Section 1 TITLE, CREATION AND ADOPTION

1. 1 This ordinance shall be known as the "Bridger Canyon Zoning Ordinance" and is adopted for the Bridger Canyon Zoning District. Said district having been created by resolution of the Board of County Commissioners, Gallatin County, Montana, July 12, 1971.
1. 2 Pursuant to Section 16-4101 and following the Revised Codes of Montana there is hereby adopted a development pattern. Said development pattern shall consist of the Bridger Canyon General Plan and the Bridger Canyon Zoning Ordinance.
1. 3 Pursuant to Section 16-4101 of the Revised Codes of Montana there has been created a Planning and Zoning Commission for the Bridger Canyon Zoning District which shall consist of the three County Commissioners, the County Surveyor, and the County Assessor.
  1. 3.1 The said Planning and Zoning Commission shall have all the powers developed upon it by the state laws of the State of Montana and by this ordinance.

Section 2 PURPOSES AND BOUNDARIES

2. 1 Purposes: To promote the health, safety, and general welfare and to:
  - (1) prevent overcrowding,
  - (2) avoid undue population concentration,
  - (3) conserve property values commensurate with use,
  - (4) to preserve the scenic resources,
  - (5) to conserve fish and wildlife habitat,
  - (6) to prevent soil erosion,
  - (7) to ensure high water quality standards,
  - (8) to protect agriculture lands from the effects of urban encroachment,
  - (9) to promote business, residences, tourism and recreational uses but not to the point that they destroy the character of the area or threaten water quality, traffic, or fire safety,
  - (10) to encourage innovations in residential developments so that growing demands for housing may be met by greater variety in type, design and layout of tracts and by conservation and more efficient use of open space ancillary to said housing,
  - (11) to provide adequate open space, light, and air,
  - (12) to carry out the master or comprehensive plan for the Bridger Canyon Zoning District.
2. 2 Bridger Canyon Zoning District is described in zones as set forth on that certain map entitled Bridger Canyon Zoning Plan and dated Oct 26, 1971 which map and all notations thereon are certified to be and are hereby declared to be Section 2.4 of this ordinance. Boundaries of zones adopted by this ordinance shall be as indicated on said map.

2. 3 The original Bridger Canyon Zoning map shall be kept on file in the office of the County Clerk and shall be referred to as the official map for the Bridger Canyon Zoning District.

Section 3 DEFINITIONS

3. 1 Accessory Building or Use: The use of land or a subordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.
3. 2 Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.
3. 3 Airport: A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel.
3. 4 Apartment House: Any building or portion thereof containing three or more apartments or dwelling units.
3. 5 Building: Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
3. 6 Building Height: The verticle distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
3. 7 Building, Principal: A structure in which is conducted the main use of a lot on which the structure is located.
3. 8 Building Site: A parcel of land occupied or intended to be occupied by uses and buildings permitted herein and which includes such size, dimension, open space and parking as are required in the Zoning District in which such site is located; and which site abuts a County road or State Highway or which abuts a private road conforming to standards approved by the Planning Commission.
3. 9 Business, Retail: The retail sale of any article, substance, or commodity for profit or livelihood, conducted within a building but not including the sale of lumber or other building materials or the sale of used or second-hand goods.
- 3.10 Campgrounds: Land or premises which is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.

- 3.11 Commercial Feed Lot: Shall mean any premises on which livestock are held or maintained for the purpose of feeding and fattening for market and where sixty (60) percent or more of the feed for such livestock is imported or purchased.
- 3.12 Dwelling Group: A group of two or more detached or semi-detached one-family, duplexes, or multiple family dwellings occupying a parcel of land in one ownership and having any yard or court in common.
- 3.13 Dwelling Unit: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities.
- 3.14 Family: One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity or sorority house, etc. A family-unit shall be deemed to include necessary servants, and may include up to four boarders.
- 3.15 Guest House: Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site.
- 3.16 Guest Ranch: Premises used for riding, hiking or other recreational purposes wherein the said recreationists are provided with food and overnight accommodations.
- 3.17 Hotel: Any building or portion thereof including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests whether rent is paid in money, goods, labor or otherwise. Does not include any jail, hospital, asylum, sanitarium, orphanage, nursing home or other in which people are housed and detained under legal restraint.
- 3.18 Junk Yard: The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 3.19 Labor Camps: Any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance car, trailer coach or other housing accommodations, maintained in connection with any work or place where work is being performed, and the premises upon which they are situated and/or the area set aside and provided for camping of five (5) or more employees by a labor contractor.

Labor camp shall also mean a labor supply camp. A labor supply camp is hereby defined to be any place, area or piece of land where a person

engaged in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees of another.

- 3.20 Lot or Parcel: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 3.21 Mobile Home: A portable unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 3.22 Parking Space, off street: A space located off any public right-of-way which is at least 9 x 20 feet in size for parking of any automobile and with access to a public street or road.
- 3.23 Private Club: Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.
- 3.24 Single Family Dwelling: A detached building designed for, or occupied exclusively by, one family and including the necessary domestic help thereof, single family dwelling includes "modular" but not "mobile" homes.
- 3.25 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.26 Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than eight (8) feet in body width nor thirty-two (32) feet in body length.
- 3.27 Transmission Line: Any electrical circuit carried on a steel pole; any electrical circuit carried on more than one wooden pole; any electrical circuit carried on a single wooden pole energized at more than 60,000 volts.
- 3.28 Use: The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is, or may be occupied or maintained.
- 3.29 Use, Accessory: A use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof.

