



YELLOWSTONE COUNTY ZONING COMMISSION AGENDA

Monday, February 10, 2025

4:00 PM

3rd Floor Conference Room
316 N 26th St, Billings MT

NOTICE TO THE PUBLIC

Citizens are invited to:

- . Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to the Board via email before 12:00 PM on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- . Mail: City/County Planning Division PO Box 1178, Billings MT 59103
- . Email: plnonline@billingsmt.gov
- . All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8610.

Call the meeting to order

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff

Public Comment

Approval of Minutes: October 14, 2024

The minutes of the Board meeting of October 14, 2024

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff (ExParte Communication Binder is available

Regular Business:

- 2025 County Zoning Code draft amendments and updates - This review was delayed from January 13, 2025.**
The Planning staff is preparing draft amendments to the Yellowstone County Zoning Code that will correct errors, cross-references and generally make housekeeping amendments to the code. The code was adopted in late 2020 and is in need of cleanup. In addition, the County Board of Adjustment and the County Zoning Commission have suggested several amendments over the last four (4) years to improve the code and align it with county growth policy goals.

The Planning staff requests the County Zoning Commission review the drafts for amendments to Section 27-300 (Residential districts), 27-400 (Commercial and Mixed Use districts), 27-500 (Public districts), 27-600 (Industrial districts), 27-800 (PND process), 27-1000 (Uses and Use Standards), 27-1100 (Proportionate Compliance), 27-1200 (Landscaping), 27-1300 (Off-street Parking), 27-1400 (Signs), 27-1500 (Nonconformities), and 27-1700 (Violations and Enforcement). Drafts that are acceptable may be formally initiated by the Commission and will begin the public process for hearings and adoption. Revisions may also be suggested before formal initiation and those will be brought back to the Commission at a future meeting.

Other Business/Announcements

Adjournment

Anyone wishing to be heard on this matter may appear at this meeting and provide public comments. Public meetings are accessible to individuals with physical disabilities. Special arrangements for participation in the public meeting by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Brenda Berns, Planning Clerk, at (406) 247-8610 or e-mail at bernsb@billingsmt.gov

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County Zoning Commission

Meeting Date: 02/10/2025

SUBJECT:

PRESENTED BY: Brenda Berns

Information

REQUEST

The minutes of the Board meeting of October 14, 2024

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

BACKGROUND

Meeting Minutes of October 14, 2024

RECOMMENDATION

Staff recommends

Attachments

Minutes of October 14, 2024



Yellowstone County Zoning Commission
Monday, October 14, 2024
316 N 26th, 3rd Floor Room 3108 Billings MT

The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

	Position	01/08/2024	02/12/2024	03/11/2024	04/08/2024	05/13/2024	06/10/2024	07/08/2024	08/12/2024	09/09/2024	10/14/2024	11/12/2024	12/09/2024
Blaine Poppler	Commissioner	X	C	C	1	C	1	C	1	C	1		
Melissa Ray Gentry	Commissioner	X	C	C	1	C	1	C	A	C	1		
Tyler Bush	Commissioner Chairman	X	C	C	A	C	V	C	A	C	1		
Todd Hewitt	Commissioner	A	C	C	1	C	A	C	1	C	1		
Morgan Tuss	Commissioner	X	C	C	1	C	A	C	1	C	A		

Chairman Bush opened the meeting at 4:04pm and introduced the County Zoning Commission members and Planning Division staff.

Staff Present: Anna Vickers, Planning Division Manager, Nicole Cromwell, Zoning Coordinator; Tate Johnson, Planner I; Brenda Berns, Planning Clerk

Other Participants: Galen Cook, Agent for the Owner (ZC 1056); Mike Botz, Applicant (SR 336)

Public Comment

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting.

There was none.



**Yellowstone County Zoning Commission
Monday, October 14, 2024
316 N 26th, 3rd Floor Room 3108 Billings MT**

The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

Approval of Minutes: August 12, 2024

Motion

It was moved by Commissioner Hewitt, seconded by Commissioner Poppler to approve the August 12, 2024 meeting minutes as submitted. The motion was carried with a unanimous vote.

Disclosure of any Conflict of Interest-Members of the Commission and Staff. There was none.

Disclosure of Outside (Ex Parte Communication) Members of the commission and Staff. There was none.

Public Hearing

Zoning Coordinator, Nicole Cromwell read aloud the procedures for a public hearing. The County Commissioners will meet on October 29, 2024 at 9:30 AM for the public hearing on SR 336 and ZC 726.

Item #1: Special Review 336 – A special review to allow an Accessory Dwelling Unit (ADU) in a Rural Residential 1 (RR) zone district, on Tract 2-A-1 of Amended Tract 2-A of Amended Tract 2 of Certificate of Survey 2273M located in the northwest one-quarter of Section 25, Township 1 south, Range 25 east, Principal Meridian Montana, Yellowstone County, Montana, a 2-acre parcel of land. Tax ID: D00883B

Tate gave an overview of the request to allow an accessory Dwelling Unit in a Rural Residential 1 (RR1) zone district.



**Yellowstone County Zoning Commission
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316 N 26th, 3rd Floor Room 3108 Billings MT**

The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

Recommendation

Planning staff is recommending conditional approval of the accessory dwelling unit and variances to allow an ADU larger than 1,000sf and to allow less rear setback for both the principal structure and ADU.

- The ADU on the submitted site plan exceeds the maximum allowable size for an ADU in the zoning – 1,000 sf maximum
- The site plans also show the main house within 12 feet of the rear setback and the ADU within 18 feet of the rear setback.
- The zoning code allows for special review approval of the ADU along with any variations from code requirements.

Board Questions

Chairman Bush asked about the start time of 7am for workers as a part of the Conditions of Approval. Ms. Johnson clarified that it was a standard for most construction projects and are generally adhered to.

Commissioner Poppler asked about access to the river along Whitetail. Ms. Johnson advised that there is no public access.

Chairman Bush asked if there was anyone that wished to speak on behalf of SR 336, in favor or against.

In favor:

Mike Botz 5825 Lazy Lane – Mr. Botz thanked the board for considering his application for SR 336.

There were no further participants. Chairman Bush closed the public hearing.



**Yellowstone County Zoning Commission
Monday, October 14, 2024
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The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

Discussion

Commissioner Poppler stated that this is a good example of allowing 2 more units in a relatively small tract.

Motion

It was moved by Commissioner Poppler, seconded by Commissioner Hewitt to approve SR 366 as presented by staff, with the Conditions of Approval. The motion was carried with a unanimous vote.

Item #2: County Zone Change 726 – 3380 Wise Lane – A to C3 – A zone change request from Agricultural (A) to General Commercial (C3) on a 1.5-acre portion in the northeast corner of an un-platted parcel in Section 34, Township 1 South, Range 25 East, a Fraction of the northeast $\frac{1}{4}$ & a Fraction of Government Lots 1 and 2 south of the Road, a 59.21-acre parcel of land. A pre-application neighborhood meeting was held on August 26, 2024 at the subject property. Tax ID: D01161

Nicole Cromwell, Zoning Coordinator, provided an overview of the property, noting that it is currently zoned Agriculture (A) and that the requested zoning is General Commercial (C3). The surrounding area primarily consists of Agriculture zoning. The intended use for the property includes commercial recreation, similar to a wedding venue and family reunions, as well as the establishment of historic buildings for tours.



**Yellowstone County Zoning Commission
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The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

Recommendation

Planning staff is recommending approval of the requested zone change 726 and adoption of the findings of the 11 criteria.

A blue slide titled "Zone Change Review Criteria". It features the Yellowstone County logo on the left and the MPO (Metropolitan Planning Organization) logo on the right. The slide lists 11 numbered criteria for reviewing a zone change.

Zone Change Review Criteria

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (4) Whether the new zoning will promote public health, public safety and general welfare;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings;
- (10) Whether the new zoning will encourage the most appropriate use of land in Yellowstone County; and
- (11) Will the new zoning be as compatible as possible with the adjacent zoning in the City of Billings

Nicole provided further clarifications on how the subject property meets the review criteria:

- Meets some County Growth Policy goals including predictable land uses and development that is compatible with existing and planned uses in the area.
- Will not have appreciable effect on traffic.
- Previous County approval for commercial recreation and gravel mining on property.
- On-going extraction in the surrounding area will affect future and existing expected land uses.



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This business includes five other enterprises that are subject to sunseting regulations for marijuana operations. The property is currently zoned Agriculture, where cannabis cultivation is permitted, but retail sales and dispensary use are not. A zone change is necessary to ensure the continued operation of the entire business.

Questions

Commissioner Gentry noted that the subject property is located near Oscar's Dreamland. Nicole confirmed that it is on the same property. Commissioner Gentry also mentioned that the owners of the subject property rent to Golden Valley Honey, and Nicole acknowledged this as well.

Chairman Bush sought clarification on the business's compliance with regulations. Nicole responded that the dispensary aspect of the business is not in conformance, which is why a zone change request has been made.

Chairman Bush asked if there was anyone that wished to speak in favor or against Zone Change 726.

In favor:

Galen Cook, Applicant's Agent and owner of Golden Valley Honey, stated that he has been at his current location since 2014. He mentioned that following last year's Commissioner's vote on the new regulations, the focus then became preserving the business and retaining employees. Mr. Cook believes the owners of the subject property have been paying commercial taxes on it and expressed concerns that the gravel mine makes the land unsuitable for agriculture.

In Opposition: There were none.



**Yellowstone County Zoning Commission
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The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

Discussion

Commissioner Hewitt stated that there are no residential homes in the area.

Commissioner Gentry stated that she has observed multiple dispensaries in the area already.

Chairman Bush asked if any of the neighbors were in opposition of the zone change. Nicole stated no neighbors have expressed any opposition.

Chairman Bush remarked that gravel extraction is not suitable for agricultural use. Nicole responded that the county may still require a special review for gravel extraction, which typically has a life of no more than 15 years. She added that the final plans involve the creation of public parks and similar projects.

Chairman Bush asked about restrictions for dispensaries to be in the vicinity of public parks? Nicole advised there would be private parks, not public parks.

Motion

Commissioner Hewitt made a motion, seconded by Commissioner Gentry, to approve County Zone Change 726. The motion was carried with a majority: 3 In Favor and 1 Opposed.

Other Business: There will not be a County Zoning Commission meeting in November.

Adjourned: 5:08PM

Draft – To be approved by a motion at the next scheduled meeting.

Brenda J Berns, Planning Clerk

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County Zoning Commission

Meeting Date: 02/10/2025

SUBJECT: Discussion of County Zoning Code amendments - housekeeping, corrections and amendments

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

2025 County Zoning Code draft amendments and updates - This review was delayed from January 13, 2025.

The Planning staff is preparing draft amendments to the Yellowstone County Zoning Code that will correct errors, cross-references and generally make housekeeping amendments to the code. The code was adopted in late 2020 and is in need of cleanup. In addition, the County Board of Adjustment and the County Zoning Commission have suggested several amendments over the last four (4) years to improve the code and align it with county growth policy goals.

The Planning staff requests the County Zoning Commission review the drafts for amendments to Section 27-300 (Residential districts), 27-400 (Commercial and Mixed Use districts), 27-500 (Public districts), 27-600 (Industrial districts), 27-800 (PND process), 27-1000 (Uses and Use Standards), 27-1100 (Proportionate Compliance), 27-1200 (Landscaping), 27-1300 (Off-street Parking), 27-1400 (Signs), 27-1500 (Nonconformities), and 27-1700 (Violations and Enforcement). Drafts that are acceptable may be formally initiated by the Commission and will begin the public process for hearings and adoption. Revisions may also be suggested before formal initiation and those will be brought back to the Commission at a future meeting.

RECOMMENDATION

The Planning staff recommends the Commission review the drafts and initiate any or all of the proposed amendments. Initiation of an amendment is not an endorsement of the proposal but allows the proposal to move through the public hearing process.

The proposed amendments are as follows:

1. Residential zones - Section 27-300
2. Commercial and Mixed Use zones - Section 27-400
3. Public zones - Section 27-500
4. Industrial zones - Section 27-600
5. Planned Neighborhood Development process standards - Section 27-800
6. Use Table and Use Standards - Section 27-1000
7. Proportionate Compliance standards - Section 27-1100
8. Landscaping standards - Section 27-1200
9. Off-street parking - Section 27-1300
10. Sign Code - Section 27-1400
11. Nonconformities - Section 27-1500
12. Violations and Enforcement - Section 27-1700

APPLICATION DATA

Not applicable.

CONCURRENT APPLICATIONS

Not applicable.

APPLICABLE ZONING HISTORY

The current Yellowstone County Zoning Code was adopted by the County Commissioners in November 2020 with an effective date of December 15, 2020. Since that time, only one amendment has been made to clarify the zoning for marijuana businesses.

SURROUNDING LAND USE & ZONING

Not applicable.

BACKGROUND

Since the adoption of the Yellowstone County Zoning Code in late 2020, Planning staff have been monitoring the

implementation of this completely revised zoning. The new code was the culmination of a three-year process - Project ReCode - that included a separation of the unified code into two separate zoning codes - one for the city and one for the county. The County code housekeeping was delayed due to an emergent issue with marijuana business land use standards and regulations that happened in late 2021. The adoption of interim zoning in 2021 resulted in significant time invested in studying the issue and its real and anticipated impact on the zoned areas of Yellowstone County. In late 2023, the County Commissioners adopted the final set of zoning regulations and these are in effect in the zoning jurisdiction.

While most of the proposed changes are corrections of errors, or cross-references, some are changes to the code that are substantial, including a change to the Rural Residential zone districts to allow more than one principal dwelling on an undivided lot depending on lot area, allowing billboard signs to use LED technology displays (on a motion of the County BOA), and changes to the sign code to align with city initiated sign code changes. The Planning staff believes these substantive changes will ease some pain points of the new code and keep the codes effective and efficient. Not every change or amendment adopted by the city over the last three years is applicable or appropriate for the County's zoning code.

RECOMMENDATION

Staff recommends the Zoning Commission review the drafts and initiate those amendments that it finds are ready to begin the public process. The Zoning Commission may also suggest changes or revisions to the drafts and those can return at a later date for a second review.

Attachments

Draft code amendments compiled

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-300 to correct errors, provide clarification and continuity of the of the regulations.

Section 1. Section 27-302.H is amended as follows:

Section 27-302. District Descriptions

.....

H. NX2: Mixed Residential 2 (Permitted Only with a PND)

The NX2 district in the county is intended for use only with a planned neighborhood development process (PND) per Section 800. The district is intended for small- and mid-scale multiple-family homes with 3-2 to 8 units, in small neighborhood nodes. The buildings are oriented to the street in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

Section 2. Section 27-303 – Regulations that apply to all Neighborhood Districts, are amended as follows:

A & B – remain unchanged

C. Access to residences must be from any public or approved private street right-of-way. All lots shall have one lot line located fully on a public or approved private street right-of-way, except one of every four lots in the development may be located on a shared open space. See Section 27-1305 for driveways.

D through F – remain unchanged

G. Trash, Recycling, Refuse Locations.

For all buildings with five or more units, all trash, recycling, and other refuse areas must be located and treated as follows:

1. Trash, recycling, and other refuse areas must be located in either the rear yard, or interior side yard, of the lot.

~~2. When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.~~

~~3. 2.~~ Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary frontage facade with an Administrative Relief per Section 27-1600.

Access doors must be opaque, screening a minimum of 80 percent of the opening.

~~—4. 3.~~ See Section 27-1200 for specifically required screening of trash, recycling, and other refuse areas.

New Section 27-303.H – Maximum Height Exceptions

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in neighborhood and residential districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1626) for increases greater than allowed by administrative relief.

H. I. ALLOWED ENCROACHMENTS (remaining text and table are not amended)

I. YARD TREATMENT

Build to zones, and front, side and rear yards shall be a minimum of 60 percent landscape area. Driveways are not permitted within the minimum side setbacks or any rear setback not abutting an alley. See Section 27-1305 for driveways.

J. FRONT ENTRANCES – remains the same

K. Arterial setbacks. Minimum arterial setbacks as follows apply to all residential and neighborhood districts:

1. No building or structure shall be erected or maintained within fifty (50) feet of the centerline of an arterial street. In addition, no required parking area or portion thereof, including driving aisles, shall be constructed or located within forty (40) feet of the centerline of an arterial street. Any new construction that increases the number of required off-street parking spaces must locate these additional required parking spaces in areas that comply with these locational standards.

2. Approved signs and public use controls and systems, trees trimmed up eight (8) feet and canopies with at least eight (8) feet clearance, shall be permitted in this setback area. For the purpose of this subsection, canopies shall be defined as covers that are solely attached to and supported by the structure to which it is attached and which can be removed without destroying any part of that supporting structure. This shall only apply to canopies attached to the principal structure.

3. The designation of a street as an arterial shall be as shown on the most recent functional classification map approved by the Metropolitan Planning Organization (MPO) through the Transportation Advisory Committee (TAC) and the Policy Coordinating Committee (PCC)

Section 3. Section 27-304 is amended to read as follows:

Section 27-304. N4 districts

The following site and structure regulations apply to any lot in the N4 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300-3, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(2). See Section 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300-3. SITE AND STRUCTURE REGULATIONS

A. BUILDING SITING		REFERENCES	
1	Minimum Lot Width (feet) per principal building	80	See Section 27-1500 for existing lots of record
	Minimum Lot Size (square feet) per principal building	15,001	
	Maximum Lot Size (square feet) per principal building	43,559	
	Maximum Building Width (feet)	none	
	Number of principal buildings per parcel	Any – meet min lot area and lot width per principal building	See Sec. 27-1618 – Master Site Plan
2	Front Setback (feet)	20 minimum	
4	Street-Side Setback (feet)	10 minimum	
3	Side Setback (feet)	5 minimum	
5	Rear Setback (feet)	20 minimum	
6	Detached Accessory Building Yard Location	Rear, interior side yard or street side yard	
8	Detached Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley	
7&9	Maximum Total Building Coverage (%)	30	
10	Permitted Driveway Access Location	Any	
11	Attached Garage Entrance Location	Any	See Sec. 271305 for driveways
B. HEIGHT			
Principal Building:	Maximum Height (stories)	3	See Section 27-1800 for instructions for measuring height
	Maximum Height (feet)	34	
Accessory Building:	Maximum Height (stories)	1.5 stories, no taller than the principal building	

SINGLE-UNIT HOME

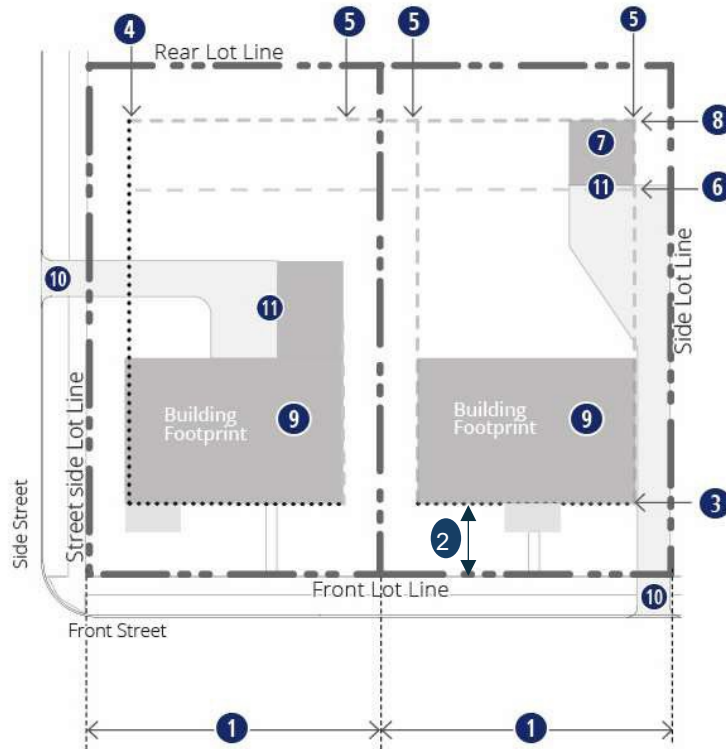


Figure 27-300(2). N4 district diagrammatic plan.

