

LEWIS AND CLARK COUNTY

PART 1 ZONING DISTRICTS

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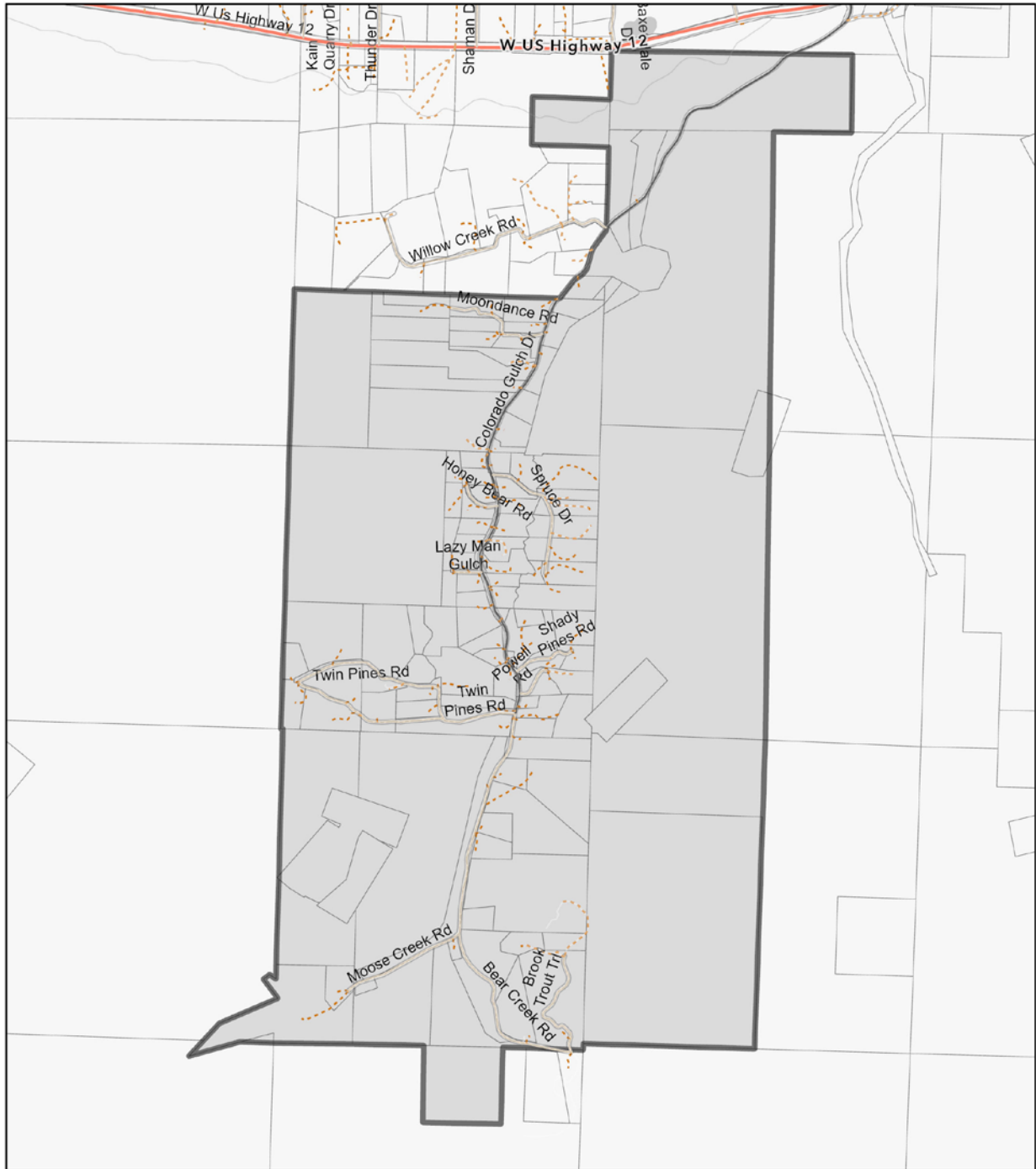
Special Zoning District A: Colorado Gulch