Section 4 ESTABLISHMENT OF ZONES

4. 1 Nature of Zoning Plan: Said Zoning Plan consists of the establishment of various districts within the Bridger Canyon Zoning District in the unincorporated territory of Gallatin County within some, all or none of which it shall be lawful to erect, construct, or alter certain trades or occupations or to conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such districts, all as set forth in this Ordinance.

4. 2 Types of Districts: There are hereby established the following districts with the following designations:

<u>District</u>	<u>Designation</u>
Agricultural Exclusive	AE
Recreation and Forestry	RF
Neighborhood Commercial	CN
Planned Unit Development	PD-*

\*Number symbol after the PD indicates the allowable density of dwelling units in terms of units per dwelling unit.

4. 3 Effect of Establishment of District: Except as hereinafter otherwise provided:

4. 3.1 Land Use: Buildings shall not be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.

4. 3.2 Building Height: A building shall not be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the districts in which such building is located.

4. 3.3 Setbacks: A building shall not be erected, nor shall any existing building be altered, enlarged, or re-built, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building setback, building site area and building location regulations hereinafter designated for the districts in which such building or open space is located.

4. 3.4 Setbacks: A yard or setback space provided about any building for the purpose of complying with provisions of this Ordinance shall not be considered as providing a yard or setback for any other building.
4. 4 Interpretations: Where uncertainty exists as to the boundaries of zones as shown on the official map, the boundaries shall be interpreted as following the nearest logical line to that shown: Where boundaries seem in conflict with physical features or are disputed for other reasons, the County Commission shall interpret the location of such boundaries.

Section 5 AGRICULTURE EXCLUSIVE DISTRICT (AE)

5. 1 Intent: The Board of County Commissioners of the County of Gallatin finds that agriculture is one of the primary occupational pursuits and the primary economic endeavor in Bridger Canyon. Because of the high rate of population growth and accompanying residential subdivision development, and because the amount of land suitable for agricultural development in this Canyon is limited because of the County's geographic location, climate and topography, this Board finds that there is need to preserve existing developed and undeveloped farm lands from unplanned residential, commercial and industrial development. The purpose of the Agricultural Exclusive District is, when applied to particular land, to restrict that land's use exclusively to:
- (a) the cultivation of ground, including the preparation of soil, planting or seeding and raising and harvesting of crops;
  - (b) the raising, feeding and managing of livestock, poultry and other animals;
  - (c) incidental uses which are customarily and necessarily related to and included within an agricultural pursuit; and
  - (d) incidental unrelated uses which are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.
5. 2 Uses Allowed as a Matter of Right: The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops. The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals; the excavation of earth and the drilling of wells, exclusively for agricultural and domestic uses; signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs indicating the name of owners of the property or the agriculture

products produced on the premises. One single-family detached dwelling on each 40-acre parcel. Barns, corrals and other outbuildings and structures accessory to the foregoing uses. The sale on the premises of products produced thereon. The operation of private clubs for hunting and fishing. The packing, storing and processing of products growing on the land, together with accessory buildings and structures required therefor.

5. 3 Uses Permitted After Securing Approval of a Conditional Use Permit:  
Stands and other facilities for the purpose of selling products produced on the land, together with accessory picnic facilities and similar accommodations for the convenience of patrons; non-commercial airstrips for the use of aircraft used for agricultural purposes, together with accessory buildings and structures required therefore. Residential buildings to house persons and their families who labor, either continuously or seasonally, on the same farm, ranch, or land unit on which such buildings are situated (40 acre minimum does not apply). Commercial feed lots; public and private schools for the academic education of children below the seventh grade level; quarries and quarrying operations; oil and gas wells; mining, mobile homes, guest houses, commercial snowmobile facilities, guest ranches.

5. 4 Similar Uses: Uses which in the opinion of the Board of County Commissioners are similar to those listed in 5.2 and 5.3 above may be permitted therein.

5. 5 Height, Yard and Area Requirements:

- (a) No residential building shall exceed thirty-five (35) feet in height.
- (b) Parcel width for this district shall not be less than six-hundred and sixty (660) feet. A lesser amount of parcel width may be approved by variance assuming assigned intent of the ordinance is being carried out.

Parcel size shall not be less than forty (40) acres. In the event a parcel is slightly less than the minimum size, a rounding-off of the figure is permitted. Example:

minimum parcel size = 40 acres  
actual parcel survey = 37 acres  
1-DU would be allowed by rounding  
the acreage off to 40 acres

- (c) Minimum set back for residential buildings shall be twenty-five (25) feet from any property line but not less than one hundred



and twenty-five (25) feet from any public road. Minimum setback for any other structure shall be twenty-five (25) feet from any property line.

5. 6 Parking Requirements

- (a) Two (2) off-street parking spaces shall be provided for each dwelling.
- (b) One (1) off-street parking space shall be provided for each three hundred (300) square feet in any private club.
- (c) One (1) off-street parking space shall be provided for each one hundred (100) square feet in any stand for the sale of products produced on the premises.
- (d) One (1) off-street parking space shall be provided for each classroom and administrative office in any school together with one (1) off-street parking space for each ten (10) seats in any building designed for public assembly.
- (e) Parking required for other uses shall be set forth by the Gallatin County Zoning Enforcement Agent subject to appeal as outlined in this ordinance.

Section 6 RECREATION AND FORESTRY DISTRICT (RF)

- 6. 1 Intent: The Gallatin County Board of Commissioners finds that recreation and forestry are leisure time and occupational pursuits important to the economy of Bridger Canyon. Because of the high rate of population growth and accompanying residential subdivision development, and because the amount of land suitable for recreation and forestry is limited due to the Canyon's geographical location, climate and topography, this Board finds that there is a need to preserve existing developed and undeveloped recreation and forest lands from unplanned residential, commercial and industrial development by enacting this district.
- 6. 2 Uses Allowed as a Matter of Right: One single-family detached dwelling on each 40-acre parcel. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith, road building, truck hauling; crop farming and harvesting; forest stations and lookouts; grazing; riding and hiking trails; stables and corrals;



public and private playgrounds and parks; picnic areas; public utility buildings, structures and uses; structures accessory to any use listed above, signs not over 60 square feet in area appurtenant to any use allowed herein.