C. Supplemental Regulations [reserved]

1. Courtyard configuration. For multiple buildings with a courtyard, entrances may be located off the courtyard.

2. Side street frontage. For corner lots, all lot lines other than the front and street-side are side lot lines and, for parking and accessory buildings, the zoning coordinator shall determine where the rear of the lot is located.

3. Lots on cul-de-sacs and flag lots are exempt from minimum lot width regulations. See also Section 27-1500, Nonconformities, for existing lots of record.

Section 4. Section 27-305 is amended as follows:

Section 27-305. RR Districts

The following site and structure regulations apply to any lot in the RR district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300-4, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(3). See Section 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300-4. SITE AND STRUCTURE REGULATIONS

A. BUILDING		REFERENCES
1	Number of Buildings Allowed on Lot	One Two principal, up to 3 accessory buildings Min separation between principal buildings is 20 feet
2	Minimum Lot Width (feet) Minimum per parcel Lot Size (acres) Maximum Lot Size (square feet)	120 1 in RR-1, 3 in RR-3 2.99 in RR-1, 9.99 in RR-3 Minimum lot area for each principal building
3	Front Setback (feet)	25 minimum
4	Street-Side Setback (feet)	25 minimum
5	Side Setback (feet)	10 minimum
6	Rear Setback (feet)	25 minimum
7	Detached Accessory Building Yard Location	Rear, street-side and side yard See Sec. 27-1305 for driveways
8	Maximum Total Building Coverage (%)	25
9	Allowed driveway location	Any See Sec. 27-1305 for driveways
11	Attached garage location	Any See Sec. 27-1305 for driveways
B. HEIGHT		
Principal Building:	Maximum Height (stories)	3
	Maximum Height (feet)	34
Detached Accessory Building:	Maximum Height (feet)	40
		See Article 27-1800 for instruction for measuring height

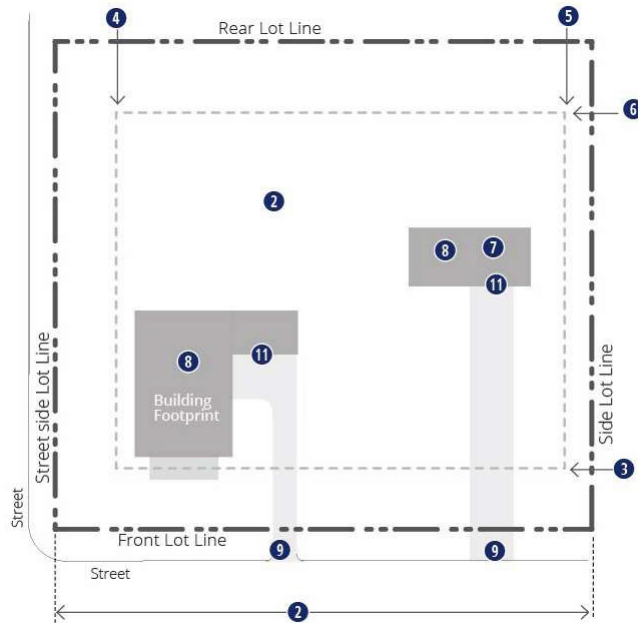


Figure 27-300(3). RR district diagrammatic plan.

C. Supplemental Regulations reserved

1. Lots on cul-de-sacs and flag lots are exempt from minimum lot width regulations. See also Section 27-1500, Nonconformities, for existing lots of record.

Section 5. Section 27-306 is amended as follows:

Section 27-306. Rural - RMH Districts

The following site and structure regulations apply to any lot in the RMH district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300-5, below, for regulations specific to this district. See Section 27-1800 for definitions and information on how to measure the following regulations.

TABLE 27-300-5. SITE AND STRUCTURE REGULATIONS

A. BUILDING		REFERENCE
Minimum Lot Size (square feet) per principal building	15,001	Minimum separation between principal buildings is 15 ft
Front Setback (feet)	20 minimum	See 27- 311-C 306.A for site built structures.
Street-Side Setback (feet)	10 minimum	
Side Setback (feet)	8 minimum	
Rear Setback (feet)	20 minimum	
Accessory Building Yard Location	Rear and side yard	
Maximum Total Building Coverage (%)	30	
B. HEIGHT		
Principal Building: Maximum Height (feet)	34	See Section 27-1800 for instructions for measuring height
Accessory Building: Maximum Height (feet)	40	

A. Supplemental Regulations

~~1. Manufactured home, Type 1: A manufactured home that was certified on or after January 1, 1990, and that satisfies each of the following additional criteria:~~

~~The pitch of the home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run (3:12), and the roof is finished with a type of shingle that is commonly used in standard residential construction;~~

~~The exterior siding consists of wood, hardboard, aluminum or vinyl siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;~~

~~A continuous, permanent perimeter foundation is installed under the home; and~~

~~2. Manufactured home, Type 2: A manufactured home that does not satisfy the criteria necessary to qualify the house as a Type 1 manufactured home.~~

1. Site-Built or Modular-Built Structure. A site-built or modular-built structure complying with the State of Montana Building Code may be setback a minimum of 5 feet from the side lot line, or rear lot line.

Section 6. Section 27-307 is amended as follows:

Delete the existing section in its entirety and replace it with the following:

Sec. 27-307. N1 district.

Use of the N1 district in the county requires county water and sewer or a planned neighborhood development application (PND) per Section 27-800. Existing lots within this zone may or may not have access to county water or sewer services. Existing lots zoned N1 will follow this code section.

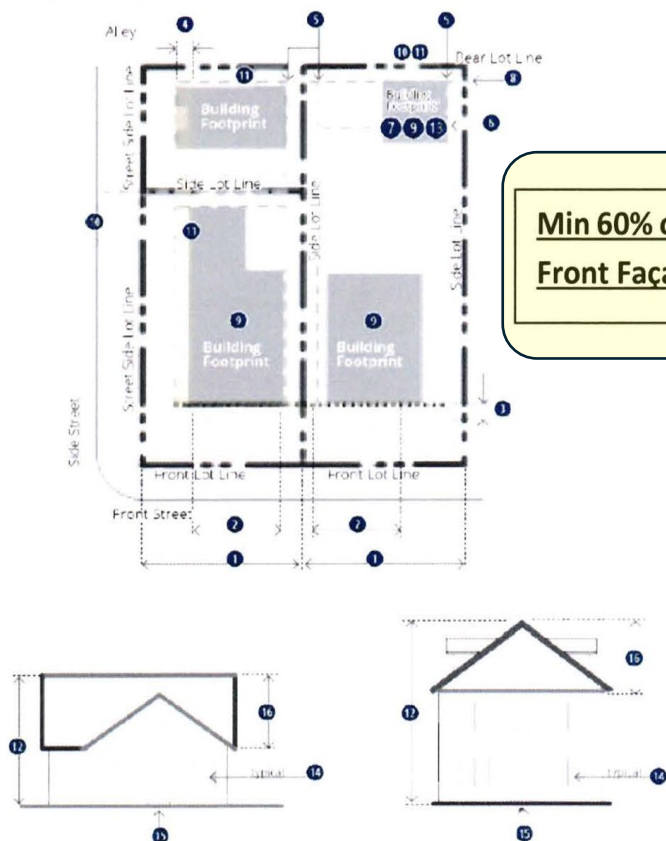
The following site and structure regulations apply to any lot in the N1 district. Refer to 27-303 for general regulations applicable to all districts and Table 27-300.6, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(5). See Section 27-1800 for definitions and information on how to measure the following regulations.

Table 27-300.6. Site and Structure Regulations.

			REFERENCES
A.	BUILDING SITING		
1	Minimum Lot Width (feet) per principal building Maximum Lot Width (feet) per principal building	20 80	See subsection 27-307.D for 2-unit buildings. See Section 27-1500 existing lots of record.
2	Maximum Front Building Width (feet)	65 per principal building	
3	Front Build-to Zone (feet) BTZ <u>Façade Elements Required in Build-to Zone</u>	8—25; <u>block face average allowed</u> 1) 60% of Front Façade width 2) Front Door 3) 60% of ground floor window area	See Section 27-1800 for block face averaging instructions. <u>See Section 27-1800 for description of façade elements</u>
4	Street-Side Build-to Zone (feet)	5—20	
5	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum	See subsection 27-307.D for side street lots.
6	Rear Setback (feet)	5 minimum	
7	Accessory Building Yard Location	Rear/ <u>Street Side Yard</u>	Administrative Relief may be granted for side yard location See Sec. 27-1614
8	Accessory Building: Min. Rear Setback (feet)	3, except 0 at alley	
9	Maximum Building Coverage (%)	60	.
10	Permitted Driveway Access Location	<u>Any</u>	See Section 27-1305 for driveways
11	Attached Garage Entrance Location	Rear, side, or street-side façade; front façade allowed maximum <u>of no</u>	

		more than 40% of the facade within the Front BTZ	
B. HEIGHT			
12	Principal Building: Maximum Height (stories) Maximum Height (feet)	2.5 34	See Section 27-1800 for instructions for measuring height. Accessory roof pitch shall match principal building.
13	Accessory Building: Maximum Height (stories) Maximum Height (feet)	2; not taller than the principal structure 27	
C. WINDOWS, FRONT DOOR, ROOF			
14	Minimum Window & Door Coverage: Front Façade (%)	15 measured per story of all full stories	See Section 27-1800 for information on measuring front façade window & door coverage.
15	Front Door Location Entrance Treatment	Front Façade within the BTZ See subsection 27-303.J for Front Entrance	See subsection 27-307.D for 2-unit buildings.
16	Permitted Roof Types Roof Types Allowed with Administrative Relief	Pitched, tower permitted Any other Roof Type	See Section 27-1800 for definition of roof types and exception for other allowed roof types. See Section 27-1500 for existing buildings.

SINGLE-UNIT OR TWO-UNIT HOME



Min 60% of Ground Floor Front Façade in BTZ

60% of ground floor window area in BTZ
Front door in BTZ

Figure 27-300(5). N1 district diagrammatic plans and elevations.

D. Supplemental regulations.

1. *Side street lots.* Side street lots are those lots located along the short end of blocks, where the front of the lot faces the side street and the depth of the lot is generally the width of most of the lots on the block. Lots with only side street frontage are allowed maximum building coverage of 80%.

2. The following applies to 2-unit buildings:

(a) *Configuration.* Allowed configurations include the following: side-by-side units, stacked units, front and rear units, all located in the principal building; two (2) principal buildings on one lot; or a principal building with an accessory building (see Section 27-1000). For side-by-side units, the lot may be split to allow a fee simple configuration with a zero side yard setback and shared wall between the 2 units.

(b) *Entrance.* One entrance is permitted per street facade, except for side-by-side units on separate lots.

Section 7. Section 27-308 existing section is deleted in its entirety and replaced with the following:

Sec. 27-308. N2 district.

Use of the N2 district in the county requires county water and sewer or a planned neighborhood development application (PND) per Section 27-800. Existing lots within this zone may or may not have access to county water or sewer services. Existing lots zoned N2 will follow this code section.

The following site and structure regulations apply to any lot in the N2 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.7, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(6). See Section 27-1800 for definitions and information on how to measure the following regulations.

Table 27-300.7. Site and Structure Regulations.

			REFERENCES
A.	BUILDING SITING		
1	Minimum Lot Width (feet) per principal building Maximum Lot Width (feet) per principal building	50 120	See subsection 27-305.D for 2-unit buildings. See Section 27-1500 existing lots of record. Lots on cul-de-sacs or flag lots are exempt from min lot width.
2	Maximum Front Building Width (feet)	110 per principal building	
3	Front Build-to Zone (feet) BTZ Façade Elements Required in Front Build-to Zone	10—32; block face average allowed 1) 60% of Front Façade width 2) Front Door 3) 60% of ground floor window area	See Section 27-1800 for block face averaging instructions. See Section 27-1800 for description of façade elements Lots on cul-de-sacs or flag lots are exempt from BTZ requirements
4	Street-Side Build-to Zone (feet)	10—25	
5	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum	
6	Rear Setback (feet)	5 minimum	See subsection 27-308.D for side street lots.
7	Accessory Building Yard Location	Rear/Street Side Yard	Administrative Relief may be granted for side yard location See Sec. 27-1614
8	Accessory Building: Rear Setback (feet)	3 minimum, except 0 at alley	
9	Maximum Total Building Coverage (%)	40	
10	Permitted Driveway Access Location	Any	See Section 27-1305 for driveways

11	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade within the Front BTZ	
B. HEIGHT			
12	Principal Building: Maximum Height (stories)	2 stories	
	Maximum Height (feet)	27	
13	Accessory Building: Maximum Height (stories)	1.5 stories, no taller than the principal building	Accessory roof pitch shall match principal building.
C. WINDOWS, FRONT DOOR, ROOF			
14	Minimum Window & Door Coverage: Front Façade (%)	15 per story	Measured per each full and half story. See Section 27-1800 for information on measuring window and door facade coverage.
15	Front Door Location	Street Façade within the Front BTZ	See section 27-308.D for 2-unit buildings.
16	Permitted Roof Types Allowed with Administrative Relief	Pitched, flat Any other Roof Type	See Section 27-1800 for definition of roof types and exception for other allowed roof types.

SINGLE-UNIT OR TWO-UNIT HOME

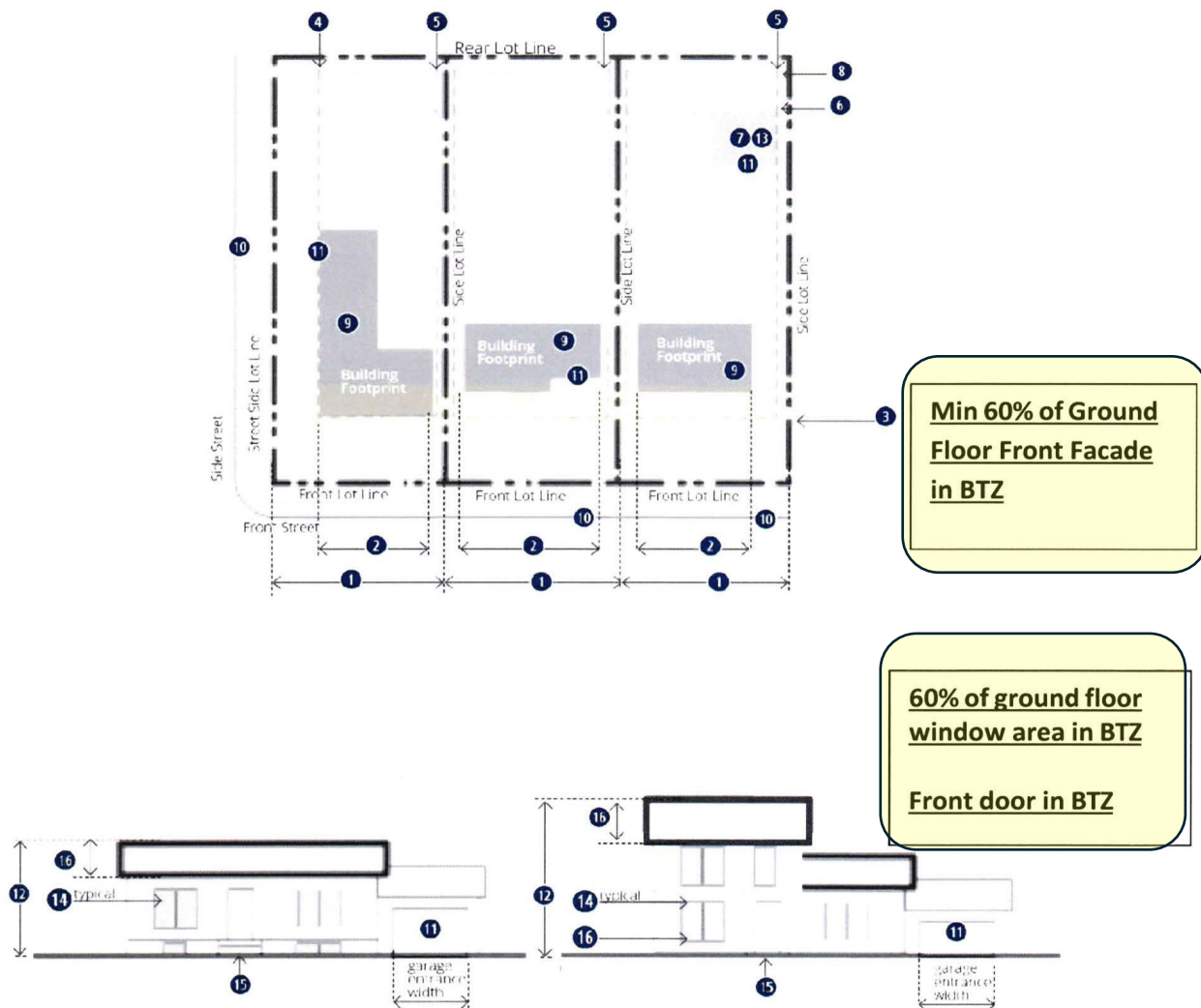


Figure 27-300(6). N2 district diagrammatic plans and elevations.

D. Supplemental regulations.

1. *Side street lots.* Side street lots are those lots located along the short end of blocks, where the front of the lot faces the side street and the depth of the lot is generally the width of most of the lots on the block. Lots with only side street frontage are allowed maximum building coverage of 80%.
2. The following standards apply to two-unit buildings:
 - (a) *Configuration.* Allowed configurations include the following: side-by-side per below, stacked units, front and rear units, all located in the principal building; two principal buildings on one lot; or a principal building with an accessory building (see Section 27-1000 for accessory uses).
 - (b) **Garage entrances located on the front façade are limited to no more than fifty (50) percent of the front façade width within the build-to zone.**

(c) Up to two front door entrances are permitted on the street façade (Table 27-300.7.C).

Section 8. Section 27-309 existing section is deleted in its entirety and replaced as follows:

Section 27-309. N3 Districts

Use of the N3 district in the county requires county water and sewer or a planned neighborhood development application (PND) per Section 27-800. Existing lots within this zone may or may not have access to county water or sewer services. Existing lots zoned N3 will follow this code section.

The following site and structure regulations apply to any lot in the N3 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.8, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(7). See Section 27-1800 for definitions and information on how to measure the following regulations:

Table 27-300.8. Site and Structure Regulations.

