

# Zoning Update Options

**DISCUSSION DRAFT – April 2026**

This zoning text amendment proposes six targeted changes to clarify contested provisions, reduce unnecessary permitting burden, and close regulatory gaps. Generally the goals of these changes are to provide clarity and reduce administrative workload, without fundamentally changing standards or entitlements.

## 1. Recreational Housing (Base Area)

Moves regulatory language (e.g., that Recreational Housing rentals are for lodging only) out of the definition and into a new General Development Standard (Sec. 12.14). Closes an ambiguity that allowed unrestricted Hotels. Mentions short term rentals as a synonym, conforming with recent CUP decisions. Preserves the status quo with respect to short term rentals in the rest of the Canyon.

## 2. Large Accessory Building CUP Threshold

Raises the permit-free threshold for accessory buildings to 3,600 sq ft (permitted use), reducing administrative load; structures above that size require a CUP. Adds concrete CUP criteria: rural character preservation, screening from roads and neighbors, and an expanded setback equal to the longest dimension of the building.

## 3. Accessory Dwelling Unit - Statement of Purpose

Adds a purpose clause to Sec. 12.2 clarifying that ADUs are intended for occasional guests or relatives, and that impacts of additional occupancy should be borne by the owner -- reinforcing the single-family-per-parcel General Plan principle.

## 4. PUD Purposes Made Enforceable

Adds mandatory language to Sec. 11.5 requiring that a PUD shall serve the purposes in Sec. 11.1 (open space, rural character, wildlife habitat, etc.), making these aspirational goals binding approval criteria.

## 5. Road Setback Clarification

Eliminates inadvertent duplication in setback tables and clarifies that setbacks apply from public road right-of-way or easement edges, resolving ambiguity where easements exist for nonpublic roads.

## 6. Definition Consolidation

Deletes the standalone "Arterial Road" definition (Sec. 3.64) and folds the list of designated arterials (Bridger Canyon Rd, Kelly Canyon Rd, Jackson Creek Rd) into the consolidated setback tables.

In the text that follows, ~~strikeout~~/underline changes reflect deletions from and additions to the current regulation.

## Rec Housing amendment for the Base Area

Goal: Move regulatory language out of the definition and into a standard, close the Base Area hotels loophole, and clarify current practice, which in several decisions have equated short term rentals with Overnight Accommodations or Recreational Housing in the Base Area.

### SECTION 3 DEFINITIONS

- 3.62 Recreational Housing: Housing located in the Base Area that does not have restriction on length of stay and includes attached and detached Single-Family Dwelling Units. ~~Rental of a Dwelling Unit for lodging purposes only. Recreational Housing includes Rental may be a-vacation homes, vacation rentals, tourist homes~~ as defined in ~~MCA-50-51-102, MCA, and short-term rentals, all of which are~~ rented by or on behalf of the owner to the general public for compensation for transient occupancy for any period of time deemed appropriate by the owner. ~~Lodging shall be limited to inside the Dwelling Unit. Rental shall be subject to all applicable licenses. This Recreational Housing~~ is distinguished from other Dwelling Units by the special requirements for Recreational Housing in a Base Area Planned Unit Development, including the DEVELOPMENT RIGHTS ALLOCATION table.
- a. Recreational Housing, Attached: Single-Family Dwelling Units located in the Base Area that have at least one other Single-Family Dwelling Unit within the same Building structure. Includes Recreational Housing located in Hotels, townhouses, duplexes, and condominiums.
  - b. Recreational Housing, Detached: Single-Family Dwelling Units (i) on individual lots or in a Planned Unit Development and (ii) located in the Base Area.

Reference: MCA 50-51-102:

- (12) "Tourist home" means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

### SECTION 12 GENERAL DEVELOPMENT STANDARDS

#### Add: 12.14 Recreational Housing

- a. Rental of Recreational Housing shall be for lodging purposes only.
- b. Lodging shall be limited to inside the Dwelling Unit.
- c. Rentals shall be subject to all applicable licenses.
- d. Advertisements offering Recreational Housing or its use for purposes other than lodging shall be considered prima facie evidence of operation.