6. 3 Uses Permitted After Securing Approval of a Conditional Use Permit:

Development and processing of natural resources, including lumber mills, logging camps, mines and mining structures, agriculture processing plants; stands for the sale of products produced on premises; campgrounds; seasonal recreational campsites; golf courses; driving ranges, ski tow facilities; pack stations; airports; guest ranches; commercial snowmobile facilities; structures and uses accessory to the uses listed herein.

6. 4 Similar Uses: Uses which in the opinion of the Board of Commissioners are similar to 6.2 and 6.3 above may be permitted therein.

6. 5 Height, Yard and Area Requirements:

(a) Maximum height limit for residential structures shall be thirty-five (35) feet.

(b) Parcel width for this district shall not be less than six-hundred and sixty (660) feet. A lesser amount of parcel width may be approved by variance assuming assigned intent of the ordinance is being carried out.

Parcel size shall not be less than forty (40) acres. In the event a parcel is slightly less than the minimum size, a rounding-off of the figure is permitted. Example:

minimum parcel size = 40 acres  
actual parcel survey = 37 acres  
1-DU would be allowed by rounding  
the acreage off to 40 acres.

(c) Minimum setback for all buildings and structures shall be twenty-five (25) feet from any property line or fifty (50) feet from the centerline of any public road, whichever is the greater distance.

(d) In Ski Base Development, commercial district shall have a maximum area allotment not to exceed five (5) acres.

6. 6 Parking Requirements:

- (a) Ski tows: off-street parking shall be required pursuant to the following formula:

$$A = \frac{B \times C}{5000} \quad \text{where:}$$

- A = Required Parking  
B = Vertical Capacity of Ski Lift facility in feet.  
C = Capacity of Lift Facility, in persons per hour

For ski lift facilities enlarged subsequent to the effective date of this section, parking under the formula need be provided only for such increased capacity.

- (b) Commercial uses shall provide one (1) off-street parking space for each two hundred (200) square feet of gross floor area.
- (c) Two (2) off-street parking spaces for each residential unit.
- (d) Parking required for other uses shall be as set forth by the Gallatin County Zoning Enforcement Agent subject to appeals as outlined herein.

Section 7 NEIGHBORHOOD COMMERCIAL DISTRICT (CN)

7. 1 Intent: To provide centers for convenient shopping and local commercial services in residential neighborhoods with controls to preserve the basic residential and scenic character of such neighborhoods.

7. 2 Uses Allowed as a Matter of Right:

- (a) Local retail business or service establishments, such as service stations, grocery, fruit or vegetable stores, bakeries, drug stores, barber and beauty shops, clothes cleaning and laundry pickup stations, laundromats, variety stores, hardware stores and restaurants.
- (b) Business, professional and medical offices.
- (c) Commercial parking lots for passenger and delivery vehicles.
- (d) Social halls, lodges, fraternal organizations.

- (e) Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
- (f) Living quarters when accessory to the principal permitted use.
- (g) Signs which pertain only to a permitted use on the premises; which do not project above the highest point of the roof; which are integral with the building, or attached flat against the building, or which are suspended entirely beneath the canopy portion of the building. The aggregate area of said sign or signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage. Moving signs, flashing and oscillating lights shall be prohibited. Signs shall only be illuminated at such times as said uses are open for business.

7. 3. Uses Permitted After Securing Approval of a Conditional Use Permit:

- (a) Dwellings.
- (b) Free standing signs when pertaining to a use permitted on the premises.
- (c) Public and quasi-public buildings and uses of a recreational, educational, religious, cultural, or public service type; but not including corporation yards, storage or repair yards, or warehouses.

7. 4. Similar Uses: Any other commercial use or service which the Board of County Commissioners find to be consistent with the purpose of this article, and which is of the same general character as the above permitted uses.

7. 5. Height, Yard and Area Requirements:

- (a) Height Regulations; No building shall exceed thirty-five (35) feet in height and no accessory building shall exceed fifteen (15) feet in height.
- (b) Parcel width for this district shall not be less than three hundred (300) feet, nor shall the minimum parcel size be less than two (2) acres. In Ski Base Development, commercial district shall have a maximum area allotment not to exceed five (5) acres.
- (c) Minimum setback for buildings and structures shall be twenty-five (25) feet from any property line and fifty (50) feet from the centerline of any public road, whichever is the greater.

7. 6 Parking Requirements:

- (a) For commercial and office uses: one (1) off-street parking space for each two hundred (200) square feet of gross floor area.
- (b) One (1) off-street parking space for each ten seats in any place of public assembly.
- (c) Two (2) off-street parking spaces for each residential unit.

Section 8 PLANNED UNIT DEVELOPMENT

8. 1 Intent: This district, to be used in combination with other districts, is adopted for the following reasons.

- (a) So that greater opportunities for better housing and recreation may extend to all citizens and residents of this zone.
- (b) To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may enure to the benefit of those who need homes.
- (c) To provide a procedure which can relate the type, design, and layout of residential development to the particular demand for housing at the time of development in a manner consistent with the preservation of agricultural and property values within established residential or agricultural areas.
- (d) To provide an alternative procedure under which land may be developed by transfer of permitted dwelling units to locations suited to such use and retaining his remaining land for agriculture or commit it for common ownership of the owners of said dwelling units.