			REFERENCES
A.	BUILDING SITING		
1	Minimum Lot Width (feet) per principal building Minimum Lot Size (square feet) per principal building	65 none	See Section 27-1500 existing lots of record. See subsection 27-309.C for exemption from minimum lot widths.
2	Maximum Building Width (feet)	None	
3	Front Setback (feet)	20 minimum	
4	Street-Side Setback (feet)	10 minimum	
5	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum	
6	Rear Setback (feet)	5 minimum	
7	Accessory Building Yard Location	Rear/ Street Side Yard	Administrative Relief may be granted for side yard See Sec. 27-1614
8	Accessory Building: Rear Setback (feet)	5 minimum, except 0 at alley	
9	Maximum Total Building Coverage (%)	40	
10	Permitted Driveway Access Location	Any	See Sec. 27-1305 for driveway access
11	Attached Garage Entrance Location	Any façade; front façade limited to no more than 50% of façade	

B.		HEIGHT		
	Principal Building:	Maximum Height (stories) Maximum Height (feet)		See Sec. 27-1800 for instructions for measuring height. Accessory roof pitch shall match principal building.
	Accessory Building:	Maximum Height (stories)	1.5 stories, no taller than the principal building	

SINGLE-UNIT HOME

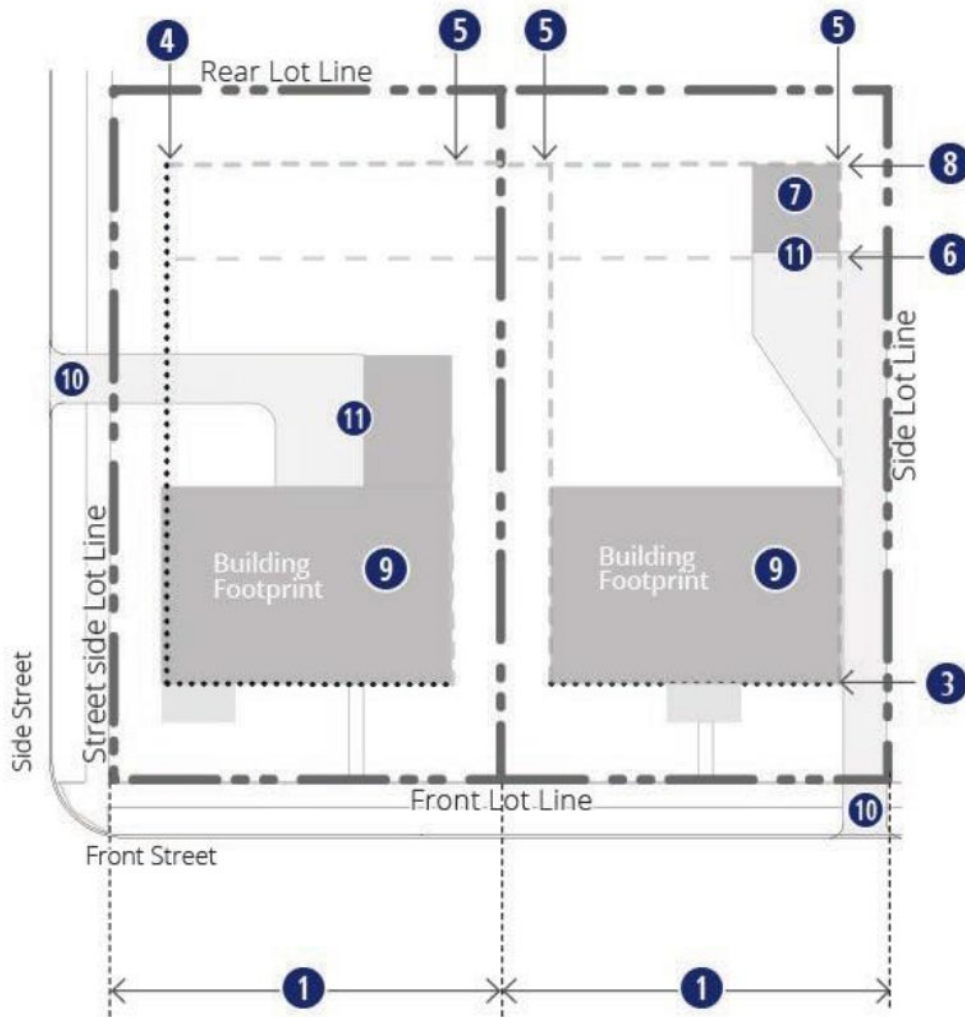


Figure 27-300(7). N3 district diagrammatic plan.

C. Supplemental regulations. Lots on cul-de-sacs and flag lots are exempt from minimum lot width regulations. See also Section 27-1500, Nonconformities, for existing lots of record.

Section 9. Section 27-310 existing section is deleted in its entirety and replaced with the following:

Section 27-310 NX1 District

Use of the NX1 district in the county requires county water and sewer or a planned neighborhood development application (PND) per Section 27-800. Existing lots within this zone may or may not have access to county water or sewer services. Existing lots zoned NX1 will follow this code section.

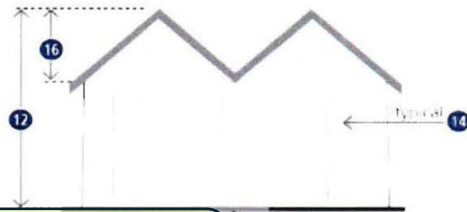
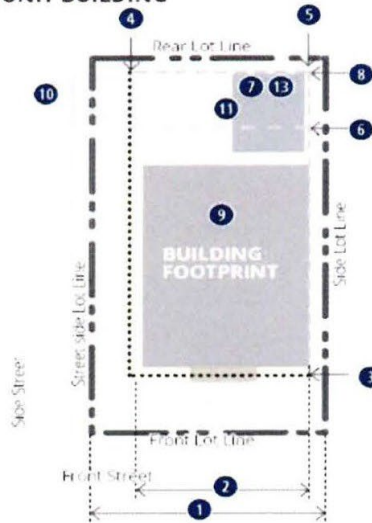
The following site and structure regulations apply to any lot in the NX1 district. Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.9, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(8). See Section 27-1800 for definitions and information on how to measure the following regulations:

Table 27-300.9. Site and Structure Regulations.

		Single or Multi-Unit Building	Side-by-Side Attached Units	REFERENCES
A.	BUILDING SITING			
1	Minimum Lot Width (feet) per principal building	20 for 1 or 2 units; 50 for 3 or more units	50	See Section 27-1500 for existing lots of record. Side-by-side means units attached along front façade. See subsection 27-310.D for fee simple side-by-side attached units.
2	Maximum Front Building Width (feet) <u>within the Build-to Zone</u>	<u>80</u>	<u>100</u> , 4 units; <u>120</u> , 4 units on side street	See subsection 27-310.D for fee simple side-by-side attached units.
3	Front Build-to Zone (feet) <u>Façade Elements Required in Front Build-to Zone</u>	<u>8—25; block face average allowed</u> <u>60% of Front Façade width</u> <u>Front Door</u> <u>60% of ground floor window area</u>		See Section 27-1800 for block face averaging instructions. See definitions for front and street- side. See subsection 27-310.D for through lots. Refer to subsection 27-1802 for visibility at intersections. <u>See subsection 27-303.K for arterial setback regulations.</u> See Section 27-1800 for description of façade elements.
4	Street-Side Build-to Zone (feet)	8—15		
5	Side Setback (feet) Space Between Principal Buildings on Lot (feet)	5 minimum 10 minimum		See subsection 27-310.D for side street lots.
6	Rear Setback (feet)	5 minimum		See subsection 27-310.D for side street lots.

7	Accessory Building Yard Location	Rear/Street Side Yard	Rear/Street Side Yard	Administrative Relief may be granted for side yard location. See Sec. 27-1614.
8	Accessory Building: Rear Setback (feet)	5 minimum or 0 at alley		
9	Maximum Building Coverage (%)	60		See subsection 27-307.D for side street lots.
10	Permitted Driveway Access Location	Any		See Section 27-1305 for driveway access
11	Attached Garage Location Allowed Garage Entrance	Any; Rear or side adjacent to street façade preferred Front or side load allowed See Sec. 27-310.D		See Section 27-310.D for Front Garage Entry limitations
B. HEIGHT				
12	Principal Building:			See Section 27-1800 for definition of half story.
	Maximum Height (stories)	2.5	2.5	
	Maximum Height (feet)	27	27	
13	Accessory Building: Maximum Height (stories)	1.5, no taller than the principal building		Accessory roof pitch shall match principal building.
C. WINDOWS, FRONT DOORS, ROOF				
14	Minimum Window & Door Coverage: Front Façade (%)	15 per story	15 per story	See Section 27-1800 for information on measuring door & window coverage.
15	Front Door Façade Location & Number of Doors	1 on street façade per building within the Front BTZ	1 per unit on street facade within the Front BTZ	See subsection 27-310.D for multiple buildings on a courtyard.
	Entrance Treatment	See subsection 27-303.J for Front Entrance		
16	Permitted Roof Types Roof Types Allowed with Administrative Relief	Parapet, pitched; tower permitted Any other Roof Type		See Section 27-1800 for definition of roof types and exception for other allowed roof types.

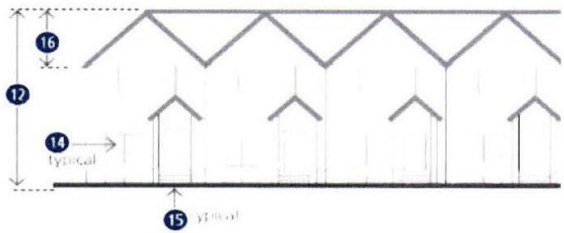
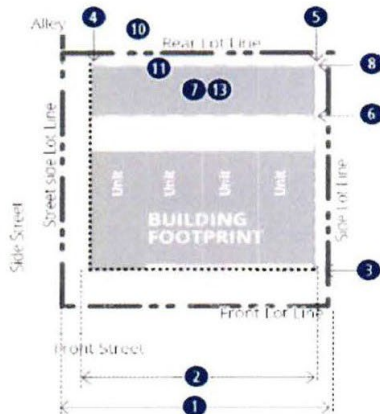
MULTI-UNIT BUILDING



Min 60% of Ground Floor Front Facade in BTZ

60% of ground floor window area in BTZ
Front door in BTZ

SIDE-BY-SIDE ATTACHED



COTTAGE COURT

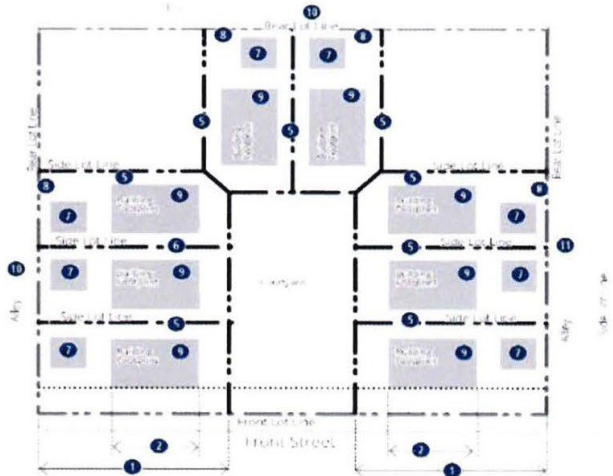


Figure 27-300(8). NX1 district diagrammatic plan.

D. Supplemental regulations.

1. *Courtyard configuration.* For multiple buildings and side-by-side attached units with a courtyard, entrances may be located off the courtyard, except every unit

abutting a street frontage must include the principal entrance on the street.

2. *Through lots.* For developments on lots that extend through a block and addresses on two (2) streets, buildings must front both streets and have entrances provided on each street.

3. *Fee simple side-by-side units.* For fee simple side-by-side units, the lot width may be smaller; however, the building, comprised of multiple units, shall meet the minimum regulations.

4. *Side street frontage.* For corner lots, all lot lines other than the front and street-side are side lot lines and, for parking and accessory buildings, the zoning coordinator shall determine where the rear of the lot is located.

5. *Garage front facade entry.* Where no alley, carriage lane or rear access system exists or is planned, a street-facing single-wide garage entry door of ten (10) feet in width or less within the build-to zone, per dwelling unit, is allowed with the following limitations:

- a) For multi-unit or side-by-side structures, no more than two (2) ten-foot wide garage doors are side-by-side; and
- b) Side-by-side garage entries shall share one drive approach no more than twenty-five (25) feet in width; and
- c) Shared drive approaches for side-by-side garage entries will be spaced at least forty (40) feet apart; and
- d) Front entry garages shall not be more than forty (40) percent of the front façade within the build-to zone; and
- e) Front entry garage doors shall be setback at least eight (8) feet behind the front door.

Section 10. Section 27-311 existing section is deleted in its entirety and replaced with the following:

Section 27-311. NX2 and NX3 Districts

Use of the NX2/3 district in the county requires county water and sewer or a planned neighborhood development application (PND) per Section 27-800. Existing lots within these zones may or may not have access to county water or sewer services. Existing lots zoned NX2 or NX3 will follow this code section.

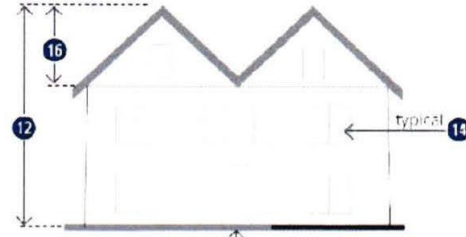
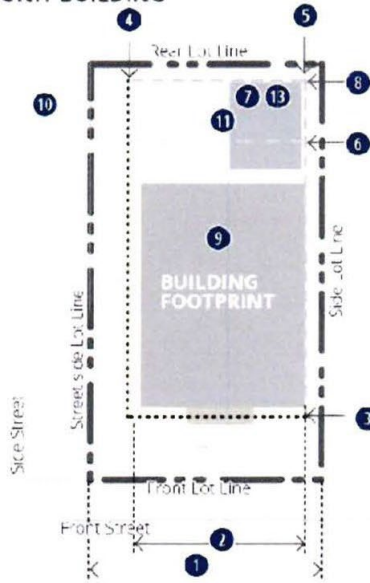
The following site and structure regulations apply to any lot in the NX2 and NX3 district. Refer to section 27- 303 for general regulations applicable to all districts and Table 27-300.10, below, for regulations specific to this district, keyed to illustrations in Figure 27-300(9). See Section 27-1800 for definitions and information on how to measure the following regulations:

Table 27-300.10. Site and Structure Regulations.

		Multi-Unit Building	Side-by-Side Units	REFERENCES
A.	BUILDING SITING			
1	Minimum Lot Width (feet) <u>per principal building</u>	20 for 2 units; 50 for 3 or more units	50	See Section 27-1500 for existing lots of record.
	Minimum Lot Area (square feet)	None	None	
2	Maximum Building Width (feet)	None	172 feet on any frontage in the BTZ	See subsection 27-311.D for fee simple row building units.
3	Front Build-to Zone (feet)	10—20		See definitions for front and street-side. See subsection 27-303.K for arterial setback regulations. See subsection 27-311.D for through lots. Refer to section 27-1802 for visibility at intersections.
	<u>Façade Elements Required in Front Build-to Zone</u>	<u>50% of Front Façade width</u> <u>Front Door</u> <u>60% of ground floor window area</u>		
4	Street-Side Build-to Zone (feet)	5—15		
5	Side Setback (feet)	5 minimum; 15 abutting N1, N2, N3, N4, RMH, or Rural districts		
	Space Between Principal Buildings on Lot (feet)	10 minimum		
6	Rear Setback (feet)	10 minimum; 20 abutting N1, N2, N3, or RMH districts		
7	Accessory Building Yard Location	Rear/ <u>Street Side Yard</u>	Rear/ <u>Street Side Yard</u>	<u>Administrative Relief may be granted for side yard location.</u> <u>See Sec. 27-1614.</u>

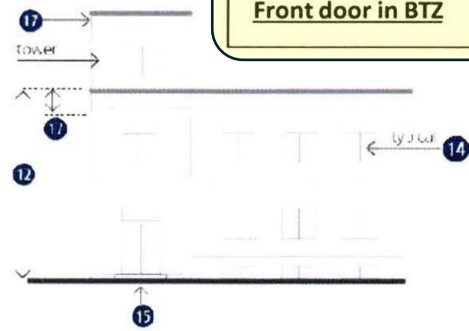
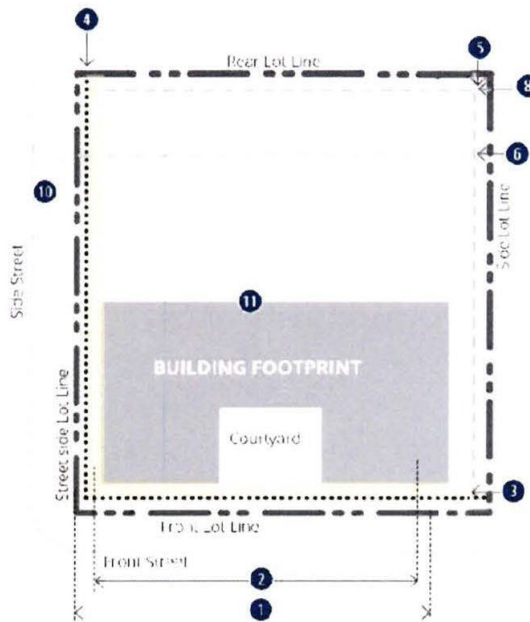
8	Accessory Building: Rear Setback (feet)	7.5		
9	Maximum Building Coverage (%)	60		
10	Permitted Driveway Access Location	Any		See Sec. 27-1305 for driveway standards.
11	Attached Garage Location Allowed Garage Entrance	Any Rear or street-side façade only in NX3 and preferred in NX2 Front or side load allowed in NX2 zone. See Sec. 27-311.D		See Section 27-311.D for Front Garage Entry limitations in NX2 zone
B. HEIGHT				
12	Principal Building:			See Section 27-1800 for definition of half story.
	Minimum Height (stories)	1	1 for NX2; 2 for NX3	
	Maximum Height (stories)	3 for NX2; 4 for NX3	2.5 for NX2; 3 for NX3	
13	Accessory Building:			Accessory roof pitch shall match principal building.
	Maximum Height (stories)	1.5	1.5	
	Maximum Height (feet)	27	27	
C. WINDOWS, FRONT DOOR, ROOF				
14	Minimum Window & Door Coverage: Front Façade (%)	15 per story	15 per story	Measured per each full and half story. See Section 27-1800 for information on measuring door & window coverage.
15	Front Door Façade Location & Number of Doors	1 per building on street façade within the Front BTZ	1 per unit on street facade within the Front BTZ	See Section 27-311.D for multiple buildings on a courtyard.
	Entrance Treatment	See subsection 27-303.J for Front Entrance		
16	Permitted Roof Types	Parapet, pitched, flat; tower permitted		See Section 27-1800 for definition of roof types and exception for other allowed roof types.
	Roof Types Allowed with Administrative Relief	Any other Roof Type		

MULTI-UNIT BUILDING



**Min 50% of Ground Floor
Front Facade in BTZ**

MULTI-UNIT BUILDING



**60% of ground floor window
area in BTZ**
Front door in BTZ

5+ UNIT BUILDING



Figure 27-300(9). NX2 and NX3 district diagrammatic plans.

D. Supplemental regulations.

1. *Courtyard configuration.* For multiple buildings and side-by-side attached units with courtyards, entrances may be located off a courtyard, except every unit abutting a street frontage must include the principal entrance on the street.

2. *Through lots.* For developments on lots that extend through a block and addresses on two (2) streets, buildings must front both streets and have entrances on each street.

3. *Fee simple side-by-side units.* For fee simple side-by-side units, the lot width may be smaller; however, the building, comprised of multiple units, shall total meet the minimum regulations.

4. *Side street frontage.* For corner lots, all lot lines other than the front and street-side are side lot lines and, for parking and accessory buildings, the zoning coordinator shall determine where the rear of the lot is located.