SPECIAL ZONING DISTRICT A: COLORADO GULCH

Resolution No.	Purpose	Adopted	Filed
Res. 1973-12	Original adoption	May 30, 1973	Book 11, Page 515
Res. 1986-68	Resolution clarifying status of district	September 9, 1986	Book M7, Page 1330

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District A: Colorado Gulch



Legend

 District Boundary

**Special Zoning District A
Colorado Gulch**

Lewis and Clark County
Community Development and Planning
Map printed August 2023



N



0 1000 2000 3000
 Feet

Special Zoning District A: Colorado Gulch

WHEREAS, a petition was filed with the Board of County Commissioners of Lewis and Clark County, Montana, signed by more than sixty (60) percent of the free-holders residing in the Colorado Gulch Planning and Zoning District, a plat of which is on file herein, requesting that the Board of County Commissioners of Lewis and Clark County create a planning and zoning district under R.C.M. 1947, Sections 16-4101, et seq., embracing said property; and

WHEREAS, thereafter, by resolution adopted by the County Commissioners, the said County Commissioners appointed a planning and zoning commission, which after giving appropriate public notice, recommended to the Board of County Commissioners that it adopt residential zoning regulations in said zone; and

WHEREAS, thereafter on the 20th day of November, 1962, the Board of County Commissioners adopted zoning regulations; and

WHEREAS, said planning and zoning commission has given public notice as required by law of its intention to adopt a new zoning plan for the Colorado Gulch Planning and Zoning District, a copy of which notice is attached hereto and by this reference made a part hereof; and

WHEREAS, said planning and zoning commission has recommended to the Board of County Commissioners that it adopt a new zoning resolution in said area;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lewis and Clark County, that:

The area encompassed within the boundaries of the Colorado Gulch Planning and Zoning District is intended to provide for low density residential uses and agricultural uses, the uses hereby found to be best suited to such area. It is further found that the area encompassed within the boundaries of the Colorado Gulch Planning and Zoning District is fragile in nature and cannot support normal residential densities due to physiographic, hydrological and biological conditions, and that the uses herein allowed and subject to the terms and conditions hereof, are intended to provide adequate protection to the environment of said district.

USES PERMITTED:

1. Conventional detached single family dwellings constructed, assembled and erected on the land which they occupy. A dwelling is a building providing separate cooking, eating, sleeping, and living facilities for a family.
2. Modular detached single family dwellings on permanent foundations. A modular dwelling is a detached one family dwelling with all of the following characteristics:
 - (a) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
 - (b) Designed to be transportable on temporary wheels, a flat bed, or some other type of trailer, but not on its own chassis;

Special Zoning District A: Colorado Gulch

- (c) Designed without a permanent frame or undercarriage so that it can be placed on a permanent foundation prior to occupancy;
 - (d) Eligible for long term amortized mortgage financing.
 - (e) Erected on the land which it occupies.
3. Home occupations. A home occupation is a profession or service activity conducted within a dwelling by its inhabitants only, which activity is incidental to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.
 4. Agricultural pursuits.
 5. Accessory uses customarily incident to any of the permitted uses, when located on the same lot and not involving the conduct of any business, industry, or commercial enterprise, except agricultural, horticultural or stock grazing enterprises. Such accessory uses include, but are not limited to, the following: private garages, barns, stables, corrals, guest houses, green houses, and machine shops.
 6. Public parks and public playgrounds.
 7. Public schools.
 8. Any building presently located within the boundaries of said district may be maintained and any lawful use presently being made of the lands in said district may be continued whether the same be in conformity with the provisions of this regulation or not; provided, however, that if any non-conforming use is discontinued for a period of two (2) years, any future use thereafter shall be in conformity with the provisions of this ordinance. Buildings devoted to present non-conforming uses may be maintained and altered and building and land presently used for non-conforming uses may not be devoted to any other non-conforming use than the use being made of such buildings or lands as of the date of the enactment hereof. This section shall not, however, be deemed to include the maintenance of any nuisance, obnoxious or unlawful activity on any land nor shall it be deemed to include any use which is not actually in existence as of the date hereof. Provided, however, that any tract on which there is more than one single family dwelling at the time of enactment of this resolution may continue to be so used and occupied and no discontinuance of such a use will forfeit the right to reinstate such use, unless the market value of such additional dwelling or dwellings is depreciated by more than fifty (50) percent by fire, casualty, or deterioration, in which case such use shall be deemed a non-conforming use as of the date of such fire, casualty, or deterioration, subject to the termination provisions hereof.