8. 2 Special Definitions:

- (a) Common Open Space: A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a Planned Unit Development and designated and intended for the use or enjoyment of residents of the Planned Unit Development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Development.

- (b) Landowner: The legal or beneficial owner or owners of all of the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase; a lessee having a remaining term of not less than twenty (20) years; or other persons having an enforceable proprietary interest in such land, shall be deemed to be a Landowner for the purposes of these provisions.
- (c) Plan: The provisions for development of a Planned Unit Development, including a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities. The phrase "provisions of the plan", when used in these provisions, shall mean the written and graphic materials referred to in this definition.
- (d) Planned Unit Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in the underlying zone.
- (e) Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural state is necessary for the enhancement of living conditions in Planned Unit Developments.
- (f) Residential: If permitted in the basic zone, those uses allowed therein and, duplexes, condominiums, lodges, apartments, and motels.

8.3 Standards for Planned Unit Development

- (a) The standards for the following shall be governed by the chart contained in Section 8.4:
  - (1) Parking spaces per unit.
  - (2) Minimum amount of undisturbed land or replanted.
  - (3) Maximum coverage of building site by structures.
- (b) The provisions of the Planned Unit Development section shall be subject to the general provisions of this Ordinance except where different therefrom.

8.4 Standards (1) for Parking, Open Spaces, Building Coverage and Recreation Area shall be as set forth hereunder:

- (1) Interpolation is permitted by rounding-off to the nearest dwelling unit permitted (due to the size of whole parcel).  
Example:

minimum = 1 DU/20 acres  
actual property survey = 389 acres  
maximum number of dwelling units permitted  
would = 20 units (by rounding off to the nearest unit.)

Land Use Intensity as Expressed in Acres per Dwelling Unit	Off-Street Parking required per Dwelling Unit	Open Space Minimum: Percent of Land (2)	Building Space Ratio: Maximum Coverage of Land by Buildings Expressed as a Percentage of Site
80	2.0	99	1
40	2.0	98	1
20	2.0	95	2
10	2.0	90	2
5	2.0	90	3
2	2.0	85	4
1	1.5	80	8
0.5	1.5	75	12
0.3	1.5	70	16

- (2) Open Space is expressed in minimum percentage of land to be left in open space, and does not include: streets, public or private parking, or area covered by buildings. It may include: natural ground, landscaped areas, recreational areas, water surfaces.

8.5 Computation Required of Developer: The developer shall prepare a computation which indicates how he meets the requirements of Section 8.4. Following is a sample computation for a four hundred acre tract of land designated on the zoning map for PD-20 (one dwelling unit for twenty acres) using the table in Section 8.4:

Permitted

Proposed

Maximum number of dwelling units permitted:  $400 \div 20 = 20$  units

20 units

Off-street parking required if  
twenty units are developed:  $20 \times 2 = 40$  45 spaces

Open Space required: 95% of  
400 acres = 380 acres\* 390 acres

Maximum coverage by buildings:  
2% of 400 acres = 8 acres\*\* 5 acres

\*NOTE: Open Space does not include streets, public or private parking areas, or area covered by any building, garage, carport, or other structure.

\*\*NOTE: Buildings include all land covered by residential buildings, garage building area, carport area, and other enclosed area. All area coverage is computed at ground level.

8. 6 Establishment of Land Use Intensity Factor:

- (a) The Land Use Intensity Factor for each zone district shall be that shown on the Official Zone Map following the ED symbol.
- (b) Such factor shall be used in determining the standards specified herein.
- (c) In zones having a permitted dwelling unit density of one unit per twenty (20) acres and lower, a thirty-three and one third (33 1/3) percent increase in allowable densities may be permitted, provided such densities are used in areas conforming to adopted General Plan. Interpolation by rounding-off to nearest dwelling unit is permitted.

8. 7 Uses Permitted: The following uses shall be permitted:

- (a) Any use permitted in the basic zone classification.
- (b) 1.5 motel units are permitted for each allowable dwelling unit where all of the following conditions apply:
  - (1) There exists at least 2,000 square feet of retail commercial floor area within one mile;
  - (2) Recreation facilities on-site include a swimming pool with a surface area of at least 800 square feet or a game room of comparable size; and

(3) No such unit shall have cooking facilities unless said unit including the cooking facility is less than 500 square feet in gross floor area.

(c) Multiple (three or more) family dwellings, recreation uses.

(d) Buildings and uses accessory to those in Subsection (a), (b), and (c) above.

#### 8. 8 Design Criteria

(a) Dwellings: Dwelling design should reflect the following factors:

Where buildings are proposed as part of the development program:

(1) Harmonious variations in materials, textures, and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit.

(2) Each building site should have ready access to common areas and facilities.

(b) Car Circulation and Access: Road design should reflect the following factors:

(1) Dwelling areas shall only have limited access to major traffic arteries.

(2) Collector roads of ample width and flowing alignment shall feed traffic between the arterial streets and to a network of minor access streets on which most of the homesites are located.

(3) Where terrain permits short loop streets and cul-de-sacs should be used for minor streets.

(c) Parking: Parking shall reflect the following factors:

(1) Occupant and guest car parking should be located so homesites are conveniently served.

(2) Parking areas should be designated that not more than an average of five (5) spaces shall adjoin each other without intervening landscaped areas.