5. *Garage front facade entry.* Where no alley, carriage lane or rear access system exists or is planned, a street-facing single-wide garage entry door of ten (10) feet in width or less within the build-to zone, per dwelling unit, is allowed in the NX2 zone with the following limitations:

a) For multiunit or side-by-side structures, no more than two (2) ten-foot

wide garage doors are side-by-side; and

b) Side-by-side garage entries shall share one drive approach no more than twenty-five (25) feet in width; and

c) Shared drive approaches for side-by-side garage entries will be spaced at least forty (40) feet apart; and

d) Front entry garages shall not be more than forty (40) percent of the front façade within the build-to zone; and

e) Front entry garage doors shall be setback at least eight (8) feet behind the front door.

Section 11. Section 27-312 is deleted in its entirety and replaced with the following:

Section 27-312 RMH Districts

The following site and structure regulations apply to any lot in the RMH district. Use of the RMH district requires county water and sewer or a planned neighborhood development application (PND) per Article 27-800. Existing lots within these zones may or may not have access to county water or sewer services. Existing lots zoned RMH will follow this code section.

Refer to section 27-303 for general regulations applicable to all districts and Table 27-300.11, below, for regulations specific to this district. See article 27-1800 for definitions and information on how to measure the following regulations:

Table 27-300.8. Site and Structure Regulations.

		REFERENCES
A. BUILDING SITING		
Minimum Lot Size (square feet)	3,000 per principal building	
Front Setback (feet)	20 minimum	
Street-Side Setback (feet)	10 minimum	
Side Setback (feet)	8 minimum	See subsection 27-312.C for site built structures.
Rear Setback (feet)	8 minimum	See subsection 27-312.C for site built structures.
Accessory Building Yard Location	Rear and side yard	
Maximum Total Building Coverage (%)	50	
B. HEIGHT		
Principal Building: Maximum Height (feet)	34	See article 27-1800 for instructions for measuring height.
Accessory Building: Maximum Height (feet)	40 and no taller than principal building	Accessory Roof Pitch shall match Principal Building.

c. *Supplemental regulations.*

1. *Open space.* One of the following open space types must be provided for every three (3) acres of RMH district:
 - (a) *Parklet.* A parklet is a landscaped open space with a minimum seventy (70) percent living plant material, with at least twenty (20) feet of street frontage.
 - (b) *Green.* A green is a larger, landscaped space, with at least fifty (50) feet of street frontage.

- (c) *Natural area*. A natural area is a large area, defined to conserve a natural feature, such as a stream, wetland or woodland. At least fifty (50) feet of street frontage is required for a natural area.
2. ~~*Manufactured home, Type 1*. A manufactured home that was certified on or after January 1, 1990, and that satisfies each of the following additional criteria:~~
- (a) ~~The pitch of the home's roof has a minimum vertical rise of three (3) inches for each twelve (12) inches of horizontal run (3:12), and the roof is finished with a type of shingle that is commonly used in standard residential construction;~~
- (b) ~~The exterior siding consists of wood, hardboard, aluminum or vinyl siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction; and~~
- (c) ~~A continuous, permanent perimeter foundation is installed under the home.~~
3. ~~*Manufactured home, Type 2*. A manufactured home that does not satisfy the criteria necessary to qualify the house as a Type 1 manufactured home.~~
4. *Site-built structure*. A site-built structure complying with the state building code may be setback a minimum of five (5) feet from the side lot line, or rear lot line.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-400 to correct errors, provide clarification and continuity of the of the regulations.

Section 1. Section 27-402 is amended as follows:

Section 27-402. District Descriptions

.....

C. *CMU1: Corridor mixed-use (Permitted only with a PND)* The CMU1 district in the county is intended to is intended for use only where City of Billings’ public services, including but not limited to water and sewer services or a County water and sewer district is available. This district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories any story could accommodate residential and/or office uses.

D. CMU2: CORRIDOR MIXED-USE AND COMMERCIAL CENTERS (PERMITTED ONLY WITH A PND)

The CMU~~1~~² district in the county is intended for use only where City of Billings public services, including but not limited to, water and sewer services ~~water and sewer~~ or a County water and sewer district is available ~~is available~~. This district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors. While ground stories along streets are intended for commercial uses, any story ~~the upper stories~~ could accommodate residential and/or office uses.

E. NMU Neighborhood Mixed-Use (PERMITTED ONLY WITH A PND)

The NMU district in the county is intended for use only with a planned neighborhood development process (PND) per Article 27-800. This district is intended to accommodate a mix of uses, primarily located along neighborhood corridors that are highly walkable and accessible to pedestrians. Includes ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Any story can ~~Upper stories~~ accommodate residential and/or office uses.

Section 2. Section 27-403 – Regulations that apply to all Commercial and Mixed-Use Districts, are amended as follows:

A through E - remain unchanged

F. EXCEPTIONS AND EXEMPTIONS

The following exceptions and exemptions may apply to the district site and structure regulations. Use specific standards in Article 1000 are still applicable.

1. **Administrative Relief.** Article 27-1600 defines administrative relief applicable to the site and structure regulations. Additional administrative relief may be noted throughout this article.
2. **Outdoor Recreation Uses.** Outdoor parks and recreation and outdoor participant sports and recreation uses are exempt from compliance with district site and structure regulations, except that:
 - (a) If a building is incorporated, the building shall meet the regulations of either an accessory kiosk per 27-1000 or an allowed building type.
 - (b) Side and rear setbacks for any applicable district must be met.
3. **Utility Structures.** The following structures are not required to comply with site and structure regulations applicable to a specific district.
 - (a) Wireless communications facilities and uses 27-1000.
 - (b) Public and private utility stations, substations, and associated utility station facilities.
4. **Civic and Institutional Uses.** Civic and institutional uses allowed in the district are required to meet the district site and structure regulations, except the following applies:
 - (a) The minimum dimension of any build-to zone shall be treated as a minimum setback.
 - (b) Minimum heights are not required. Heights above the maximum allowed may be approved through an Administrative Relief, based upon similar civic structures on similar lots in the surrounding neighborhood. See Article 27-1600 for administrative relief procedure.
 - (c) Window, front door, and roof regulations are not required.

5. Maximum Height Exceptions.

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in commercial and mixed-use districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1626) for increases greater than allowed through administrative relief.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-500 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-504.B.2 is amended as follows:

Sec. 27-504. - P2: Public, civic, and institutional; P3: Civic campus, P3: Medical campus; and P3: Educational campus.

The following site and structure regulations apply to any lot in a P2 or P3 district:

.....

B. Site dimensional standards. Development along exterior lot lines that face, are adjacent to, or within one hundred fifty (150) feet of different zone districts (i.e., not P2 or P3) shall comply with the following exterior dimensional standards, as further described below the table: (no changes to table)

.....

2. Maximum height exceptions. The height limitations in Table 27-500.1 may be exceeded as follows:

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) ~~Structures~~ **Buildings** permitted in P2 or P3 districts may exceed the height limitations of the district if the minimum depth of the front, side and rear yard setbacks are increased two (2) feet for every one foot by which the ~~structure~~ **building** exceeds the height limitation of the district. This allowed height shall not exceed two (2) times the allowed height in the zoning district in which it is located except by approved variance.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-600 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-602 is amended as follows:

**Sec. 27-602. – Regulations Applicable to All Industrial Districts
A through H – unchanged**

New Section 27-602.I.

I. Maximum height exceptions. The height limitations in Table 27-600.1 and Table 27-600.2 may be exceeded as follows:

(a) The maximum height limit shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers, or similar and necessary appurtenances not used for human occupancy.

(b) Buildings permitted in I1 or I2 districts may exceed the height limitations of the district through an application for Administrative Relief (Sec. 27-1614) or through a Variance (Section 27-1626) for increases greater than allowed through administrative relief.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-800 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-803 Uses and Use Standards is amended as follows:
SECTION 27-803 USES AND USE STANDARDS

A. APPLICABILITY

1. This section identifies primary and accessory uses permitted in zone districts allowed through PNDs. Uses permitted in PND these zoning districts may be different than uses permitted in the County base zoning districts. Uses are allowed in a zoning district only when identified in the applicable primary uses or accessory uses table. Interpretation of new uses into any use table is done as provided in Section 27-1002.B, Interpretation. Land and parcels already within these urban zone districts will follow this use table and use standards.
2. Uses permitted in PNDs these districts may have use-specific standards.
 - (a) Use-specific standards that are generally applicable in the County are located in Section 27-1000 and identified in the PND use tables by cross-reference.
 - (b) Use-specific standards that are applicable only to uses allowed in the PND districts are provided in this section and identified in the PND use tables by cross-reference.

B. USE TABLES

Table 27-800.2, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.

1. Permitted /P/. These uses are permitted by-right in the zone districts in which they are listed. Permitted uses are required to comply with applicable use-specific standards.
2. Permitted in a specified location, such as on upper stories or in the back of a structure /PL/. These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least 30 20 feet from the front facade.
3. Permitted with use restrictions /PR/. These uses must comply with the use restrictions identified in this Zoning Code, including those restrictions included in this article and any use restrictions identified in the zone district where the use is proposed to be located.

4. Requires a special review /SR/. These uses require special review by the County Commission are not permitted uses in the districts in which they are listed but may be allowed as special exceptions subject to specific conditions. Uses permitted by special review must follow any applicable development standards associated with the use as well as meet the requirements of the special review.

5. Uses that are not permitted are indicated by a blank space.

C. PRIMARY USES

Use Table

The following uses may be permitted in the PND zone districts:

Table 27-800.2: Permitted Primary Uses	Residential							Mixed-Use and Commercial				Additional Standards
	Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review											
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	
RESIDENTIAL												
Household Living (du/structure)												
1 du	P	P	P	P			P	P	PL P	PL P	PL P	27-804.C
2 dus		P	P	P	P			P	PL P	PL P	PL P	27-804.C
3-4 dus				P	P			P	PL P	PL P	PL P	27-804.C
5-8 dus					P	P			PL P	PL P	PL P	27-804.C
9+ dus						P				PL P	PL P	27-804.C
Manufactured Home												
Type 1 (Jan 1, 1990 or newer)							P					27-1003, RMH: 27-310
Type 2 (all other)							P					
Group Household Living												
Groups Recognized by Montana Statute												
Comm. Res. Facility, Large (> 8 res.)	SR	SR	SR	SR	SR	P	SR	P	PL P	PL P	PL P	27-1003
Comm. Res. Facility, Small (8 or fewer res.)	P	P	P	P	P	P	P	P	PL P	PL P	PL P	27-1003
Independent Groups												
Fraternity/ Sorority House						P			P	P	P	27-804.C, 27-1003
Long-Term Care Facility										P	P	
Retirement Home or Village	SR	SR	SR	SR	SR	P	SR	P	PL P	PL P	PL P	27-804.C, 27-1003
PUBLIC, CIVIC, AND INSTITUTIONAL												
Assembly												
Civic Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	
Religious Assembly	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	27-1004

Table 27-800.2: Permitted Primary Uses	Residential							Mixed-Use and Commercial				Additional Standards
	Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review											
Use Table	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	
Educational												
School, College or University								SR	SR	P	P	
School, Primary and Secondary	P	P	P	P	P	P	P	P	P	P	P	
School, Trade, Business, Vo/Tech								P	PL	PL	PL	27-1004
Government and Public Safety												
Correctional Facilities												
Emergency Services	P	P	P	P	P	P	P	P	P	P	P	
Government Buildings and Offices								P	P	P	P	
Health Care and Social Assistance												
Hospice Facility	P	P	P	P	P	P	P	P	P	P	P	
Hospital or Health Care Facility								P	P	P	P	
Office and Clinical Services								P	P	P	P	
Outpatient Surgical Services										P	P	
Shelter								SR	P	P	P	
COMMERCIAL												
Adult and Child Day Care												
Adult Day Care Center	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	27-1005
Day Care Center	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	27-1005
Family Day Care Home	P	P	P	P	P	P	P	P	PL-P	PL-P	PL-P	27-1005
Group Day Care Home	P	P	P	P	P	P	P	P	PL-P	PL-P	PL-P	27-1005
Amusement and Recreation												
Amusement and Recreation , Indoor												
Large (50,000 sf GFA or more)											P	27-1005
Small (less than 50,000 sf GFA)									P	P	P	27-1005
Amusement and Recreation, Outdoor												
Large (1 acre or more)											P	27-1005
Small (less than 1 acre)									P	P	P	27-1005
Casino, Large (10 or more gambling devices)										SR PR	SR PR	27-1005
Animal Sales and Services												
Boarding/Kennel									PR	P	P	27-1005
General Sales and Services									P	P	P	27-1005
Shelter, Animal											P	27-1005
Veterinary												
Small Animal Veterinary								P	P	P	P	27-1005
With boarding										P	P	27-1005
Assembly, Entertainment and Trade												

Table 27-800.2: Permitted Primary Uses

Use Table	Residential							Mixed-Use and Commercial				Additional Standards
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	
Large (125,000 or more sf of exhibit space)											P	27-1005
Small (up to 125,000 sf of exhibit space)									P	P	P	27-1005
Commercial Services												
Broadcasting Stations and Studios								SR	SR	P	P	
Business Service								P	P	P	P	
Crematory, Funeral Services										P	P	
Consumer Maintenance and Repair								P	P	P	P	
Personal Service								P	P	P	P	
Studio or Instruction Service								P	P	P	P	
Eating and Drinking Establishments												
No Alcohol												
Restaurant									P	P	P	27-1005
with drive-thru									SR	P	P	27-1005
Beer and Wine License, On-Premises Consumption												
Bar or Tavern										SR PR	SR PR	27-1005
Craft Alcohol										P	P	27-1005
Restaurant									P	P	P	27-1005
All Beverage License, On-Premises Consumption												
Bar or Tavern										SR PR	SR PR	27-1005
Craft Alcohol										P	P	27-1005
Restaurant									P	P	P	27-1005
Financial Services												
Financial Institution								P	P	P	P	27-1005
with drive-thru									P	P	P	27-1009
Alternative Financial Services										P	P	
Lodging												
Boarding House	SR	SR	SR	SR	SR	SR			PL-P	PL-P	PL-P	
Bed and Breakfast Inn	SR	SR	SR	SR	SR	SR	SR	P	P	P		27-1005
Hotel/Motel									SR	P	P	
Short-Term Rental (Tourist Home)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	27-1005
Office												
Business or Professional								P	P	P	P	
Research and Testing Laboratories											SR	
Marijuana Testing Laboratory											PR	27-1006.C

Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review

Table 27-800.2: Permitted Primary Uses

Use Table	Residential							Mixed-Use and Commercial				Additional Standards
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	
Parking, Commercial												
Surface Parking, primary use								SR	SR	SR	SR	
Retail Sales												
Commercial Greenhouse/Nursery									SR	P	P	
Liquor Sales									P	P	P	
Marijuana Dispensary - Medical										PR	PR	27-1005.Q
Marijuana Dispensary – Adult Use										PR	PR	27-1005.Q
Marijuana Dispensary – Combined Use										PR	PR	27-1005.Q
Retail, Limited with drive-thru									SR	P	P	27-1009
without drive-thru									P	P	P	
Retail, General with drive-thru									SR	P	P	27-1009
without drive-thru										PR	P	
Retail, Large-Format											SR	
Car Wash										SR	P	
Vehicle Sales and Service, Personal												
Vehicle Sales and Rental										SR	P	
Outdoor Sales Lot											PR	27-1005
Vehicle Maintenance and Repair, Minor (5,000 SF or less)										P	P	
Vehicle Maintenance and Repair, Major (>5,000 SF)											SR	
Vehicle Service Station										PR	PR	
with Convenience Store									SR	PR	PR	
INDUSTRIAL, WHOLESAL, AND STORAGE												
Industrial and Construction Services												
RV and Trailer Rental, Sales and Service										SR	P	
Manufacturing, Assembly, or Processing												
Artisan/Craft									PL	PL	PL	27-1006
Marijuana Cultivation (Indoor Only)										PR	PR	27-1006.C
Marijuana Processing/Manufacturing										PR	PR	27-1006.C
Warehouse and Storage Services												
Personal Self-Service Storage										PRPL	PRPL	27-1006
Warehouse												27-1006
Marijuana Transportation and Temporary Storage											PR	27-1006.C

Key: P = Permitted, PL = Location Limits in Zone District, PR – Applicable Use Restrictions, SR = Special Review

TRANSPORTATION, UTILITIES AND COMMUNICATIONS													
Transportation													
Bus or Taxi Maintenance and Parking Shed											P		
Bus/Public Transit Terminal										P	P		
Train Passenger Terminal										P	P		
Utilities and Public Facilities													
Minor (e.g., lift stations, substations)	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	
Transmission and Distribution Lines	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Communication Facilities													
Land Mobile Radio and Broadcast Antennae	PR	PR	PR	PR	PR	PR	PR	PR	PR SR	PR SR	PRSR	PRSR	27-1007
Wireless Communication Facilities	PL PR	PL PR	PL PR	PL PR	PL PR	PL PR	PL PR	PL PR	PR	PR	PR	PR	27-1007
Agriculture													
Farm Stand										P	P	P	
Greenhouse, Non-Commercial	P	P	P	P	P	P	P	P					

3. Use-Specific Standards

The following standards apply in the **PND zone districts allowed by a PND**

- (a) Fraternity/Sorority House: In Mixed Use and Commercial districts, the use will follow the guidelines for site development within those zone districts and Section 27-1003, and is exempt from the requirement that residential uses shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade.
- (b) Household Living: In Mixed Use and Commercial districts, dwelling units shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade.
- (b) Retirement Home or Village: In Mixed Use and Commercial districts, the use will follow the guidelines for site development within those zone districts and Section 27-1003, and shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-1000 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-1002 Uses by District, Table 27-1000.1 Use Table, and Section 27-1003 through 27-1009 are amended as follows:

Section 27-1002 Uses by District

A. Use Table

Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.

2. Permitted in a specified location, such as on upper stories or in the back of a structure /PL/. These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least 3020 feet from the front facade.