MINIMUM LOT AREA

The minimum lot size in this district for any permitted use shall be five (5) acres, provided, however, that nothing herein shall be so construed as to prevent the alienability or lawful use of any tract of land less than five (5) acres which has been conveyed or surveyed prior to the enactment of this resolution and provided further that tracts of less than five (5) acres may be transferred between owners of adjoining tracts, but dwellings cannot be constructed on such small tracts.

BUILDING COVERAGE

No more than ten (10) percent of the total lot area shall be covered by man-made structures.

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Special Zoning District A: Colorado Gulch

SETBACKS FOR ANIMAL ENCLOSURES

Any stable, barn, corral, hutch, pen or other such structure built to enclose or house animals or fowl shall not be closer than fifty (50) feet from the property line. This section does not apply to areas designated and maintained as pasture or grazing lands.

BUILDING SETBACKS

Buildings shall have a minimum setback from road rights-of-way and property ownership division lines of fifty (50) feet.

FURTHER LIMITATIONS ON USES

No lot or tract of land shall be maintained as a dumping ground, nor shall any rubbish, trash, garbage, or other waste be allowed to accumulate. Scrap machinery, inoperable or junked cars, and the like will not be permitted on any lot.

ADJUSTMENTS

The Lewis and Clark County Board of Adjustments shall act as Board of Adjustments for the Colorado Gulch Planning and Zoning District, and shall exercise with respect thereto all powers conferred on it by law and by resolution of the Board of County Commissioners of Lewis and Clark County.

VALIDITY

Should any section, subsection, sentence, or clause of this resolution be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution. The Board of County Commissioners hereby declares that it would have adopted such section, subsection, sentence or clause, irrespective of the fact that one or more of such portions may be declared invalid.

DISTRICT LIMITS

The boundaries of the Colorado Gulch Planning and Zoning District to which this resolution applies are shown on Exhibit "A" attached hereto.