## Large Accessory Building CUP

Goal: reduce the number of CUPs for structures that are only moderately large, while providing some concrete standards to guide the CUP process when it does occur, including an increase in setbacks.

### SECTION 4 AGRICULTURE EXCLUSIVE DISTRICT (AE)

#### 4.2 Permitted Uses:

d. Accessory Buildings, where each Accessory Building is equal to or less than 2,4003,600 square feet of General Floor Area.

#### 4.3 Uses Permitted After Securing Approval of a Conditional Use Permit:

f. An Accessory Building greater than 2,4003,600-square-feet of general Floor Area-

(Plus same for RF district, 5.2 and 5.3)

### SECTION 12 GENERAL DEVELOPMENT STANDARDS

#### 12.3 Accessory Buildings and Structures:

a. Individual Accessory Buildings allowed as a Permitted Use are limited to 2,4003,600 square feet of general Floor Area regardless of the size of the property.

b. Conditional Use Permit approval is required for any Accessory Building greater than 2,4003,600 square feet of General Floor Area.

a. In addition to the general CUP approval criteria, the Planning and Zoning Commission shall determine the following are satisfied:

i. The size and scale of the proposed structure preserves the rural character of the surrounding neighborhood, and

ii. The use of topography and/or vegetation screens the Building from roads and adjacent landowners.

b. The setback from property boundaries and public roads shall be the setback specified for the subdistrict, or the longest dimension (i.e., length or width) of the structure, whichever is greater.

c. Accessory Buildings equal to or less than 288 square feet of General Floor Area are not required to obtain a Land Use Permit.

d. Structures may include but are not limited to, flagpoles, playground equipment, bird feeders and other similar structures that are not required to obtain a Land Use Permit.

e. Temporary buildings and structures with no permanent foundation that is removed after

a specific period of no greater than 90 days, are not required to obtain a Land Use Permit.

f. All Buildings and Structures shall meet all required regulations including but not limited to setbacks, height, and buildable area, regardless of size or permitting requirements.

g. Portals and Accessory Solar Energy Systems require Land Use Permits, regardless of minimum size. Portals are exempt from the required Public Road right-of-way or road easement setback.

h. Accessory Solar Energy Systems Standards:

(1) Height. Accessory Solar Energy Systems are subject to the following height requirements:

- i. Building or roof-mounted Solar Energy Systems solar energy collections shall meet the maximum Building Height.
- ii. Ground or pole-mounted Accessory Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

## Add a purpose to the Accessory Dwelling standard

### 12.2 Accessory Dwelling Unit:

#### Add: Purpose.

- (1) To provide space for occasional guests or relatives, without violating the General Plan provision of one single family residence per conforming parcel.
- (2) To ensure that any negative effects of additional occupancy are borne by the owner who benefits from the amenity.

a. In a Zoning Classification in which an Accessory Dwelling Unit is a Permitted Use, only one Accessory Dwelling Unit per Parcel of record is permitted (Development Right not required).

b. An Accessory Dwelling Unit may be an independent living facility located within the Principal Single-family Dwelling Unit or within a standalone Accessory Building.

Kitchen and dining area allowed in an Accessory Dwelling Unit.

c. Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.

d. The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the Principal Single-family Dwelling Unit.

e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.

f. The Accessory Dwelling Unit may not be rented or sold separately from the Principal Single-family Dwelling Unit.

g. Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-family Dwelling Unit.

h. Nothing herein precludes the construction of the Principal Single-family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.

i. Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to Principal Single-Family Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.

j. In the event of a variance from these standards, it shall be presumed that the minimal variance needed to alleviate the hardship is an Accessory Dwelling Unit located within the Principal Single-family Dwelling Unit, rather than an Accessory Dwelling Unit located greater than 150 feet from the Principal Single-family Dwelling Unit, unless the applicant demonstrates otherwise.

jk. Conversion of Existing Approved Guest Houses or Caretaker's Residences:

(1) Any Guest House or Caretaker's Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use.