C. Table 27-1000.1 Yellowstone County Primary Use Table

Table 27-1000.1: Primary Uses in Base Zone Districts

	AG	Residential				Commercial	Industrial		Public					Additional Standards	
	Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review														
	A	RR1	RR3	N4	R-RMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed		P3 Med
RESIDENTIAL															
Households Living (dwelling unit/structure)															
1 du/structure	P	P	P	P	P						PR	PR	PR	PR	27-1003
Manufactured Home															
Type 1 (Jan. 1, 1990 or newer model) Built on or after June 15, 1976 (HUD Code)	P	P	P		P										27-1003
Type 2 (All other models)	P	SR	SR		P										27-1003
Group Household Living															
Groups Recognized by MT Statutes															
Community Residential Facility, Large (More than 8 residents)	SR	SR	SR	SR	SR						P				27-1003
Community Residential Facility, Small (8 or fewer residents)	P	P	P	P	P						P				27-1003
Independent Groups															
Long-Term Care Facility						P	P								P
Retirement Home or Village	SR	SR	SR	SR	SR	P						P			P
PUBLIC, CIVIC, AND INSTITUTIONAL															
Assembly															
Civic Assembly	SR	SR	SR	SR	SR					PR	P	P	PR	PR	27-1004
Religious Assembly	SR	SR	SR	SR	SR						P	PR	PR	PR	27-1004
Campus															
Planned Civic Campus												P			P Districts: 27-500
Planned Educational Campus													P		P Districts: 27-500
Planned Medical Campus														P	P Districts 27-500
Table 27-1000.1: Primary Uses in Base	AG	Residential				Commercial	Industrial		Public						

Zone Districts

Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review															
A	RR1	RR3	N4	R-RMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed	P3 Med		
Education															
School, College or University							SR			P	P	P	P		
School, Primary and Secondary	P	P	P	P	P	P				P	P	P			
School, Trade, Business, Technology, Vocational							P	P		P		P	PR	27-1004	
Government and Public Safety															
Correctional Facilities							SR			SR					
Emergency Services					P	P	P	P	P	P	P	P	P		
Government Buildings and Offices					P	P	P	P	PR	P	P			27-1004	
Government Facilities, Yards, and Storage					P	P	P	P	PR	P	P			27-1004	
Health Care and Social Assistance															
Hospice Facility	P	P		P	P	P	P			P	P		P		
Hospital or Health Care Facility					P	P				P			P		
Office and Clinical Services					P					P		P	P		
Outpatient Center for Surgical Services					P								P		
Shelter							SR	SR	SR		PR	PR	PR	PR	
Parks and Recreation															
Arboretums/Botanic Gardens									P	P					
Zoo										PR				27-1004	
COMMERCIAL															
Adult and Child Care															
Adult Day Care Center						P	P			P	P	P	P	27-1005	
Day Care Center	SR	SR	SR	SR	SR	P	P			P	P	P	P	27-1005	
Family Day Care Home	P	P	P	P	P					P	P	P	P	27-1005	
Group Day Care Home	P	P	P	P	P	P	P			P	P	P	P	27-1005	
Amusement and Recreation															
Adult Entertainment							PR	PR	PR					27-1005	
Table 27-1000.1: Primary Uses in Base Zone Districts	AG	Residential				Commercial		Industrial		Public					
Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review															

Additional Standards

Additional Standards

	A	RR1	RR3	N4	R- RMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed	P3 Med		
Amusement, Indoor																
Large (50,000 sf GFA or more)						P	P	P	P	P	P	P	P		27-1005	
Small (less than 50,000 sf GFA)						P	P	P	P	P	P	P	P	P	27-1005	
Amusement and Recreation, Outdoor																
Large (1 acre or more)						P	P	P	P	PR	P	PR	PR	PR	27-1005	
Small (less than 1 acre)						P	P	P	P	PR	P	PR	PR	PR	27-1005	
Casino, Large (10 or more gambling devices)						SR PR	SR PR	SR P							27-1005	
Animal Sales and Services																
Boarding/Kennel	PR	SR	SR			PR	PR								27-1005	
General Sales and Services	P					P	P	P	P						27-1005	
Shelter, Animal						P	P	P	P		P	P			27-1005	
Veterinary																
Small Animal	P		SR			PR	P	P	P						27-1005	
Large Animal	P		SR			PR	P	P	P						27-1005	
Either with boarding	P		SR			PR	P	P	P						27-1005	
Assembly, Entertainment and Trade																
Large (125,000 or more sf of exhibit space)	SR					P	P	P	P	SR	P	P	P	P	27-1005	
Small (less than 125,000 sf of exhibit space)	SR					P	P	P	P	SR	P	P	P	P	27-1005	
Commercial Service																
Broadcasting Stations and Studios						P	P	P	P							
Business Service						P	P	P								
Cemetery/Crematorium						P	P	P			P					
Consumer Maintenance and Repair						P	P	P								
Personal Service						P	P					P	PR	PR	27-1005	
Studio or Instruction Service						P	P					P	PR	PR	27-1005	
Table 27-1000.1: Primary Uses in Base Zone Districts	AG	Residential				Commercial		Industrial		Public						Additional Standards
	Key: P = Permitted, PL = Location Limits, PR = Applicable Use Restriction SR = Special Review															
	A	RR1	RR3	N4	R- RMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed	P3 Med		
Eating and Drinking Establishment																

SECTION 27-1003 STANDARDS FOR RESIDENTIAL USES

A. COMMUNITY RESIDENTIAL FACILITIES

Community residential facilities shall comply with all applicable Montana statutory requirements.

B. HOUSEHOLD LIVING

1. In commercial districts, dwelling units shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade,
2. Where permitted in any P2 or P3 district, dwelling unit availability, regardless of ownership, is limited to residents associated with the district's primary institution. For example, a medical campus could provide dwelling units for patient families, visiting medical staff, and hospital employees.
3. Residential dwellings in a P3 district that are located within 150 feet of the campus perimeter shall meet the site design standards for the appropriate NX zone based on the number of units.

C. MANUFACTURED HOMES

1. ~~Type 1 or Type 2 m~~Manufactured homes shall not be used for any commercial use.
2. ~~Type 1 and Type 2 m~~Manufactured homes may be used as an on premise office in connection with a manufactured home sales area.

D. RETIREMENT HOME OR VILLAGE

In commercial districts the use will follow the guidelines for site development within those zone districts and shall be located either above the ground floor or on the ground floor at least 20 feet from the front façade when the Use Table includes the PL designation.

E. Fraternity/sorority house. In mixed use and commercial districts, the use will follow the guidelines for site development within those zone districts and is exempt from the requirement that residential uses shall be located either above the ground floor or on the ground floor at least twenty (20) feet from the front façade when the Use Table includes the PL designation.

SECTION 27-1004 STANDARDS FOR PUBLIC, CIVIC AND INSTITUTIONAL USES

C. AMUSEMENT AND RECREATION

1. Size

Amusement and recreation facilities shall be regulated by size as follows:

Indoor

- Large 50,000 sf GFA or more
- Small Less than 50,000 sf GFA

Outdoor

- Large 1 acre or more
- Small Less than 1 acre

2. P1 District

(a) Amusement and recreation facilities located in P1 districts may be in either public or private ownership and may charge appropriate fees.

(b) P1 district uses are limited to any combination of the following:

- (1) Golf courses and driving ranges
- (2) Sports fields or courts (indoor or outdoor)
- (3) Aquatic facilities (indoor or outdoor)
- (4) Ice Arenas (indoor or outdoor)

- (5) Playgrounds and trails
- (6) Picnic shelters and gazebos
- (7) Community centers
- (8) Gardens and orchards
- (9) Nature preserves and conservation land

Section 27-1005 Standards for Commercial Uses

G. BAR AND TAVERN

.....

2. Outdoor Seating

Outdoor seating may be permitted as an accessory use regulated by Section 27-1008-Q

P.

K. CRAFT ALCOHOL (MICROBREWERY, MICRODISTILLERY, WINERY, CIDERY)

.....

2. Outdoor Seating

Outdoor seating may be permitted as an accessory use regulated by Section 27-1008-Q

P.

N. RESTAURANT

1. Drive-Thru Service. Any person(s) desiring to use any premises or to erect, construct, or alter any new or existing building or structure for a restaurant drive-thru service shall satisfy the following criteria, based upon the adjoining zoning district(s).

- (a) A drive-thru establishment that adjoins, including any location across an alley, residentially zoned property, is subject to special review.
- (b) All other drive-thru establishments, including those which are located across a public street from residentially-zoned property, shall meet the following criteria:
 - (1) A traffic accessibility study shall be completed and approved by the City County engineer; and
 - (2) The use shall comply with Section 27-1008.I.J.

2. Outdoor Seating

- (a) Accessory outdoor seating is regulated in Section 27-1008.OP.
- (b) An eating or drinking establishment that was approved by special review that seeks to remodel or expand to add outdoor seating shall be required to meet the standards of Section 27-1008.OP and obtain a separate special review approval.

O. SHORT TERM RENTALS

.....

3. Where Permitted

.....

(b) A, RR1, RR3, (N1, N2, N3), N4, RRMH, NX1-3, NO, NMU, CMU1-2 and (RMH) Districts. :() in PND districts only

.....
(c) (NX1, NX2, NX3, NO, NMU, CMU1, CMU2), CX, C3, P2, and P3 Districts:

- (1) Type of Permits: Guest homes are permitted. Tourist homes are permitted.
- (2) Maximum number of short-term rental permits:
 - (i) Single-unit and two-unit dwellings shall comply with section ~~€~~B.2.
 - (ii) Townhouses: One permit per dwelling unit.
 - (iii) Multiple unit dwelling all in single ownership: Permits may be issued for up to 20% of the units. Properties that contain five or more stacked units in one building must be compliant with applicable building code requirements.

Section 27-1006 STANDARDS FOR INDUSTRIAL, WHOLESALE AND STORAGE USES

A. PERSONAL SELF-STORAGE

1. Generally Application Standards. Standards listed in subsections d., e. and f. are not applicable to the CX, I1 or I2 zone districts. Subsections a. through d. apply in all zone districts.

- (a) No business activity other than rental of storage units shall be conducted within a self-service storage unit.
- (b) Security fencing or gates shall be located behind any required landscaping area.
- (c) Security gates shall be located so that two vehicles awaiting entry do not stack into the public right of way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than 25 units or where security gates are only locked outside of normal business hours.
- (d) Exterior doors serving individual units shall not be oriented towards a public right of way unless located behind other structures.
- (e) Individual units accessed from outdoors shall be located at least 100 feet from a front or street side property line.
- (f) No self-service storage facility shall exceed 3 acres in size.

B. OUTDOOR STORAGE

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1. (d) Screening: Screening of all outdoor storage areas from right of way and adjacent properties shall be provided according to Section ~~27-12076.G~~, Utility and Service Area Screening.

.....
1. (e) Height: Storage of stacked materials shall not exceed the height of the screening fence or eight feet, whichever is less. Individual items of greater height may be stored but may not exceed one-half the height of the principal building when the outdoor storage is an accessory use.

.....
2. Shipping Containers Permanent Off-Chassis and On-Site

(a) Permanent use, defined as placement for more than a year, is restricted to the following zoning districts: CX, C3, I1 and I2, except as provided below.

(b) Use

(1) Permanent shipping containers shall be used for storage purposes only.

(2) Permanent shipping containers shall not be permitted as a principal building.

(3) Permanent shipping containers shall not be permitted to be rented or leased to a use not located on the same lot.

(4) These prohibitions do not exclude the use of shipping containers that may be converted to a building code compliant structure for a use allowed within any zone district. The converted shipping container must meet all zone district building and siting requirements.

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(h) Screening: All permanent shipping containers shall be screened from view from any public right-of-way or private street, and any residential use or residential zoning district according to Section 27-12076.G, Utility and Service Area Screening.

SECTION 27-1007 STANDARDS FOR TRANSPORTATION, UTILITIES, AND COMMUNICATIONS

C. WIRELESS COMMUNICATION FACILITIES

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2. Applicability

(c) (1) Any WCF for which a permit has been properly issued prior to the adoption of this Zoning Code (December 15, 2020) and for which no changes will be made shall not be required to meet the requirements of this section.

(2) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Section 27-1007.C.5 3 Criteria for Major and Minor Modifications and Substantial Change and 4, General Requirements.

6. Commercial Antenna Support Structures and Antennas Located in Public, Agriculture. Commercial and Industrial Zoning Districts.

(a) Minor modifications: Antennas co-located on existing stealth communication facilities or existing antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use in all public, agriculture, commercial and industrial zones.

(b) New support structures and major modifications shall be considered as follows:

(1) Stealth communication facilities shall be permitted as an allowed use in

all public, agriculture, commercial and industrial zoning districts.

(2) Antenna support structures shall be permitted as an allowed use in all public, agriculture, commercial and industrial zoning districts when located on school, government-owned utility, and other government sites. Proposed antennas or antenna support structures that are contrary to this section must be requested through the special review process.

(3) Antenna support structures and antennas located in A, CX, C3, I1, I2, and P zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections 6(b)(1) or 6(b)(2) or the following:

- (i) Roof-mounted antenna that do not add more than 20 feet to the total height of the building on which it is mounted shall be permitted as an allowed use. See additional requirements for roof-mounted antenna in Subsection 4(j)(2).
- (ii) Antenna support structures 50 feet in height or less shall be permitted as an allowed use.
- (iii) Antenna support structures that are greater than 50 feet in height shall be required to obtain special review approval.
- (iv) Wireless communication facility tower farms are permitted with special review approval, except in the P3 zoning districts.

(4) All antenna support structures located in I2 shall be permitted as an allowed use, including tower farms.

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13. Minor Modification Procedures

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(b) Timeframe for Review. Subject to the tolling provisions of subparagraph (c). below, within 60 days of the date on which an applicant submits an application a Zoning Compliance Permit (Sec. 27-1628) seeking approval under this section, the County shall approve the application unless it determines that the application is not covered by this subsection, or otherwise in non-conformance with applicable codes.

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14. New Support Structure and Major Modification Procedures

Applications for new support structures and major modifications to existing antenna support structures permitted under these regulations shall be approved through a Zoning Compliance Permit (Sec. 27-1628) or a special review as indicated in the zone district use table and on standards outlined in this section.

Major modifications are any modifications that exceed the definition of minor modifications and constitute a substantial change per Section 27-1007.C.3.

SECTION 27-1008 AGRICULTURAL USES

A. LIVESTOCK AND FOWL

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2. Standards by Zone District

(a) Livestock and/or fowl permitted in agricultural or residential zoning districts shall comply with the standards in Subsection A.3(a), below. These standards are not applicable to Commercial Feeding Yards or Auctions Yards for Livestock.

(b) Livestock and/or fowl may be allowed in commercial or industrial zoning districts when the standards of Subsection A.3(b) are met, regardless of the lot size. However, if the number of animals requested exceeds the allowed limit in below Subsection AM.3(b), then the property must conform to the uses allowed by right or through special review, as shown in Table 27-1000.1, Primary Uses.

SECTION 27-1009 ACCESSORY USES

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D. DETACHED ACCESSORY ~~RESIDENTIAL~~ STRUCTURES FOR RESIDENTIAL USES

1. Detached accessory buildings for accessory residential uses in the N1-3, N4, RMH and R-RMH zones shall not exceed 2,000 square feet. For lots of at least 21,000 square feet in the N1-3, N4, RMH and R-RMH zones, detached accessory buildings shall not exceed 2,400 square feet. For lots greater than 1 acre in the N1-3, N4, RMH and R-RMH zones, detached accessory buildings shall not exceed 3,000 square feet. In the RR1 and RR3 zone districts detached buildings for accessory rural residential uses shall not exceed 3,000 square feet. See 27- 1009.G for Accessory Dwelling Unit requirements.
2. The maximum total square footage in detached accessory structures in the N1-3, N4, RMH, and R-RMH zone districts shall not exceed 3,000 square feet unless the lot exceeds 1 acre. For any lot greater than 1 acre and in the, including lots in the RR1 and RR3 zones, the maximum total square footage shall not exceed 5,000 square feet.
3. There are no size limitations for accessory structures in the A zone district. These limitations do not apply in the NX districts, NO, MU or commercial zone districts except where those lots are developed with one- or two-family dwellings.

**Table 27-1000.4:
Accessory Uses**

Use Table	Ag	Residential				Commercial	Industrial		Public				Additional Standards		
	Key: P = Permitted, PL = Location Limits in Zone District, PR –Use Restrictions, SR – Special Review														
	A	RR1	RR3	N4	RRMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed	P3 Med	
Residential															
Accessory Dwelling Unit	PR	SR	SR	SR											27-1009
Employee/Caretaker Unit						PR	PR	PR	PR		PR	PR	PR	PR	27-1009
Guest Home Short-Term Rental	SR	SR	SR	SR	SR	PR	PR				PR	PR	PR	PR	27-1009
Home Occupation	P	P	P	P	P	P	P	P			P	P	P	P	27-1009
Casino															
Limited (1-3 gambling devices)						P	P	P	P						27-1005
Small (4-9 gambling devices)						P	P	P	P						27-1005
Day Care Facilities															
Day Care Center						P	P			P	P	P	P	P	27-1009
Family Day Care Home		P	P	P	P										27-1009
Group Day Care Home		P	P	P	P	P	P								27-1009
Electric Vehicle Charging Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-1009
Eating and Drinking Establishment															
No Alcohol															
Restaurant, no drive thru						P	P	P			P	P	P	P	
With drive-thru						P	P	P			P	P	P	P	27-1005
Beer and Wine, On-Premises Consumption															
Bar or Tavern						SR	PR	PR							27-1005
Craft Alcohol						P	P	P			P	P	P	P	27-1005
Restaurant						P	P	P			P	P	P	P	
All Beverage, On-Premises Consumption															
Bar or Tavern						SR	PR	PR							27-1005
Craft Alcohol						P	P	P			P	P	P	P	27-1005
Restaurant						P	P	P			P	P	P	P	
Table 27-1000.4: Accessory Uses	Ag	Residential				Commercial	Industrial		Public						
Key: P = Permitted, PL = Location Limits in Zone District, PR –Use Restrictions, SR – Special Review															

Use Table	A	RR1	RR3	N4	RRMH	C3	CX	I1	I2	P1	P2	P3 Civ	P3 Ed	P3 Med	Additional Standards
Greenhouse, noncommercial	P	P	P	P	P	P									
Kennel, Private	P	P	P	P	P										27-1009
Outdoor Uses															
Outdoor Sales Lot						SR	P	P							27-1009
Outdoor and Sidewalk Seating						P	P			P	P	P	P	P	27-1009
Outdoor Storage						PR	PR	P	P						27-1009
Park/Playground	P	P	P	P	P	P	P			P	P	P	P	P	
Solar Energy Facility, Tier 1	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	27-1007
Stable, Private	P	P	P	P	P	P	P								
Wind Energy Conv. System, Tier 1	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	27-1007
Wireless Communication															
Amateur Radio, less than 100' high	PR	PR	PR	PR	PR	PR	PR	PR	PR		PR				27-1009
Greater than 100' high	SR	SR	SR	SR	SR	SR	SR	SR	PR						27-1009
Wireless Communication Facilities	PR	PR	PR	PR	PR	PR	PR	PR	P	PR	PR	PR	PR	PR	27-1007
Agricultural/Hobby Farm															
Beekeeping	P	P	P	P	P										
Community Garden	P	PR	PR	PR	PR					PR	PR	PR	PR	PR	27-1009

L. EMPLOYEE/CARETAKER UNIT

Employee/caretaker units in C3, CX, I1, I2, and the P districts shall be limited to no more than two residential units per 10,000 square feet of gross building floor area.

SECTION 27-1010 TEMPORARY USES

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A.(3)(b) Group 3 Temporary Uses – Location Restrictions:

(3) The structure shall be a factory-built structure and shall not have an axle(s). Temporary structures which do not comply with one or both of these requirement(s) and which exist as of December 15, 2020, shall be deemed legal nonconforming structures and may continue to be used as a temporary structure, provided the temporary use and structure complies with all other requirements of this section; and

D. TEMPORARY USE/STRUCTURE PERMIT REQUIRED

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2. For Group 3 temporary uses, the temporary use permit holder shall post a \$1,500.00 bond for each location with the planning and community services department to ensure timely removal of the use and/or structure.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-1100 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-1100 is amended as follows:

Sec. 27-1103 – ZONE DISTRICT STANDARDS ELIGIBILITY AND MEASUREMENT

The following proportionate compliance standards apply to redevelopment in the N1, N2, NX, NMU, NO, CMU1, and CMU2 districts:

A. General site and structure design requirements.

For any site renovations, the applicable neighborhood or mixed-use general site design requirements shall be met. For any site or structure renovations, the applicable neighborhood or mixed-use districts shall be met for that aspect of the site or structure subject to renovation.