(d) Walks and Service Circulation: Walks and service circulation should reflect the following factors:



- (1) Walks should be designated to provide convenient access to recreation, service, parking and other common areas.
  - (e) Setbacks: Front, side and rear setback requirements for structures shall be those of the district with which the Planned Unit Development is combined or as established by the approved plan.
  - (f) Open Space areas: Open space areas should be situated in such a manner as to avoid the crowding together of building uses and parking uses or to enhance visual or recreational pursuits of residents.
8. 9 Legal Requirements: In Planned Unit Development containing area of common or restricted ownership, the subdivision plat, dedication, covenants, and other recorded legal agreements must:
- (a) Legally create automatic-membership, non-profit homes association or similar instrument;
  - (b) Place title to any common property in the homes association, and limit title to residual lands so that residential use in excess of that permitted in this ordinance may not be made thereon.
  - (c) Restrict title to required open space (whether held in common or not) so that residential buildings or uses detrimental to the residential portion of the Planned Unit Development may not be constructed or conducted thereon.
  - (d) Appropriately and permanently limit the uses of the common property, open space, and residual agricultural lands.
  - (e) Give each lot owner the right to use and enjoyment of the common property;
  - (f) Place responsibility for operation and maintenance of the common property in the homes association;
  - (g) Place an association charge on each lot in a manner which will:
    - (1) Assure sufficient funds, such charge to be a lien on the property; and
    - (2) Provide adequate safeguards for the lot owners against undesirable high charges.

- (h) Restrict the use of the property to the uses permitted by the PD approval.

Where any of the foregoing are not applicable, the developer may substitute alternative suggestions.

All legal documents required under this section shall not be acceptable until approved as to the legal form and effect by the County Attorney when required by the County Commission; all Deed restrictions and association rules and regulations shall be enforceable by the County of Gallatin as well as by the association.

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

8.11 Procedure for Approval:

- (a) The procedure for obtaining approval of the Planned Unit Development shall be governed by the provisions of the county subdivision law where applicable.
- (b) In addition to any information required by the subdivision law, the applicant shall furnish the following information:
  - (1) The types of residences to be constructed;
  - (2) Proposed staging of construction, by units, if the Planned Unit Development is to be constructed in stages;
  - (3) Location and proposed uses of open spaces;
  - (4) Legal requirements and documents required by Section 8.9.
  - (5) All information necessary to determine whether the requirements of Section 8.3 and 8.4 for the following are satisfied:
    - (a) Building Coverage Ratio
    - (b) Parking Ratio
    - (c) Open Space Ratio

- (6) Location and layout of parking areas;
  - (7) The location of all existing vegetation and geological features to be retained.
- (c) The granting, conditional granting or denying of a Planned Unit Development Plan shall be handled as a Conditional Use Permit.

Section 9 NON-CONFORMING RIGHTS

9. 1 Non-conforming Lots: In any zone, notwithstanding other limitations imposed by these regulations, structures permitted in said zone may be erected on any single lot of record on the effective date of this regulation.

9. 2 Building Sites which do not Conform to the General Regulations: A parcel of land which does not comply with the access, area or width requirements in the district in which it is located shall be and the same is hereby declared to be a lawful building site provided:

- (a) Any lot or parcel of land under one ownership and of record or the subject of a contract of sale on the effective date of this ordinance and where no adjoining land was then or is now owned by the same person, may be used as a building site even when of less area or width than that required by the regulations for the district in which it is located; or
- (b) Such site was created through subdividing and approved by the Board of Commissioners pursuant to provisions in the County Subdivision Ordinance or said Ordinance as amended; or
- (c) Such site is approved by the variance procedure as outlined herein; or
- (d) Such site conforms to the Code requirements, but was made nonconforming by acquisition of a portion thereof by a governmental entity so that the parcel size is decreased not more than 20%, and the yard facing any road was decreased not more than 50%.

Where buildings or structures have been erected prior to or subsequent to the effective date of this ordinance, the area on which such buildings or structures are erected shall not be subsequently divided so as to reduce the building site area and/or frontage below the requirements of this ordinance for the ~~Zoning~~ District within which such building exists.

9. 3 Non-conforming Uses of Land: A lawful use of land on the effective date of this regulation or its amendment which is made no longer permissible by the terms of this regulation or its amendment may be continued if it remains otherwise lawful, subject to the following provisions:

- (a) No such non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied by such use at the effective date of the adoption or amendment of this regulation.
- (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of this regulation.
- (c) If any such non-conforming use ceases for a period of more than 180 days, any subsequent use of land shall conform to the zoning regulations for the zone in which it is located. The term "ceases" as used in this case, shall mean that the activity in question has not been in operation for a period of 180 days.

9. 4 Non-conforming Structures: Where lawful structures exist that could not be built under the terms of this regulation, such structures may be continued so long as it remains otherwise lawful, providing that:

- (a) No such structure may be enlarged or altered in a way that increases its nonconformity.
- (b) Should such structures be destroyed by any means, in extent of more than 75% of its replacement cost at the time of destruction it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- (c) Should such structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated.
- (d) On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of nonbearing walls, to an extent not exceeding 10% of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this regulation shall be deemed to prevent the strengthening or restoring to safe conditions of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- (e) Building existing on the effective date of this ordinance which is non-conforming only as to setback from a public road may be expanded in any direction except closer to said public road.

Section 10 GENERAL PROVISIONS

- 10.1 Utility Uses: Radio and TV receiving antennas, and public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a Building Permit, provided, however, that community receiving antennas and the routes of proposed electric transmission lines shall be submitted to the County Commission for recommendation, and said recommendation shall be favorable prior to acquisition of locations of rights of way therefor, and any construction thereon.
- 10.2 Guest Ranches, Guest Quarters: The following regulations shall apply to all guest facilities:
  - (a) Guest units shall not contain kitchen or cooking facilities. This shall not exclude the provision and use of a central kitchen and cooking facility.
  - (b) Guest ranches shall provide or have direct access to riding trails or other recreational facilities which will tend to limit off-site travel by automobile.
- 10.3 Height: Where the average grade under any building exceeds twenty-five (25) percent, the maximum height limit may be increased by fifteen (15) feet.
- 10.4 Building Site Frontage: Every building site shall have at least as much frontage on a road, lane or street as will equal the building site width required by the regulations for the district wherein it is located, unless:
  - (a) Such site is non-conforming as specified in Section 9 of these regulations;
  - (b) Such site contains the necessary dimensions and is connected to a road or street by a driveway not over four hundred (400) feet in length;
  - (c) Such site is shown on a recorded subdivision map which has been approved by the Board of Commissioners of the County, or;
  - (d) A variance is first secured in the manner prescribed herein.