(2) If an approved Guest House or Caretaker's Residence meets all of the above standards for an Accessory Dwelling Unit it will automatically be deemed as such and can be upgraded to an independent living facility (kitchen and dining).

(3) If an existing Guest House or Caretaker's Residence does not meet the above standards, for an Accessory Dwelling Unit, a Conditional Use Permit may be requested to convert a Guest House or Caretaker's Residence to an Accessory Dwelling Unit.

kl. With the exception of the process as described in subsection j. above to convert an existing Guest House or Caretaker's Residence to an Accessory Dwelling Unit any property with an existing Guest House or Caretaker's Residence shall not be entitled to

an Accessory Dwelling Unit.

## Make the PUD purposes and criteria enforceable

### SECTION 11 PLANNED UNIT DEVELOPMENT (PUD)

11.1 Purpose: The planned unit development designation is intended to provide for alternative forms of development which may include a density bonus in exchange for development quality that is of significant community benefit. The purposes of this district include the following:

- a. Enhance and preserve open space and unique natural features.
- b. Preserve to the maximum extent possible the natural characteristics of the land, including topography, vegetation, streams, and tree cover.
- c. Protect areas of important wildlife habitat.
- d. Prevent soil erosion by permitting development according to the nature of the terrain.
- e. Encourage the development of more attractive site design.
- f. Reduce the cost and physical impact of public and private services.
- g. Lessen the visual impact of development and preserve the scenic vistas and rural atmosphere.
- h. Preserve agricultural lands.
- i. Provide economies in the provision of public services.

### 11.5 Standards for Development:

Add: a. The Planned Unit Development shall serve the Purposes established in section 11.1.

ab. General: In approving an area for a planned unit development, at least one (1) of the following conditions shall ~~exist~~ be met, and the others shall not be harmed or degraded:

- (1) ~~The parcel is situated such that planned unit development will allow flexibility of design for the protection of scenic vistas or will lessen the visual impact of development~~The design and scale of the Planned Unit Development preserves scenic vistas and the rural character of the surrounding neighborhood.
- (2) The planned unit development will result in the preservation of agricultural land and/or open space.
- (3) The planned unit development ~~parcel~~ contains natural assets which will be preserved through the design of the project. ~~the use of the planned unit development.~~ Such natural assets include vegetation, stands of large trees, land which serves as a natural habitat for wildlife, and streams.
- (4) The ~~parcel contains~~ Planned Unit Development uses available topography and vegetation that is suitable for minimizing ~~to minimize~~ the visual impact of development.
- (5) The planned unit development shall prevent erosion and result in development more suitable to the nature of the terrain.

## Clarify Road Setbacks

Goals: eliminate inadvertent duplication and clarify the reference point for road setbacks, particularly with respect to easements.

### Definitions

Consolidate:

~~3.6 Arterial Road: A road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterial Roads within the District include Bridger Canyon Road, Kelly Canon Road, and Jackson Creek Road~~

3.64 Road, Arterial: ~~The highest mobility, lowest accessibility functional classification of road that connects communities and activity centers and connects communities to major state and interstate highways.~~ Arterial Roads within the District include Bridger Canyon Road, Kelly Canyon Road, and Jackson Creek Road.

### AE District (duplicate for RF)

6.4.b. Building and **Structure** Minimum Setback Requirements.

All property lines	25 feet
<del>Arterial Road right-of-way or Arterial Road easement</del>	<del>125 feet</del>
<del>Other Public Road right-of-way or Public Road easement</del>	<del>25 feet</del>
<del>Public Road right-of-way or road easement</del>	<del>125 feet</del>
Watercourse Ordinary High Water Mark	150 feet*
<del>Accessory Buildings larger than 3,600 square feet</del>	<del>**</del>

\*Setback from the Watercourse Ordinary High Water Marks may be reduced with an approved Watercourse Mitigation Plan, in accordance with Section 12.10.

\*\*~~Subject to the additional standard in 12.3~~