B. GENERAL RENOVATIONS Zone district specific regulations.

Where any renovation includes an addition of more than 50 percent in gross building square footage within a 5-year period, all site and structure regulations shall be met.

Any renovation involving the addition of fifty (50) percent or more gross building square footage, measured cumulatively within a five-year period as determined by the zoning compliance permit(s), shall comply with applicable zone district site and structure standards as follows:

1. Build-to zones.

a. Build-to zones are locations, when required by the zone district, on a lot in which the front or street side facade of a building shall be placed. Refer to subsection 27-1802.B, Building and parking siting measurements and terms.

b. The renovation or expansion of existing structures is exempt from compliance to place any part of the structure within the required build-to zone identified in the zone district building siting standards unless the renovation is designed to encroach into a build-to zone. Where the expansion does encroach into a required build-to zone, that aspect of the building design shall comply with the build-to standard.

2. Façade regulations.

a. Façade regulations are those zone district-specific regulations that apply to the design of the front or street side of a building; façade regulations include doors and windows.

b. Renovations are required to comply with façade regulations only when the renovation is to a front or street façade that exists or will exist in the required build-to zone and which meets one of the following:

(i) Expansion or change in location of fifty (50) percent or more of the doors or windows on any street façade of the building; renovations to garage openings are not included in this calculation. Refer to article 27-1800 for the definition of street façade.

(ii) Roof renovations. If the renovation of the shape or style of more than fifty (50) percent of the roof occurs, the applicable roof pitch regulations shall be met. Changing shingle types is not a change in shape or style (see subsection 27-1802.E). Renovations that do not extend or change the roof of an existing structure do not trigger the application of the zone district's roof regulations.

C. FACADE RENOVATIONS

If the building's façade exists or will exist within the required build-to-zone of the district regulations, the facade regulations shall be met, if the renovation includes any one of the following:

1. Expansion or change in location of 50 percent or more of the windows on any street façade of the building. Refer to Section 27-1800 for the definition of street façade.
2. Replacement of 50 percent or more of facade materials on any street façade of the building with a different facade material.

D. ROOF RENOVATIONS

If the renovation of the shape or style of more than 50 percent of the roof occurs, the roof regulations shall be met.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-1200 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-1200 is amended as follows:

Sec. 27-1202 – APPLICABILITY

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Table 27-1200.1 is amended as follows:

Table 27-1200.1: Landscaping Applicability

Landscape Type	Section	A	RR1, RR3	N4, RRMH, N1-3, NX1-3, RMH, PD	C3, CX, NO, NMU, CMU1-2	P1-3	I1, I2
Key: O = Applicable, X = Not Applicable							
Street Frontage	27-1204 3	X	X	O = all districts and uses located on a with public or private street frontage			
Bufferyards	27-1205 4	X	X	X¹	O	O	O
Parking Lot Landscaping	27-1206 5	X	X	X¹	O – Any parking lot with 10 or more spaces		
Tree Preservation Options	27-1207 6	X	X	X¹	O	O	O

X¹ – Except where required in Table 27-1200.2

Sec. 1203 LANDSCAPE PLAN

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B. LANDSCAPE PLAN PREPARATION

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2. Landscape plans shall be prepared as follows:

- (a) Lots of **4 1.5 acres** or larger: the plan shall be prepared by a licensed landscape architect.
- (b) Lots smaller than **4 1.5 acres**: the applicant is encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.

A list of appropriate plant species for Yellowstone County can be obtained from the Planning Department.

Sec. 27-1204 STREET FRONTAGE LANDSCAPING

A. REQUIRED STREET FRONTAGE LANDSCAPING

1. The area along any property line that abuts a public **or private** street right-of-way shall be provided a landscaped area at least five feet wide that is planted with street trees.
2. The required total number of street trees shall be calculated at one tree per 50 lineal feet of frontage. Fractions shall be rounded up to the next whole number.
3. Street trees do not need to be spaced at 50-foot intervals; the maximum interval shall be 80 feet, **and the minimum interval of 25 feet**, with decisions about landscaping design within that interval left to the discretion of the property developer in consultation with their landscape designer or landscape architect.

B. LOCATION AND CALCULATIONS

1. Measurement

(a) Generally: The street frontage landscape area depth is measured from the property line inward.

(b) Boulevard: Street frontage yards located along a boulevard shall be measured from the leading edge of the sidewalk. Where there is a drainage swale between the road edge and the sidewalk, the street frontage yard shall be measured from the property line inward.

2. Up to 30 percent of required street frontage landscaping may be permitted within a County **or private street easement right-of-way with the issuance of an encroachment permit permission of County public works or the owner's association.**
3. Street frontage landscape areas may overlap required yards and be located within required setbacks.
4. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining landscaping area.

C. PLANT MATERIALS

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3. Generally applicable plant materials standards are located in Section 27-120**87**.

Table 27-1200.2 Required Bufferyards

Key: B , B1, B2, or B3 = required bufferyard (See Table 27-1200.3 for requirements). F= Fence required per 27-1205.A.3. X = no bufferyard required																	
Read DOWN columns for proposed uses		Proposed New Development															
		Agriculture			Residential: RR1, RR3, N4, N1-3, NX1-3, RMH, RRMH, PD NO, NMU			Commercial: C3, CMU1, CMU2			Public: P1, P2, P3			Heavy Commercial and Industrial: CX, I1, I2			
Structure/Use		Ag	SFR	Non-Res	SFR		Non-Res			Mix Use	Non-Res	P1	P2	P3	CX	I1	I2
Existing Adjacent Development	Agriculture	Ag	X	X	X	X		B1		B1	B1	X	X	X	X	X	X
		Single Family	X	X	B2	X		B2		B2	B2	X	B2	B2	B3	B3	B3
		Multi Family	X	B1	B2	B1		B2		B2	B2	X	B2	B2	B3	B3	B3
		Non-Residential	X	B2	B	B2		B		B1	B2	X	B1	B1	B2	B2	B2
	Residential	Single Family	X	X	B2	X		B2		B2	B	X	B2	B2	B3	B3	B3
		Multi Family	X	B1	B2	B1		B2		B2	B3	X	B2	B2	B3	B3	B3
		Mixed Use	X	B2	B1	B2		B1		B	B3	X	B1	B1	B2	B2	B3
		Non-Residential	X	B2	B	B2		B		B1	B1	X	B1	B1	B1	B2	B2
	Commercial	Single Family	X	X	B2	X		B2		B2	B	X	B2	B2	B3	B3	B3
		Multi Family	X	B1	B2	B1		B2		B2	B2	X	B2	B2	B3	B3	B3
		Mixed Use	X	B2	B1	B2		B1		B	B2	X	B1	B1	B2	B2	B2
		Non-Residential	X	B2	B	B2		B		B1	B2	X	B1	B1	B1	B2	B2
	Public	P1	X	X	X	X		X		X	B	X	X	X	B1	B1	B1
		P2	X	B2	B1	B3		B1		X	X	X	B	B	B3	B3	B3
		P3	X	B2	B1	B2		B1		X	B2	X	B	B	B3	B3	B3
	Industrial	CX	X	B3	B2	B3		B2		B2	B1	X	B3	B3	B	B1	B1
I1		X	B3	B2	B3		B2		B2	B2	X	B3	B3	B1	B	B1	
I2		X	B3	B2	B3		B2		B3	B2	X	B3	B3	B1	B1	B	

.....

New Section

27-1205.C. Utility and Service area Screening

A. Single family residential. To the maximum extent practicable, utility equipment on residential lots shall be located behind the front building line of the house and screened from public view by an opaque wall, fence, or landscaping screen. Alternative locations may be approved by the planning and community services director to allow for the retention of existing trees on wooded sites.

B. Multifamily and non-residential.

1. Screening generally.

(a) Site screening. All multifamily residential projects, manufactured home parks, and all mixed-use and non-residential projects shall include on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins, recycle bins, storage yards, service areas, loading docks, and equipment areas on the property.

(b) Visual screening. Structures shall be designed and screened so that windows and decks do not overlook neighboring residential properties in a manner that intrudes on privacy.

2. Mechanical equipment.

(a) Applicability.

(1) The standards of this section shall apply to all multifamily, mixed use and non-residential developments for the following types of equipment:

(i) Electrical and gas-powered mechanical equipment;

(ii) Ductwork and major plumbing lines used to heat, cool, or ventilate; and

(iii) Power systems for the building or site upon which the equipment is located.

(2) Roof or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards. The standards of this section are not intended to apply to solar arrays, solar energy collection systems, or small wind energy systems, if such systems are otherwise in compliance with applicable building codes and development standards requirements.

(b) Screening standards.

(1) Roof-mounted mechanical equipment. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to, or greater than the height of the mechanical equipment being screened. Roof-mounted mechanical equipment, except solar energy collection systems or evaporative coolers are prohibited on one or two-family residential dwellings.

(2) Wall-mounted mechanical equipment. Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), that protrudes more than six (6) inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes six (6) inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

(3) Ground-mounted mechanical equipment. Ground-mounted mechanical equipment shall be screened from view by landscaping, a fence, or a decorative wall that is integrated into the architecture of the structure. The fence or wall shall be of a height equal to, or greater than the height of the mechanical equipment being screened.

(4) Alternate screening. Alternate screening methods that meet the intent of this section may be approved by the planning and community services director. Alternative screening might include, but shall not be limited to, increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, architectural elements, and painting or otherwise causing the equipment to blend with the site or structure.

3. Service, loading, and storage areas.

(a) Applicability. These screening requirements are applicable to all service, loading, and storage areas for multifamily, manufactured home parks, mixed use and non-residential developments. Applicants are encouraged to locate the types of features listed in this subsection where they are not visible from off-site, or from public areas of a site, so that screening is unnecessary.

(b) Placement.

(1) All service areas shall be placed at the rear, on the side of, or inside buildings.

(2) No service area shall be visible from a public right-of-way, or from adjacent residential areas. Administrative Relief (Sec. 27-1210 and Sec. 27-1614) may be granted to locate the service area in a visible location based on site circumstances.

(3) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas, or at entries.

(c) Outside storage areas and loading docks.

(1) All storage areas, service areas, and loading docks visible from any public street right-of-way must be screened according to one or more of the screening options provided in these standards. Property zoned industrial must also screen from view, all outside storage areas that are adjacent to, or can be seen from non-industrial zoned property.

(2) Screening shall be a minimum height of eight (8) feet to screen truck berths, loading docks, areas designated for permanent parking, or storage of heavy vehicles, equipment, or materials.

(3) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full-size tractor-trailer shall provide a 48-foot wing wall, where wing walls are used.

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Sec. 27-1209 Fences

A. APPLICABILITY

1. Fences, walls, and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured.
2. "Fence" for the purposes of this section means any fence, wall or hedge.
3. No fence shall be erected or maintained in a public right-of-way.
4. Any fence greater than a height of three (3) feet and equal to or less than 7 feet in height shall require a fence permit (Sec. 27-1619) from the planning department. Fences over 7 feet in height will require a Zoning Compliance Permit (sec. 27-1628) from the planning department.

B. HEIGHT

Height, for the purposes of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below as measured from the inside of the fence.

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E. MATERIALS

1. Residential and Commercial Zones

(a) Generally: All fences in residential, agricultural, and commercial zoning districts shall be constructed from materials which are commonly used for fencing and shall not be constructed from railroad ties, wood pallets, tires, rubble, or salvaged material.

(1) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, and corrugated and uncorrugated metal panels framed in wood, vinyl, composite, brick or stone. Metal panels shall be coated with a non-reflective material.

(2) Materials not listed are subject to special review may be submitted for administrative relief (Sec. 27-1614).

(b) Bufferyard Fencing: Required bufferyard fencing may be constructed of any of the materials identified in Section E.1(a) along with powder-coated or vinyl coated chain link fence.

(1) Where an opaque screening fence is required between uses – such as residential next to heavy commercial or industrial – solid vinyl, wood or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.

(2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.

2. Industrial Zones

All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, wood pallets, rubble, or salvaged material.

(a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.

(b) Materials not listed ~~are subject to special review~~ may be submitted for administrative relief (Sec. 27-1614).

3. Material Exception—Barbed Wire or Electric Fence

(a) Barbed wire and electrically charged fencing is allowed in agricultural, commercial **(C3 and CX)**, and industrial districts. When electrically charged fences are used adjacent to a public right-of-way, the fence(s) shall be posted with warning signs or fluorescent markings at intervals not to exceed 150 feet.

(b) Barbed wire fencing is allowed in commercial **(C3 and CX)** or industrial zoning districts when such material is located not less than eight feet above grade.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-600 to correct errors, provide clarification and continuity of the regulations.

Section 1. Section 27-1300 is amended as follows:

Sec. 27-1302. – Calculation of Required Parking

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B. Calculation of Required Parking

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7. Surface parking spaces provided for multiple-unit structures shall not be assigned and shall be available to all residents unless approved through Section 27-1600, Site Development Plan. Where surface parking is assigned, the minimum number of spaces provided shall be increased by 20%.

Tables 27-1300.1: Off-Street Parking Standards

Use	Required Parking
RESIDENTIAL	
Households Living (dwelling unit/structure)	
Dwelling, single unit, detached and attached	2 per du
Dwelling, multiple unit structure	1.5 per du + 1 guest space per 10 units; 27-1302.C.8 also applies 1 per du
Dwelling unit in a mixed-use structure	2 per du + 1 per du
Accessory dwelling unit	Sec. 27-1009 (ADU standards)
Manufactured Home (Class A, B, C)	2 1 per du
Group Household Living	
Comm. Res. Facility, Large	2 + 1 per 5 beds
Comm. Res. Facility, Small	Dwelling, single unit
Fraternity/Sorority House	1 per 2 sleeping rooms or 1 per 3 beds, whichever is greater
Group Living Facility	2 + 1 per 5 beds
Retirement Home or Village	1 to 6 units: 0.5 space/du 7 to 18 units: 0.33 space/du Over 18 units: 0.25 spaces/du Minimum of 5 spaces
Travel Trailer Park/ Campground	1 space per campsite/RV site

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-1400 to correct errors, provide clarification and continuity of the regulations.

27-1400 Sign Code

SECTION 27-1403 NON-CONFORMING SIGNS

A. NONCONFORMING SIGNS

Where a lawful sign exists at the effective date of this article, or amendment of this article, that would be illegal under the terms of this article, the use of such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.

B. CLASSIFICATION OF NONCONFORMITIES

There are two types of legal, nonconforming signs: major and minor. Signs with multiple nonconforming elements are classified in the category of the most significant nonconformity.

1. Major Nonconforming Signs

Major nonconforming signs are those signs for which the nonconformity generates a nuisance per se, violates County sign policy, or is incompatible with adjacent signs and/or the adopted guiding principles such that public policy favors their elimination from the zone if they are discontinued, abandoned, or destroyed. Major nonconforming signs include:

- (a) Dangerous signs;
- (b) Signs that exceed the maximum height or size permitted in the zone district by more than 20%;
- (c) Nonconforming setback that encroaches on or over a public right-of-way, clear vision area, or public access easement;
- (d) Signs with nonconforming illumination;
- (e) Nonconforming sign types; and
- (f) Signs approved with a variance on or before January 1, 2010, that permits any issue included in this major nonconformity list.

2. Minor Nonconforming Signs

Minor nonconforming signs are any nonconforming signs that are not classified as major nonconforming signs. Minor nonconforming signs include but are not limited to:

- (a) Signs that exceed the maximum height or size permitted in the zone district by 20% or less;

- (b) Nonconforming setback that does not encroach on or over a right-of-way, and
- (c) Nonconforming separation.

C. MAJOR NONCONFORMITIES

1. Alterations

(a) A major nonconforming sign or sign structure may not be altered in any way that increases any nonconformity. A proposed change to any nonconforming aspect of a major nonconforming sign **for a new or relocating business** shall require the entire sign to be brought into conformance with this article.

(b) General repairs, maintenance, **updates and rebranding for an existing business** and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

2. Replacement

(a) A major nonconforming sign that is voluntarily replaced **for a new or relocating business** shall be replaced with a conforming sign.

(b) A major nonconforming sign that loses its nonconforming status per Section 27-1403.F shall be replaced with a conforming sign.

D. MINOR NONCONFORMITIES

1. Alterations

(a) A minor nonconforming sign may be altered **for an existing business** in a manner that conforms to this Zoning Code while still maintaining the nonconforming elements. For example, a sign that is two feet over the height limit for the zone district may be altered provided the height is not increased.

(b) General repairs, maintenance, **updates and rebranding for an existing business** and change to advertising copy that does not include replacing a static sign with an EMD are not considered alterations.

2. Replacement

(a) A minor nonconforming sign that is voluntarily replaced shall be replaced with a conforming sign.

(b) A minor nonconforming sign that loses its nonconforming status per Section 27-1403.F shall be replaced with a conforming sign.

SECTION 27-1405 GENERAL REGULATIONS FOR PERMANENT, ON-PREMISES SIGNS

The purpose of this section is to provide generally applicable sign regulations by sign type. The section is organized by sign category – freestanding, attached, and electronic message displays (EMDs). The amount of signage permitted by zone district is identified in Section 27-1406.

A. FREESTANDING SIGNS

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4. Pole Signs

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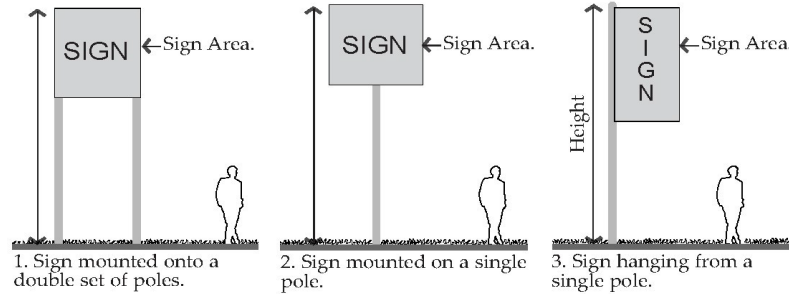


Figure 4: Pole Sign Configurations



Figure 5: Pole Sign Example



5. Pedestrian-Scale Signs

4. Pedestrian Scale Signs

.....