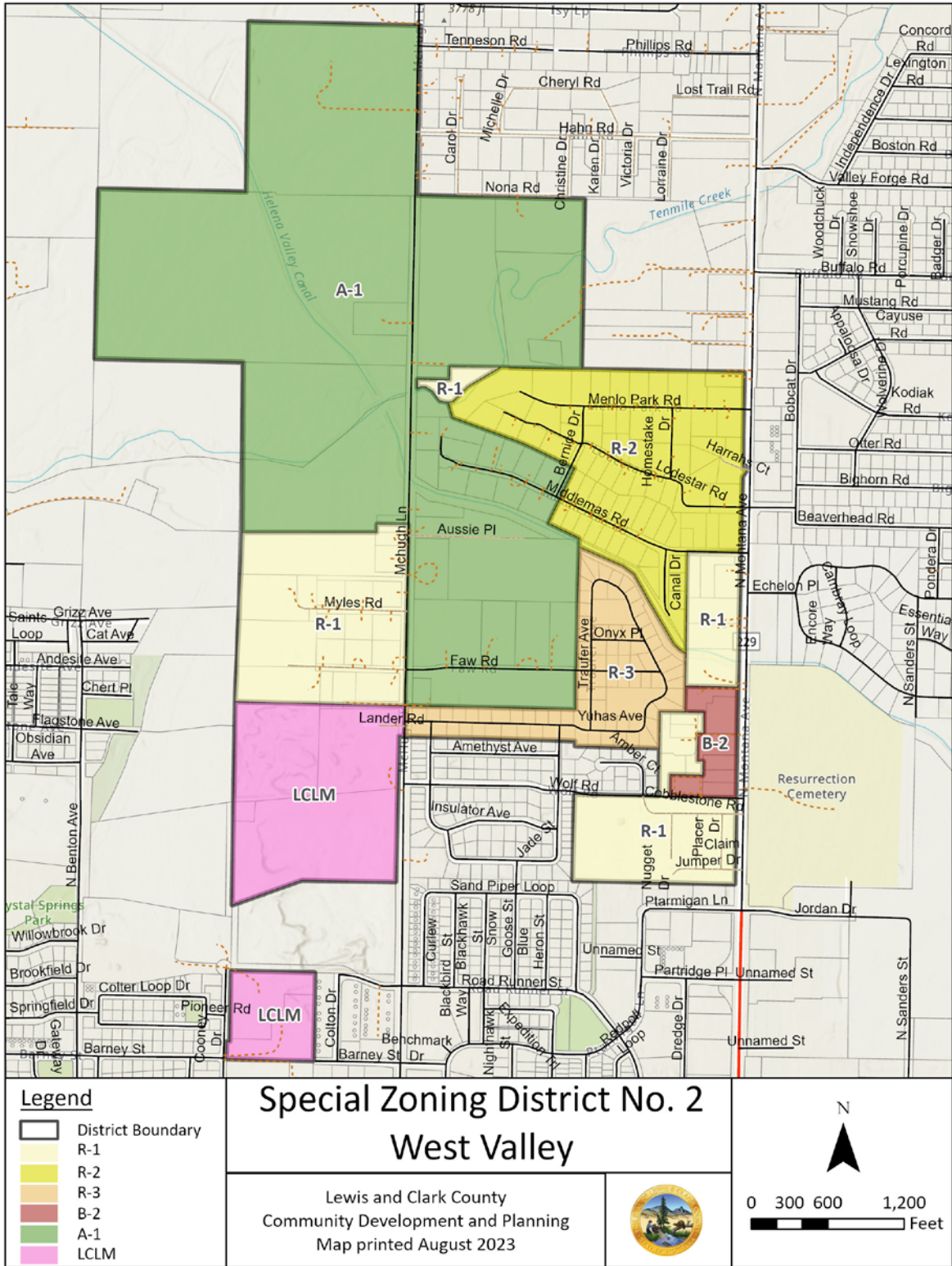
Special Zoning District No. 2: West Valley

SPECIAL ZONING DISTRICT NO. 2: WEST VALLEY

Resolution No.	Purpose	Adopted	Filed
Res. 1971-16	Petition for creation of zoning district	June 28, 1971	M Book 1, Page 7066
Res. 1971-18	Original adoption	July 30, 1971	M Book 1, Page 7064
Res. 1980-9	Re-zone portion of district from R-1 to B-2	February 25, 1980	M Book 124, Page 695
Res. 1986-69	Nunc Pro Tunc on original adoption of zoning	September 9, 1986	M Book 7, Page 1331
Res. 1986-70	Legal description clarified	September 9, 1986	M Book 7, Page 1332
Res. 1986-71	Legal description clarified	September 9, 1986	M Book 7, Page 1333
Res. 1989-83	Amendment of B-2 regulations	October 31, 1989	M Book 10, 3266
Res. 1990-90	Re-zone portion of District from A-1 to R-1	September 25, 1990	M Book 11, Page 2013
Res. 1991-32	Re-zone portion of District to LCLM	March 21, 1991	M Book 11, Page 6266
Res. 1992-66	Re-zone portion of District to R-2	June 2, 1992	M Book 13, Page 343
Res. 1992-67	Re-zone portion of District to R-2	June 2, 1992	M Book 13, Page 344
Res. 1993-100	Conditional Use Permit procedure	April 6, 1993	M Book 14, Page 4275
Res. 1995-113	Re-zone of portion of District from R-1 to R-2	October 2, 1995	M Book 17, Page 2581
Res. 1997-138	Re-zone portion of District to R-3	March 13, 1997	M Book 19, Page 7320
Res. 2001-39	Amendment to R-3 zoning regulations and re-zone portion of District to R-3	April 12, 2001	M Book 24, Page 6101
Res. 2012-147	Amendments to CUP chapter adding Parking Lots (R-1 only) as Conditional Use	November 20, 2012	M Book 46, Page 143

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 2: West Valley



Special Zoning District No. 2: West Valley

R-1, 1-A

INTENT - It is the primary intent of this district to accommodate and protect the uses of single-family dwelling units. It is further intended that the permitted uses allowed within said district will preserve and promote the residential character of the area and simultaneously be in accordance with the goals and standards of the Jurisdictional Area Plan.