10.5 Mobile Homes:

- (a) Temporary mobile home occupancy may be permitted with a special permit issued upon application by the Bridger Canyon Planning and Zoning Commission. Such occupancy shall be limited for a period not to exceed one (1) year where all the following conditions exist:
  - (1) A building permit for a permanent dwelling has been issued;
  - (2) Said mobile home does not violate any valid existing deed restrictions.
- (b) Occupancy in connection with highway or other temporary construction work may be permitted where all of the following conditions are found to apply:
  - (1) When construction work takes place outside urban areas where permanent housing is unfeasible and trailer courts are unavailable;
  - (2) Where at least one of the occupants is employed by a contractor engaged in said temporary work.
- (c) Occupancy for lumbering purposes may be permitted provided all the following conditions are found to apply:
  - (1) The location of said property is in a remote area where permanent housing is unfeasible;
  - (2) Trailer occupants are bona fide employees of a logging enterprise.
- (d) Occupancy for mining purposes may be permitted on or near the property where any mine is located, provided trailer is occupied for mining purposes.

10.6 Site Distance at Intersecting Streets:

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

- 10.7 Building Permit: No structure shall be built, moved, or structurally altered until a building permit has been issued. Permits shall be issued only for uses in conformity to these regulations.

Section 11 ADMINISTRATION

- 11.1 Employees and Officers: In accordance with Section 16-4101 of the Revised Codes of Montana, the Bridger Canyon Planning and Zoning Commission is hereby authorized to appoint and hire such employees and officers as shall be necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent.

The Zoning Enforcement Agent may be an employee of the County of Gallatin and if so, shall perform duties hereunder without remuneration in excess of his regular salary.

- 11.2 Building Permits: No structure shall be built, moved, or structurally altered until a building permit has been issued by the Planning and Zoning Commission or their agent.

11. 2.1 Building permits shall be issued only for uses in conformity to these regulations, upon approved conditional use permits or variances, and where authorized by the Planning and Zoning Commission.

11. 2.2 Building permits shall be in writing and shall be in such form as is specified by the Planning and Zoning Commission.

11. 2.3 For buildings which clearly comply with all of these regulations building permits may be issued by the Zoning Enforcement Agent in the name of the Planning and Zoning Commission.

11. 2.4 In the event a prospective building does not comply with the provisions of this regulation, the prospective permittee shall apply to the Planning and Zoning Commission for a variance.

- 11.3 Conditional Use Permits and Variances: Provisions of this subsection shall regulate the issuance of conditional use permits and variances.

11. 3.1 Variances: Variances from the terms of this zoning ordinance shall be granted only if it is found that because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

11. 3.2 Conditional Use Permits: Conditional Use Permits shall be issued only by the County Planning and Zoning Commission, and may be



issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Ordinance. Such permit may be granted only if it is found that the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

11. 3.3 Permits, Terms of Issuance: A conditional use permit may be issued for a revokable, temporary, permanent or term period. It may contain such conditions as are authorized by State Statute and this Ordinance, including, but not limited to:
- (a) Requiring dedication of rights of way.
  - (b) Requiring improvements of rights of way.
  - (c) Requirements for landscaping to protect adjoining property.
  - (d) Regulation of placement of uses on the property.
  - (e) Regulation of height.
  - (f) Regulation of the nature and extent of the use.
  - (g) Regulation of the length of time which such use or variance may be permitted.
11. 3.4 Security: The Planning and Zoning Commission may, in most cases, require guarantees in the form of bonds, cash deposits and/or other evidence of compliance in order to secure compliance with conditions imposed.
11. 3.5 Procedure for Issuance; Application:
- (a) Application for conditional use permit or variance shall be filed at the County Planning Department on forms specified by the Department, accompanied by a non-refundable \$25.00 fee.
  - (b) If an application for a conditional use permit or variance is rejected on its merits by the Planning and Zoning Commission, no further application for a permit for the same use on the same property may be filed for a period of one (1) year from the effective date of such denial except as provided in subsection (c) below.



(c) A further application may be filed by such applicant for such use on such property within ~~such~~ one (1) year period with the permission of the granting authority. Such permission shall be granted only if the applicant can show a substantial change of conditions from those existing at the time of such previous denial.

11. 3.6 Notice of Hearing: Whenever an application for a conditional use permit or variance is filed, a public hearing thereon shall be held within sixty (60) calendar days after the filing of the application. At least ten (10) days before such hearing, the Planning and Zoning Commission shall give either:

- (a) Mail notice to all persons owning property within 300 feet of the exterior boundaries of the area occupied or to be occupied by the use for which the permit is sought, or
- (b) Give notice by publishing notice of hearing in the newspaper of general circulation in this County and posting said notice in conspicuous places close to the property affected.

11. 3.7 Decision: After completion of the public hearing, the Planning and Zoning Commission shall make its decision in writing, which decision shall include findings of fact as to whether the criteria established for the issuance of a permit are satisfied.

11. 3.8 Appeal: Appeals of a decision of the Planning and Zoning Commission may be taken as provided in the section on appeals.