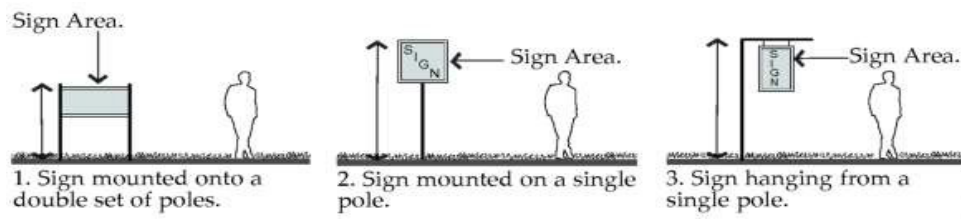


Figure 6: Pedestrian-Scale Sign Configurations

6. Structural Canopy

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Figure 7: Structural Canopy Sign Examples

7. Subdivision, Neighborhood, and Ranch Entrance Signs

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Figure 8: Subdivision and Neighborhood Sign Examples

B. ATTACHED SIGNS

1. Awning Signs

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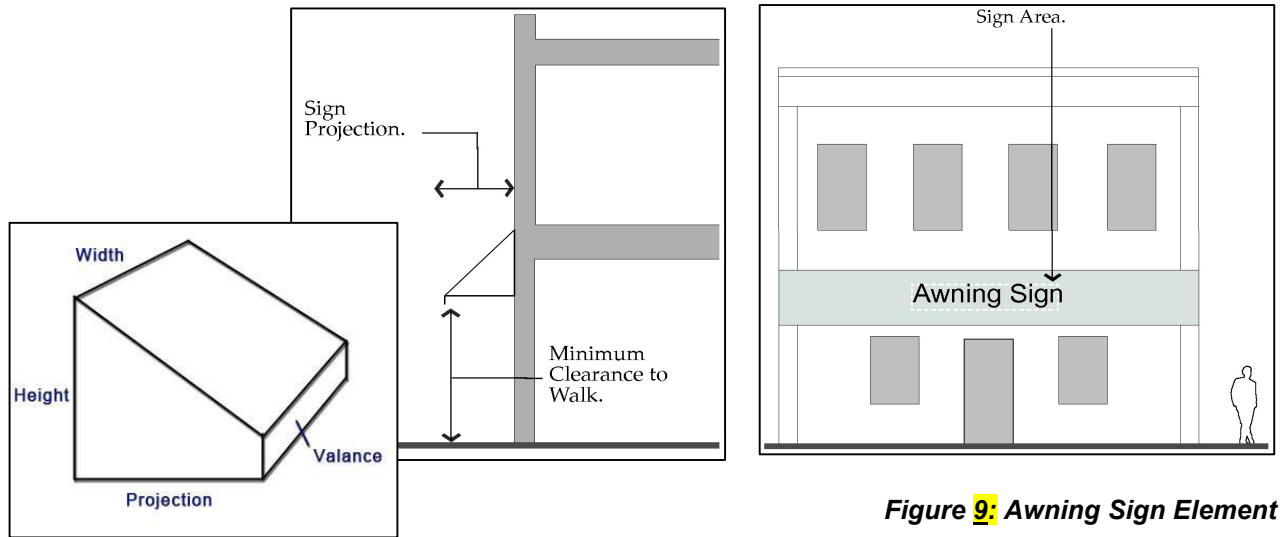


Figure 9: Awning Sign Element



Figure 10: Awning Sign Examples

2. Canopy Signs

.....

Figure 11: Canopy Sign Examples

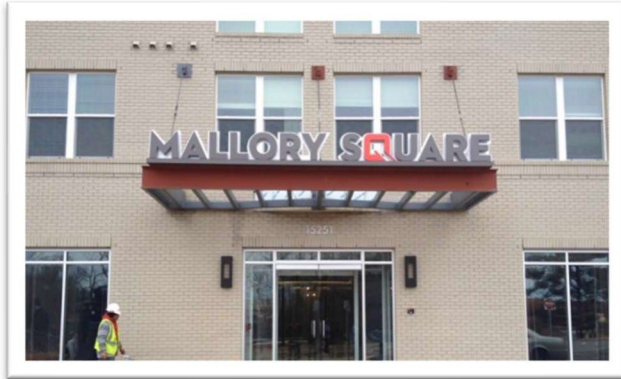
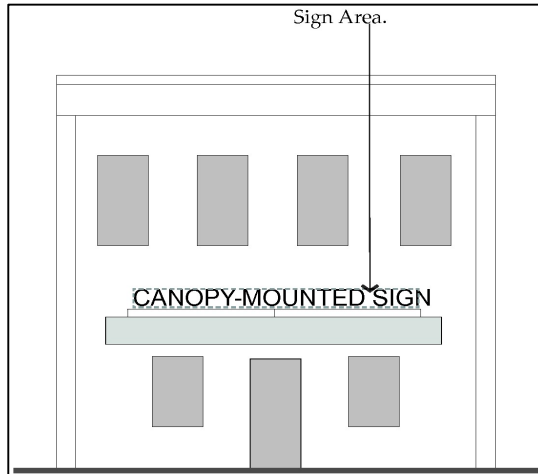
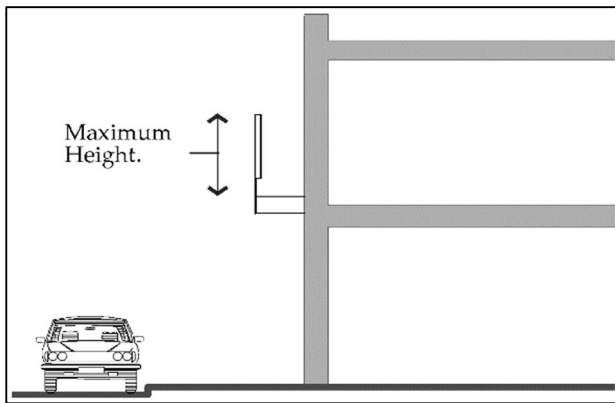


Figure 12: Canopy Sign Elements



3. Marquee Sign

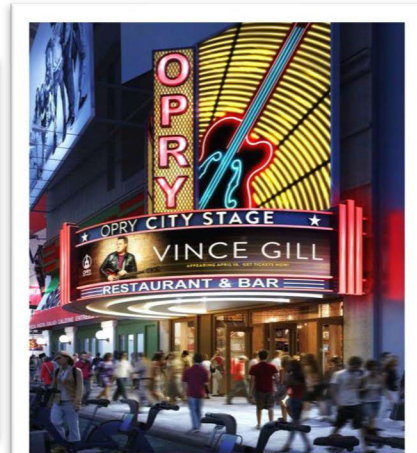
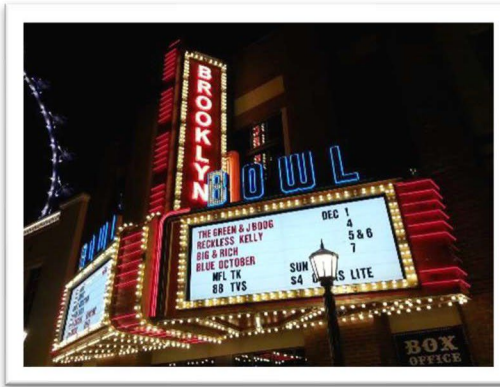


Figure 13: Marquee Sign Examples

4. Projecting Sign

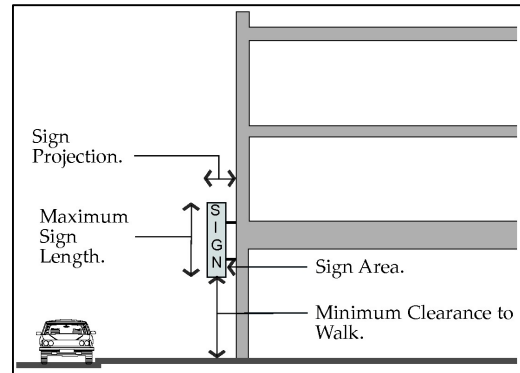


Figure 14: Projecting Sign Example and Elements

5. Roof Sign



Figure 15: Roof Sign Examples

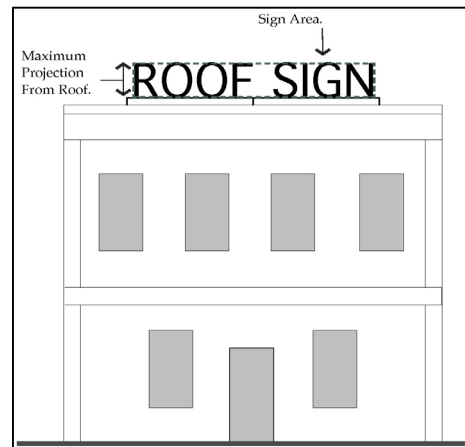
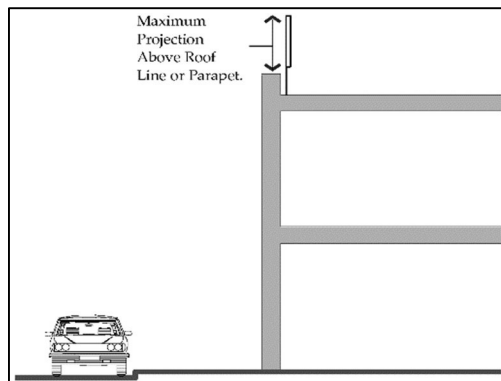


Figure 16: Roof Sign Elements

6. Wall Sign

.....



Figure 17: Wall Sign Examples

7. Window Sign

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Figure 18: Window Sign Examples

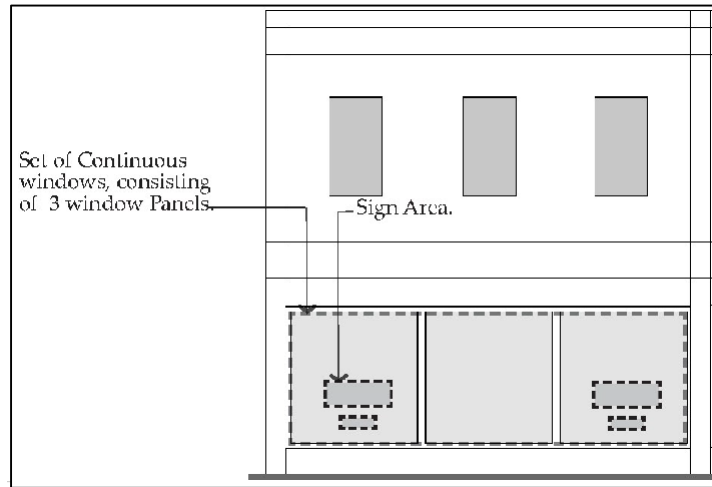


Figure 19: Window Sign Elements

C. ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS

1. EMD Signs Prohibited

EMD signs are prohibited in the following districts:

(a) Agriculture

(b) All residential base zone districts (RR1, RR3, N1-4, RMH, and-RRMH, NX1-3) and residential zones in a PD or PND.

(c) Public 1 and Public 2

(d) Neighborhood Office (NO) and Neighborhood Mixed Use (NMU).

2. Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates pursuant to the display brightness limits above shall not require an ordinance change for approval.

3. Incorporation in Wall or Freestanding Sign

(a) Except when used on a billboard sign, an EMD may only be used in conjunction with an adjacent wall sign or as part of a freestanding sign and shall not be displayed on its own.

(1) The EMD shall not be larger than 40 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.

(2) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.

(b) Only one EMD sign, either wall or freestanding is permitted per developed parcel. EMD sign(s) shall be counted in the total number of signs allowed on the parcel.

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5. Static Display EMD

Where a static display EMD is permitted by this article, the following standards shall apply:

(a) A static display EMD may display a series of static messages and may not flash, scintillate, blink, show motion borders or traveling lights, employ any other aspect of animation, or display video.

(b) Messages on static display EMDs shall not include flashing, the varying of light intensity, or scrolling.

(c) Each static message on the sign shall be displayed for a minimum of ~~six~~three seconds in duration.

(d) Message change shall be completed instantaneously. There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

(e) EMD use on a billboard sign face is allowed and each static message on the sign shall be displayed for a minimum of six seconds in duration.

6. Animated Display EMD

Where an animated display EMD is permitted by this article, the following standards shall apply:

(a) The sign shall be on-premises;

(b) A freestanding animated display EMD sign shall be separated by at least 35 linear feet in any direction from any other freestanding animated display EMD;

(c) The sign shall be located at least 100 feet from any agriculture or residential zone (A, RR1, RR3, N1-4, RMH, RRMH, NX1-3 or any residential zone in a PD or PND); and

(d) Video display is prohibited (See definition of video in Section 27-1803).

7. Sign Permit Conditions

The following conditions apply to all EMD sign permits including EMD on billboard signs. Failure to comply shall result in the sign ceasing operation until compliance occurs.

(a) That the sign shall at all times be operated in accordance with County codes and that the owner or operator shall provide proof of such conformance within 24 hours of a request by the County;

(b) That a County inspector may access the property upon 24 hours' notice to the owner, operator or permittee so that the County may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the County inspector to manually reduce the brightness to a lower setting;

(c) That whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to County staff upon 24 hours' notice to the owner, operator or permittee.

(d) Sign permit applications to install an EMD must include a certification from the

owner or operator that the sign shall at all times be operated in compliance with the conditions set out in County code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the County.



Figure 20: EMD Sign Examples

SECTION 27-1407 SIGN REGULATIONS BY ZONE DISTRICT

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B. NEIGHBORHOOD RESIDENTIAL

1. Applicability

The standards in this section shall apply to the following districts: **N1-4, RMH, RRMH, NX1-3** and any residential zone in a PD or PND.

2. Summary Table

Table 27-1400.3 identifies the types of signs permitted in the neighborhood districts, subject to the regulations identified in the table and this article.

Table 27-1400.3: Permanent Signs in Neighborhood Residential Districts

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Setback (min., ft.)	Illumin.	Additional Standards
Attached Signs						
Wall: Multi-unit Development	1; see 27-1407.B.3	Same as wall [1]	12	n/a	Internal or external	27-1405.B Wall Signs
Wall: Public, Civic, and Institutional Uses	1	Same as wall [1]	32	n/a	Internal or external	27-1405.B Wall Signs
Freestanding Signs						
Monument: Neighborhood or Subdivision	2 per entrance	8	32	5 [2]	Internal or external	27-1405.A Monument Signs
Monument: Public, Civic, and Institutional	1 per parcel	8	48	5 [2]	Internal or external	27.1405.A, Monument Signs
Notes:						
[1] May not project above wall on which located						
[2] From all property lines; must comply with clear vision areas per 27-1802.H.						

3. District Specific Standards

(a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.

(b) EMD signs are not permitted in residential districts.

(c) Multi-unit wall signage is permitted as follows:

(1) NX1: the sign shall be located on the primary building on a wall facing the main entrance to the development.

(2) NX2,3, and RMH, all with 10 or more units: wall sign with the same restrictions as NX1 plus one neighborhood monument sign.

C. NEIGHBORHOOD OFFICE AND NEIGHBORHOOD MIXED-USE

1. Applicability

The standards in this section shall apply to the following districts: NO and NMU.

2. Maximum Total Permitted Sign Area

(a) Attached signs: 20% of total wall area of a public street-facing wall, to a max of 100 square feet, or a max of one hundred (100) square feet, or to a max of one and one-half (1.5) square feet of sign area per linear foot of building frontage whichever is less. This maximum wall sign area is calculated on a per tenant basis. See subsection 27-1407.C.3, for wall signs on building facades that do not face a street..

(b) Freestanding signs: 60 square feet unless otherwise provided in Table 27-1400.5. Table 27- 1400.1, Permitted Number of Permanent Freestanding Signs applies.

3. Summary Tables

Tables 27-1400.4 and 27-1400.5 identify the types of signs permitted in the NO and NMU districts, subject to the regulations identified in the table and this article.

Table 27-1400.4: Attached Signs NO and NMU

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Illumin.	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	27-1405.B, Awning Signs
Canopy	1 per canopy	n/a	n/a	Internal or external	27-1405.B, Canopy Signs
Projecting	1 per street frontage	Same as wall [1]	32	Internal or external	27-1405.B, Projecting Signs
Wall	1 per tenant per street frontage	Same as wall [1]	32 [2] 100	Internal or external	27-1405.B, Wall Signs
Window	n/a	Limited to architect. distinct window area	27-1405.B, Window Signs	No	27-1405.B, Window Signs

Notes:

[1] May not project above wall on which located

[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

Table 27-1400.5: Freestanding Signs NO and NMU

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Setback (min., ft.)	Illumin.	Additional Standards
Access Point	1 per vehicle access	3	2	0 [1]	Internal or external	27-1405.A, Access Point Signs
Monument	1 per street frontage	8	32	5 [1]	Internal or external	27-1405.A, Monument Signs
Monument, Multitenant [2]	1 per street frontage	8	Same as monument plus 10 sf per tenant up to 6 tenants (base + 60 sf max)	5 [1]	Internal or external	27-1405.A, Monument Signs
Pedestrian-Scale Freestanding	1 per street frontage	Single pole: 8 Double pole: 5	8	2 [1]	Internal or external	27-1405.A, Pedestrian-Scale Signs
Structural Canopy	1 per street frontage	2 feet above canopy	n/a	Canopy: zone district standards	Internal or external; static EMD	27-1405.A, Structural Canopy Signs

Notes:

[1] From all property lines; must comply with clear vision areas per 27-1802.H

[2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

3. District Specific Standards

(a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.

(b) Residential uses and structures within an NO or NMU district are permitted the same signage as neighborhood residential districts as provided in Table 27-1400.3.

(c) EMD signs are not permitted in NO or NMU districts.

(d) Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance only.

D. CORRIDOR MIXED-USE

1. Applicability

The standards in this section shall apply to the following districts: CMU1 and CMU2.

2. Maximum Total Permitted Sign Area

(a) Attached signs: Attached signs: 20% of total wall area to a max of 250 square feet, or two (2) square feet of sign area per linear foot of building frontage, whichever is less. This maximum wall sign area is calculated on a per tenant basis. See subsection 27-1407.D.4 for wall signs on building facades that do not face a street..

(b) Freestanding signs:

(1) Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

(2) Table 27-1400.6, Maximum sign area for freestanding signs is as follows:

Table 27-1400.6: Freestanding Sign Maximum Area in CMU1 and CMU2

Zone District and Number of Businesses	Street Frontage 0-300 linear feet	Street Frontage Greater than 300 linear feet
CMU1 One Tenant	50 sf	50 sf
CMU1 Multiple Tenants [1]	+ 10 sf sign area per additional tenant up to 6 tenants (110 sf)	+ 10 sf sign area per additional tenant up to 6 tenants (110 sf)
CMU2 One Tenant	80 sf	140 sf
CMU2 Multiple Tenants [1]	+ 20 sf sign area per additional tenant up to 6 tenants (200sf)	+ 10 sf sign area per tenant up to 10 tenants (240 sf)
CMU2 Shopping Center [1]	375 sf	375 sf
Notes: [1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.		

3. Summary Tables

Tables 27-1400.7 and 27-1400.8 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

Table 27-1400.7: Attached Signs in CMU1 and CMU2

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf.)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	27-1405.B, Projecting Sign
Wall	1 per tenant per street frontage	Same as wall	D.2.(a), above [4]	Internal or external	Static; Max 40% of sign area	27-1405.B, Wall Sign
Window	n/a	architect. distinct window area	27-1405.B, Window Signs	No	n/a	27-1405.B, Window Signs

Notes

[1] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.

Table 27-1400.8: Freestanding Signs in CMU1 and CMU2

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf)	Setback (min., ft.)	Illumin.	EMD	Additional Standards
Access Point	1 per vehicle access	3	6	0 [2]	Internal or external	n/a	27-1405.A, Access Point Sign
1) Monument, 2) Multitenant Monument, or 3) Shopping Center	Table 27-1400.1	8	Table 27-1400.6	5 [2]	Internal or external	Static: Max 40% of sign face	27-1405.A Monument Sign
Pedestrian-Scale Freestanding	Table 27-1400.1	Single Pole: 8; Double Pole: 5	8	2 [2]	Internal or external	Static: Max 40% of sign face	27-1405.A, Ped-Scale Freestanding
Pole	1 per parcel	25 [1]	Table 27-1400.6	5 [2]	Internal or external	Static: Max 40% of sign face	27-1405.A, Pole Sign
Structural Canopy	1 per street frontage	2 feet above canopy	n/a	Canopy: Zone district standards	Internal	Static; Max 40% of sign face	27-1405.A, Structural Canopy Sign

Notes:

[1] The maximum height of pole signs located in the CMU1 or CMU2 and EBURD, RSVMS districts within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet.