11. 3.9 Revocation and Modification: Conditional use permits and variances are revokable:

(a) By operation of law:

- (1) Lapse of time: Unless otherwise specifically provided by the Planning and Zoning Commission at the time of issuance of the conditional use permit or variance all conditional use permits and variances granted for an indefinite term which have not been utilized by engaging in the activity or use authorized thereby within one (1) year after the date of issuance shall automatically expire by operation of law. The date of issuance shall be the date that the conditional use permit or variance becomes effective.

- (2) Expiration: All conditional use permits issued for definite term shall automatically expire at the end of the term.
- (3) Rezoning: Notwithstanding subparagraphs (1) and (2) above, all conditional use permits and variances which have not been utilized by engaging in the authorized use on the site by the date any zoning ordinance becomes effective which rezones the property to provide for use regulations inconsistent with that authorized by the permit or variance shall automatically expire on that date by operation of law.
- (4) For purposes of subparagraph (a) above, a conditional use permittee or a variance permittee shall not be considered as engaging in the authorized use on the site until the following conditions are satisfied:
  - (a) Buildings proposed for construction in connection with the proposed use are in the process of actual construction on the site, or
  - (b) If remodeling proposed for existing buildings in connection with the proposed use has actually been commenced on the site, or
  - (c) If no construction or remodeling is contemplated then the permittee is regularly engaged on the site in performing the services or in selling the goods, materials, or stocks in trade of the use, and has secured all necessary federal, state and local permits and licenses.
- (b) Upon notice and hearing: Permits and variances may be revoked or modified by the person(s) having current jurisdiction:
  - (1) If there has been:
    - (a) A substantial change of conditions from those at the time the conditional use permit or variance was granted,
    - (b) Revocation or modification is necessary to protect the health, safety, and welfare of the residents of the area in which the subject property is situated or the residents of the county, to preserve the integrity of existing use patterns in the area in which the subject property is situated, and

(c) The person holding the permit or variance has not materially changed his position by detrimentally relying on said conditional use permit or variance, or

(2) If the person holding the permit or variance has not complied with the conditions upon which it was issued. Modification or revocation may only be had after following the same formal procedure for notice and hearing required for the granting of a permit or variance in the first instance. Appeals from modification or revocation shall be governed by same formal rules required for appealing from the granting or denial of the permit in the first instance.

11.3.10 Building Permits: No building permit shall be issued other than in accordance with the conditions and terms of the conditional use permit or variance. No building permit shall be issued until time for appeal on a conditional use permit or variance has elapsed and all appeals finally decided.

11.3.11 Permits: Extensions:

(a) Not later than thirty (30) days prior to the expiration of the variance or land development permit, the holder thereof may file written application with the Planning and Zoning Commission requesting an extension of time thereon and setting forth the reasons for such a request. Each application shall be accompanied by a non-refundable fee of \$25.00.

(b) Within five (5) days from receipt of such application for extension, the Planning and Zoning Commission shall send a notice of such application by mail to persons, or their successors in interest of record in the County Assessor's Office, who received mailed notice of the original application, to the Planning and Health Departments. Attached to such application shall be a notice that any person objecting shall, within fifteen (15) calendar days from the date of posting, notify the granting authority of such objection.

(c) If any objection is received from those notified, the same formal procedure shall be followed as if the application for extension were an original application for a variance or land development permit upon which no permit or variance had been granted.

- (d) If no objection is received, the Planning and Zoning Commission may extend the permit or variance for a period of time equivalent to the original period for which granted, or for one (1) year, whichever is shorter.
- (e) An extension may only be granted upon finding of fact by the Planning and Zoning Commission that no change of condition or circumstances would have been grounds for denying the original application.

11.4 Enforcement:

- (a) Permits, When Void: All departments, official and public employees of Gallatin County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this ordinance and shall issue no such permits or licenses for use, building, or purposes where the same would be in conflict with the provisions of this ordinance and any such permits or licenses, if issued in conflict with the provisions of the Ordinance, shall be and the same is hereby declared to be null and void.
- (b) Enforcement: It shall be the duty of the Planning and Zoning Commission, its officers, agents and employees to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. It shall be the duty of all officers of said County herein or otherwise charged by law with the enforcement of County Ordinance to enforce this Ordinance and all provisions of the same.
- (c) Injunctions: Upon order of the Board of Commissioners, the County Attorney shall bring an action in the name of the County of Gallatin in the District Court to enjoin violations of this Ordinance.
- (d) Remedies, Cumulative: The remedies provided for herein shall be cumulative and not exclusive.

11.5 Appeals:

- (a) Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this Ordinance may be taken in writing to the Planning and Zoning Commission.

- (b) Appeals from any decision of the Zoning Enforcement Agent must be taken within Five (5) working days in writing to the Planning and Zoning Commission.
- (c) A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this Ordinance to be decided after holding a public hearing. Notice of such hearing shall be as set forth in Section 11.3 herein.

11.6 Amendments:

- (a) This Ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment and according to the procedure prescribed by law, and this ordinance.

11. 6.1 An amendment may be initiated by:

- (a) The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Planning Department and shall be accompanied by a fee of \$25.00 payable to the County of Gallatin, no part which shall be returnable to the petitioner or by
- (b) Resolution of intention of the Board of County Commissioners, or
- (c) Resolution of intention by the Planning and Zoning Commission.

11. 6.2 Prior to final action on any amendment to this Ordinance, the Board of Commissioners shall request a report thereon from the County Planning Dept. Failure of the said County Planning Dept. to forward said report within thirty (30) days from the time it was requested to do so shall be deemed to be a recommendation for approval of such amendment by said Planning and Zoning Commission.

Section 12 INVALIDATION

If any section, subsection, subdivision, sentence, clause, paragraph or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and reasonably effective for carrying out the main purpose and intention of the regulations.

Section 13 INTENT

The intent of these zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. Nor are these regulations set up to prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an ordinance, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

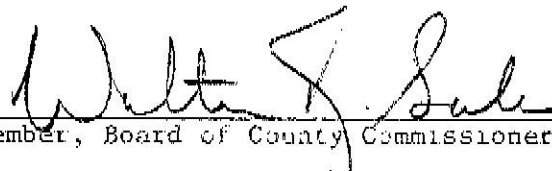
Section 14 ADOPTION

This entire regulation shall be adopted and in effect as of the date set out below.

Dated: October 26, 1971, at Bozeman,  
Gallatin County, Montana

  
\_\_\_\_\_  
Chairman, Board of County Commissioners

\_\_\_\_\_  
Member, Board of County Commissioners

  
\_\_\_\_\_  
Member, Board of County Commissioners

\_\_\_\_\_  
County Assessor

  
\_\_\_\_\_  
County Surveyor

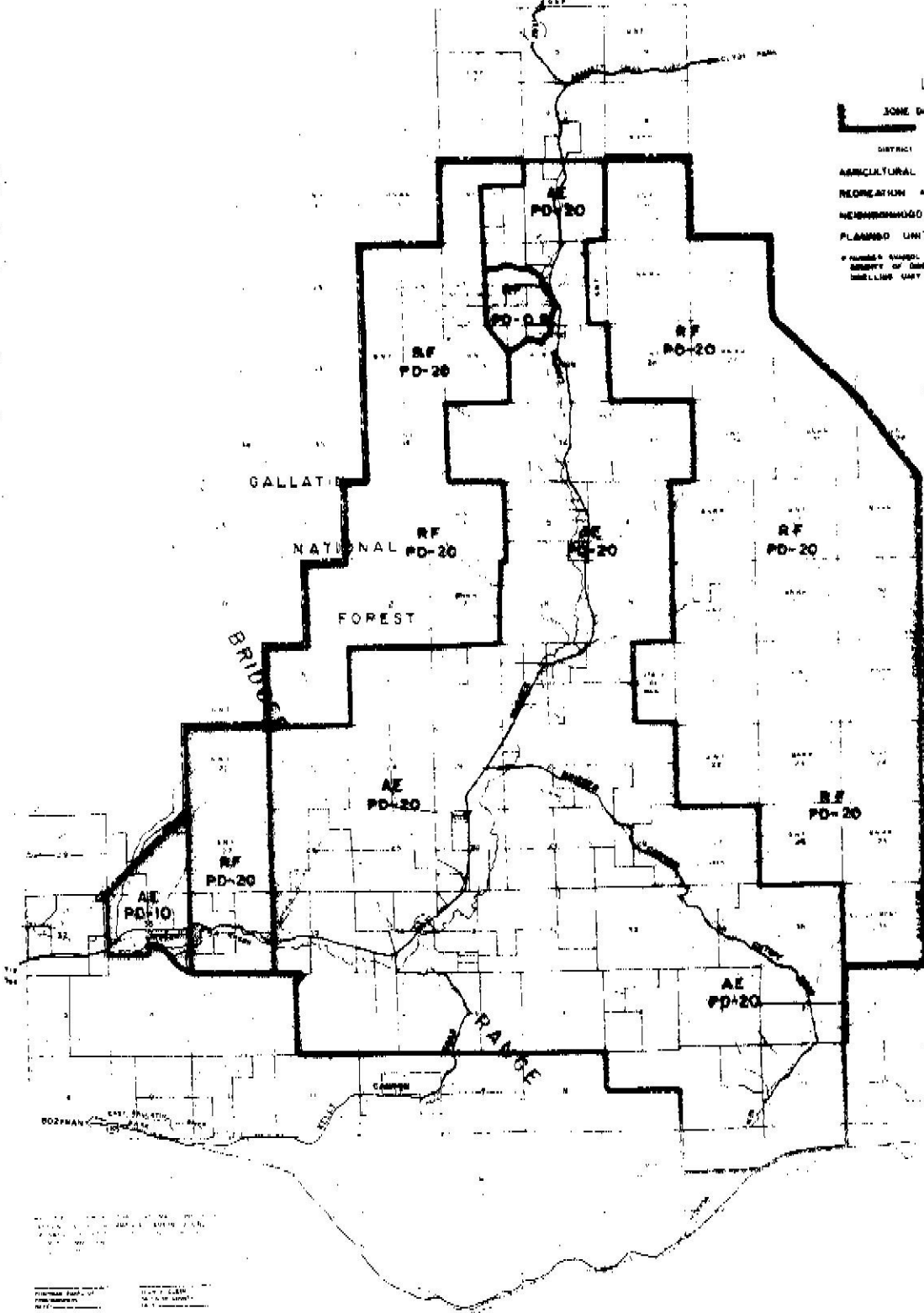
# ZONING

## LEGEND

ZONE DISTRICT - NO DEFINED BOUNDARY

DISTRICT	DEFINITION
AGRICULTURAL EXCLUSIVE	AE
RECREATION AND FORESTRY	RF
NEIGHBORHOOD COMMERCIAL	CN
PLANNED UNIT DEVELOPMENT	PD-M

\* NUMBER SHOWN WITH THE PD INDICATES THE ALLOWABLE DENSITY OF DWELLING UNITS IN TERMS OF ACRES PER DWELLING UNIT.



1:50,000  
SCALE IN FEET

PLANNING DEPARTMENT  
CITY OF BOZEMAN  
BOZEMAN, MONTANA

[REDACTED]