[2] From all property lines; must comply with clear vision areas per 27-1802.H.

4. District Specific Standards

(a) Where signs are linked to a use category, a description of the category can be found in Section 27-1000, Use Standards.

(b) Tenant signage in multitenant structures shall be allocated to each tenant unit based on the front wall area of the individual unit. Tenants with side, rear, or alley entrances are permitted wall signage on the wall with their primary public entrance.

E. COMMERCIAL AND INDUSTRIAL

1. Applicability

The standards in this section shall apply to the following districts: C3, CX, I1, and I2

2. Maximum Total Signage

(a) Attached signs: 2 square feet per lineal foot of building frontage to a max of 250 square feet. **This maximum wall sign area is calculated on a per tenant basis. See subsection 27-1407.E.4 for wall signs on building facades that do not face a street.**

(b) Freestanding signs: 1 square foot per lineal foot of street frontage to a max of 250 square feet unless otherwise provided in Table 27-1400.10. Table 27-1400.1, Permitted Number of Permanent Freestanding Signs applies.

3. Summary Table

Tables 27-1400.9 and 27-1400.10 identify the types of signs permitted in these districts, subject to the regulations identified in the table and this article.

Table 27-1400.9: Attached Signs Commercial and Industrial

Sign Type	Number	Height (max., ft.)	Sign Area Max per Sign (sf)	Illumin.	EMD	Additional Standards
Awning	1 per awning	n/a	n/a	Internal or external	n/a	27-1405.B, Awning Sign
Canopy	1 per canopy	n/a	n/a	Internal or external	n/a	27-1405.B, Canopy Sign
Projecting	1 per tenant	Same as wall	48	Internal or external	n/a	27-1405.B, Projecting Sign
Roof [1]	1 per premises	4 ft above roofline	250	Internal or external	n/a	27-1405.B, Roof Sign
Wall	1 per tenant per street frontage	Same as wall	E.2(a) above [2]	Internal or external	Static; Max 40% of sign face	27-1405.B, Wall Sign
Window	n/a	Limited to architect. distinct window area	27-1405.B, Window Signs	No	n/a	27-1405.B, Window Signs

Notes:

[1] Permitted in lieu of a wall sign.

[2] **Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.**

Table 27-1400.10: Freestanding Signs Commercial and Industrial

Sign Type	Number	Height (max., ft.)	Sign Area per Sign (max., sf)	Setback (min., ft.)	Illumin.	EMD	Additional Standards
Access Point	1 per vehicle access	3	6	0 [1]	Internal or external	n/a	27-1405.A, Access Point Sign
Monument	1 per street frontage; Table 27-1400.1	8	100 per side	5 [1]	Internal or external	Static; Max 40% of sign face	27-1405.A Monument Sign
Multitenant Monument [2]	1 per street frontage; Table 27-1400.1	8	100 plus 10 sf per tenant up to 6 tenants; 160 max	5 [1]	Internal or external	Static; Max 40% of sign face	27-1405.A Monument Sign
Shopping Center Monument	1 per street frontage	8	375	5 [1]	Internal or external	Static; Max 40% of sign face	27-1405.A, Monument Sign
Pole	1 per street frontage; Table 27-1400.1.	25 [3]	100 per side	5 [1]	Internal or external	Static; Max 40% of sign face	27-1405.A, Pole Sign
Structural Canopy	1 per street frontage	2 feet above canopy	n/a	5 [1]	Internal	Static; Max 40% of sign face	27-1405.A, Structural Canopy Sign

Notes:

- [1] From all property lines; must comply with clear vision areas per 27-1802.H.
- [2] Distribution of this signage across multiple tenancies is the responsibility of the property owner. Extra signage will not be permitted once the maximum signage identified here has been met.
- [3] The maximum height of pole signs within 660 feet of and oriented to the interstate or interstate frontage right-of-way is 40 feet.

SECTION 27-1408 TEMPORARY SIGNS

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D. GENERALLY APPLICABLE TEMPORARY SIGN STANDARDS

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2. Location

(a) Temporary signs are subject to the prohibited sign locations identified in Section 27-1401.E. **1402.E**

(b) No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.

SECTION 27-1409 BILLBOARD SIGNS

A. APPLICABILITY WITHIN THE INTERSTATE CORRIDOR

Billboards shall be permitted in the Interstate Corridor (660 feet either side of the right-of-way of the Interstate Highway) on properties zoned C3, CX, I1, or I2 as follows:

1. Billboards located within the Interstate Corridor shall have a maximum size of 600 square feet in size and shall be no more than 40 feet in height.
2. Billboards shall be separated by a minimum distance of 500 feet.
3. Lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

B. APPLICABILITY OUTSIDE THE INTERSTATE CORRIDOR

1. Billboards not located in the interstate corridor are allowed as indicated below.

Table 27-1400.22: Billboard Height, Maximum

Zone District	Max. Height (ft)	Max. Size (sq. ft.)	Min. Separation (ft)
Commercial 3 (C3)	30	288	750
Heavy Commercial (CX)	30	300	700
Industrial 1 and 2 (I1, I2)	40	378	500

2. In all districts, lighting shall be designed to minimize glare and interference with any adjacent residential uses or traffic.

C. Lighting and display.

1. Static lighting shall comply with subsection 27-1406.A or the EMD provisions in this section.
2. Electronic message display (EMD) lighting shall comply with subsection 27-1405.C and the following:
 - (a) A billboard EMD may be allowed on any off-premises/billboard sign face provided it conforms to all of the standards and requirements of the county sign code including the limitation on replacement of nonconforming off-premises billboard sign faces in subsection 27-1403 and the maintenance and repair requirements of section 27-1410.
 - (b) A billboard EMD does not need to be incorporated in a freestanding or wall sign pursuant to subsection 27-1405.C, the EMD may be used as the only sign area on the billboard sign face.

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-1500 to correct errors, provide clarification and continuity of the regulations.

27-1500 Nonconformities

SECTION 27-1501 PURPOSE

A. PURPOSE

1. Changes to the zoning code can impact the status of legal, existing uses, lots, structures, and site features. It is the general policy of the County to allow uses, structures, buildings, and lots that came into existence legally to continue to exist and be put to productive use. As these uses and structures change, they should be brought into compliance with applicable regulations as expediently as is reasonably possible.

2. This article continues the County's established regulations regarding nonconformities and also establishes an intermediate legal status category for applicability following partial compliance with this Zoning Code.

B. INTENT

These regulations are intended to:

1. Recognize the interests of property owners in continuing to use their property;

2. Promote the reuse and rehabilitation of existing buildings; and

3. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties, neighborhoods, or the County as a whole.

C. ILLEGAL STATUS AND CODE VIOLATIONS

Nothing in this article shall be interpreted as authorization for or approval of a continuance of the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Zoning Code.

SECTION 27-1502 APPLICABILITY

A. GENERAL APPLICABILITY

1. The provisions of this article shall apply to buildings, structures, lands, uses, and site features that become nonconforming as a result of adoption, revision, or amendment to this Zoning Code.

2. The effective date for these regulations is December 15, 2020, for any property that was within the limits of the Yellowstone County zoning jurisdiction on or before that date.

3. Any permit application or development approval that had been accepted by the County as a complete application as of December 15, 2020, shall be subject to the provisions of Section 27-107, Transitional Regulations.

B. PRE-EXISTING NONCONFORMITY

1. Any legal nonconformity existing as of the effective date of this Zoning Code will also

be a legal nonconformity under this Zoning Code, as long as the situation that resulted in the nonconforming status under the previous zoning code continues to exist.

2. If a nonconformity under the previous zoning code becomes conforming because of the adoption of this Zoning Code, then the situation will no longer be a nonconformity.

C. REPAIRS AND MAINTENANCE

Any building or other structure containing a nonconforming use, or any nonconforming structure or portion thereof, declared unsafe by the County Commissioners may be strengthened or restored to a safe condition.

D. NONCONFORMING SIGNS

Nonconforming signs are addressed in Article 27-1400, Signs.

SECTION 27-1503 NONCONFORMING STRUCTURES

A. CONTINUATION OF NONCONFORMING STATUS

1. A nonconforming structure may continue to be used in conformance with the zone district where it is located so long as the structure remains lawfully occupied.

2. The structure may not be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law or by subsection **27-1502.C.** above.

a. Structural alterations may be permitted when necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building.

b. Any enlargement greater than 10% of the GFA that is necessary to adapt to new technologies shall be authorized only by a variance, as described in Sections 27-1626.

c. All structural changes shall be made in compliance with article 27-1100, **Proportionate Compliance.**

B. ABANDONMENT AND TERMINATION

1. When a nonconforming structure is abandoned for 12 months or more, the nonconforming status shall be considered terminated and the structure shall be brought into compliance with the current Zoning Code prior to any use.

2. Should the structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

3. If the structure is brought into conformance or compliance with the zone district in which it is located, the structural nonconformity may not be resumed.

4. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zone district in which it is located after it is moved.

SECTION 27-1504 NONCONFORMING USES

A. CONTINUATION OF USE

1. Nonconforming uses may be continued so long as the use remains otherwise lawful.
2. Any nonconforming use may be extended throughout any parts of a building designed for such use that existed as of December 15, 2020, but no such use shall be extended to occupy any land outside such building.

B. CONTINUATION OF STRUCTURE SPECIFIC TO USE

No existing structure specific to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conjunction with changing to a conforming use.

C. DISCONTINUANCE

1. Compliance with Code

(a) When a nonconforming use is replaced with a conforming use, the nonconforming use is considered terminated and may not be resumed.

(b) Any structure specific to the use, or structures and land in combination specific to the use, in or on which a nonconforming use is replaced by a permitted use shall be brought into compliance with the zone district in which the structure(s) is located and the nonconforming use may not be resumed.

2. Abandonment

~~(b)~~ (a) When a nonconforming use is abandoned for six months or more it shall be considered terminated.

~~(c)~~ (b) When a nonconforming use of a structure specific to a use, or structures and land in combination specific to a use, is abandoned for one year or more, the structure, or structures and premises in combination, shall be brought into conformance with the applicable zone district regulations and the nonconforming use may not be resumed.

3. Demolition, Destruction, or Obsolescence

(a) Where nonconforming use status applies to: (1) a structure specific to a use (such as a gas station), or (2) a structure and land in combination specific to a use, (such as an automobile dealership) removal or destruction of the structure shall eliminate the nonconforming status of the land and reconstruction shall be done in compliance with this zoning code.

1. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

2. The operation of a noncompliant residential use located in an RR1, RR3, N4, RRMH, RMH, NMU, CMU1, CMU2, CX, I1, Public or any residential zone in a PND district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is

operated.

3. The operation of a nonconforming non-residential structure specific to a use or structure and land in combination specific to a use shall be terminated unless the property owner seeks Special Review approval (See Section 27-1622) to reestablish the destroyed structure or structure and land use within six months of the date of the event(s) that caused the destruction. In addition to the decision criteria in Section 27-1622.D, the zoning commission and Board of County Commissioners shall also consider:

(i) Whether changes, over time, to the surrounding area or neighborhood make reestablishment of the structure and use or structure, land and use detrimental to nearby residents or property values;

(ii) Whether the use and specific structure or use, specific structure and land became nonconforming because of the actions of the property owner; or

(iii) Whether the use and structure or use, structure and land were subject to distance requirements (“separated use”) from other uses (“protected uses”) and became non-conforming only when a protected use in a structure specific to that use (such as a religious assembly in its own building) or structure and land specific to that use (such as a primary school) were established within the distance restricted area after the documented establishment of the separated use.

(b) Obsolete or Substandard Non-Residential Structure: The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the non-residential structure in which the use is operated and maintained becomes obsolete or substandard under any applicable state or County code and the cost of placing such structure in lawful compliance with the applicable resolution exceeds 50 percent of the replacement cost of such structure on the date that the building official determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

SECTION 27-1505 NONCONFORMING SITE CHARACTERISTICS

A. GENERAL The following provisions apply to nonconforming site characteristics as identified in Section 27-4804-~~1803~~:

1. The nonconforming site characteristic shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption.

2. The nonconforming site characteristic shall not be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption.

3. The existence of nonconforming site characteristics do not render an otherwise

conforming structure or use on the site nonconforming. When changes are made to a conforming structure or use on a site with nonconforming site characteristics, the site characteristics may need to be brought into compliance as required in article 27-1100.

B. MANUFACTURED HOME

Within a period of one year or less of its removal from a lot of record, a manufactured home used for residential purposes which is a legal nonconforming use of land may be replaced by another manufactured home for residential purposes, so long as the new home is not more than 50% larger in GFA than the manufactured home that it replaced and can be placed on the lot in compliance with the applicable zone district standards.

SECTION 27-1506 COMPLIANT SINGLE UNIT RESIDENTIAL LOTS

A. A single unit dwelling and customary accessory buildings may be erected on any vacant single lot of record as of the effective date of this Zoning Resolution in an RR1, RR3, N4, RRMH, N1-3, NX1-3, RMH, or any residential zone in a PND district as follows:

1. The lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership.
2. This provision shall apply even though such lot fails to meet the applicable requirements for lot width or area, as applicable, provided the setback dimensions, lot coverage, and other requirements not involving lot width or area of the lot shall conform to the regulations of the district in which such lot is located.
3. Either Section 1614, Administrative Relief, or Section 27-1626, Variance may be used to make requests for adjustments to area and yard requirements

B. If two or more vacant lots or combinations of lots and portions of lots with contiguous frontage in single ownership or record exist at the time of adoption, and if all or part of the lots do not meet the requirements for lot area as established by this resolution, the land involved shall be considered to be an undivided parcel for the purpose of this resolution, and no portion of the parcel shall be used or sold which does not meet lot area requirements established by this resolution, nor shall any division of the parcel be made which leaves remaining any lot, with area below the requirements stated in this Zoning Code unless the lot is created for utility or dedication purposes and is at least 50% smaller than the minimum lot size permitted in the zone district..

Exhibit A
Resolution 25-_____

The Zoning Regulations for the Yellowstone County Jurisdictional Area are amended by revising Sections 27-1700 to correct errors, provide clarification and continuity of the regulations.

27-1700 Violations, Enforcement, and Remedies

SECTION 27-1701 ZONING OFFICIAL

It is the duty of the zoning coordinator to be the enforcement officer for all provisions of the Zoning Code unless otherwise expressly stated. The zoning coordinator may delegate tasks to members of the planning and community services department or request the Board of County Commissioners appoint an enforcement officer as appropriate.

SECTION 27-1702 DEFINITION OF VIOLATIONS

It shall be a violation of this Zoning Code to undertake any of the following activities. Each day that a violation is permitted to exist shall constitute a separate offense.

A. ACTIVITIES INCONSISTENT WITH CODE

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, land/lot, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this Zoning Code, including all required approvals.

B. NONCONFORMITIES INCONSISTENT WITH ZONING CODE

Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with this Zoning Code.

C. MAKING LOTS OR SETBACKS NONCONFORMING

Reduce or diminish the required lot area, setbacks, or open space below the minimum required by this Zoning Code.

D. CHANGE OF USE

Change the use of any land, or any portion of a building, structure, or premises, except in accordance with the procedural and substantive standards of this Zoning Code.

E. ACTIVITIES INCONSISTENT WITH APPROVAL OR PERMIT

Engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, or other form of authorization required to engage in such activity.

F. ACTIVITIES INCONSISTENT WITH CONDITIONS OF APPROVAL

Failure to comply with any terms, conditions, or limitations placed by the decision-making body upon any permit or approval.

G. FAILURE TO REMOVE SIGNS

Failure to remove, when notified to do so by the zoning coordinator, any sign

installed, created, erected or maintained in violation of this Zoning Code.

H. OBTAINING PERMITS OR APPROVALS THROUGH MISREPRESENTATION

Obtaining any permit or approval listed in Article 27-1600, Administrative Procedures, or this section through misrepresentation, the use of misleading documents or testimony, or the withholding of information known to the applicant.

SECTION 27-1703 RESPONSIBILITY FOR VIOLATIONS

The following persons may be jointly and severally responsible for violations of this Zoning Code and subject to enforcement:

A. Any owner of property on which a violation of this Zoning Code occurs;

B. Any architect, engineer, builder, contractor, agent, or any other person who knowingly participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this zoning ordinance; and

C. Any tenant or occupant who has control over, or responsibility for, use or development of the subject property.

SECTION 27-1704 PENALTIES FOR VIOLATION

The effective enforcement of adopted standards is necessary to accomplish their intended purpose. The County has a variety of options for the enforcement of this Zoning Code. The zoning coordinator may select the option which in their opinion is most suitable to the circumstance and violation. More than one enforcement option may be used to attain compliance with the standards of this Zoning Code when deemed appropriate. The remedies and enforcement powers established in this Zoning Code are cumulative, and the County may exercise them in any order. As provided in MCA 76-2-210(2) the County will allow at least 30 days for voluntary compliance prior to filing a formal complaint with a court of jurisdiction.

A. DENY/WITHHOLD PERMITS

Planning and Community Services and other Yellowstone County agencies and departments may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements until the violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

B. PERMITS APPROVED WITH CONDITIONS

Instead of withholding or denying a permit or other authorization, the County may grant such authorization subject to the condition that the violation be corrected. The zoning coordinator will ensure that all conditions are being met by verifying progress schedule or by conducting the final inspection.

C. REVOKE APPROVALS OR PERMITS

1. The County may revoke any development approval, permit, or other authorization when it is determined that either:

(a) There is a material and substantive departure from the approved

plans, specifications, or conditions of approval;

(b) There is a violation of any provision of this Code;

(c) The development approval or permit was obtained by false representation; or

(d) The development approval or permit was issued in error.

2. If the recipient responds to the letter with a written request for additional time supported by a plan of action letter that includes a site plan, progress schedule (if applicable) indicating how they are going to resolve all identified violations, and a proposed compliance date that is approved by the zoning coordinator, they may be granted additional time extensions as reasonably required to complete the remedy but such additional time extensions shall not exceed six months per extension.

3. Written notice of revocation shall be delivered by certified mail upon the property owner of record, the owner's agent, the applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after service of the revocation notice.

D. STOP WORK ORDER

1. With or without revoking permits, the zoning coordinator may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Zoning Code or a provision of a permit or other form of authorization issued pursuant to this Zoning Code. The stop work order shall specify the Zoning Code provisions being violated.

2. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

3. The stop work order may be issued at the same time as a notice of the initial violation or subsequent to such notice.

E. STOP USE

Whenever a structure or part thereof is being used in violation of this Zoning Code, the zoning coordinator may order the use to be immediately stopped.

F. FORFEITURE AND CONFISCATION OF SIGNS

1. Any sign installed or placed on public property, except in compliance with the regulations of Article 27-1400, Signs, will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the County has the right to dispose of signs illegally placed on public property and to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

2. Violation of Article 27-1400 is a strict liability offense.

G. PENALTIES

1. Violation of the provisions of this Zoning Code or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or special review uses or any of the required conditions imposed by the review authority is **may be** a misdemeanor.

2. Misdemeanors shall be punishable by a fine not exceeding the state statutory limit or imprisonment in the county jail not exceeding six months, or both, and in addition shall pay all costs and expenses involved.

3. Each day such violation continues shall be considered to be a separate offense.

H. CIVIL ACTION

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Zoning Code, or of any ordinance made under authority conferred hereby, the proper authorities of the County may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises.

I. OTHER

The County may take any other action permitted by Montana law.