PERMITTED USES - The following uses are permitted within said district as a matter of right:

1. Conventional detached single-family dwellings.
2. Modular detached single-family dwellings. Modular Dwelling defined: A detached one-family dwelling with all of the following characteristics:
 - (a) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - (b) Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
 - (c) Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
3. Accessory uses - Those uses of land or a subordinate building or portion of a main building, such use being secondary to or incidental to the principal use or structure.
4. Temporary buildings for and during construction.

LOT AREA - The lot area for any use in this district shall not be less than 1 acre.

YARD REQUIREMENTS

1. Every lot shall have a front yard of at least 20 feet in depth extending from the structure to the property line.
2. Every lot shall have 2 side yards extending from the structure to the property line of not less than 5 feet each.

BUILDING HEIGHT - No building shall be higher than 24 feet.

PERMISSIVE REPEAL BY COUNTY COMMISSIONERS - All or portions of this resolution may be repealed according to state statute 11-3855 on agreement by the County Commission and with the adoption of a comprehensive zoning resolution encompassing this particular zoning district as defined by Exhibit "B".

Special Zoning District No. 2: West Valley

**REGULATIONS FOR R-2 DISTRICT
(SINGLE-FAMILY RESIDENTIAL, MEDIUM DENSITY)**

A. INTENT

It is the primary intent of this district to accommodate and protect the uses of single-family dwelling units, while promoting and preserving the residential atmosphere of the area.

B. DEFINITIONS

Accessory Uses - A use or structure which is incidental, subordinate, or secondary to the principal use of the property, providing that such accessory use does not conflict with the intent of the district.

Building - Any structure built for support, shelter, or enclosure of persons or property of any kind.

Building Coverage - That percentage of the total lot area of a lot which is covered by the principal building.

Building Height - The vertical distance measured from the average grade elevation to the highest point of the structure.

Building Line - The edge or side of a building nearest a lot line.

Lot - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Parking Space, Off Street - A space located off any public right-of-way which is at least nine feet by twenty feet (9' x 20') in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys

Yard, Front - An open space extending across the full width of the lot between the front building line and the front lot line or access easement line.

Yard, Rear - An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line or access easement line.

Yard, Side - An open space between the side building line and a side lot line or access easement line, extending from the front yard to the rear yard.

C. PERMITTED USES

Only the following uses, and no others, are permitted in this district:

1. Conventional detached single-family dwellings.
2. Modular detached single-family dwellings placed on a permanent foundation which meets the following criteria:
 - (a) multi-sectional and a minimum of twenty feet (20') wide at its narrowest point;
 - (b) designed to be transported to its installation site on a removable and reusable chassis system (such as temporary wheels or a flatbed trailer);
 - (c) designed without a permanent frame or undercarriage, so that it must be placed on a permanent foundation necessary for occupancy;

Special Zoning District No. 2: West Valley

- (d) meets or exceeds the requirements of the Uniform Building Code;
- (e) eligible for long-term amortized mortgage financing;
- (f) erected on the land which it occupies.

3. Accessory uses.

4. Temporary buildings for and during construction, not to exceed a period of one year.

5. Home occupations which meet all of the following criteria:

- (a) The home occupation shall not change the character or appearance of the dwelling, or otherwise interfere with its primary use as a residence.
- (b) No external characteristics of a business (such as noise or increased traffic activity) shall result from the presence of the home occupation.
- (c) The home occupation shall occupy a lesser percentage of the use of the property than the principal use of the property, a single-family dwelling.
- (d) The home occupation shall in no way affect the residential character of the neighborhood, or present any external evidence of its existence.
- (e) The use of the property must comply with all other requirements of the regulations (bulk requirements, off-street parking, etc.).
- (f) The home occupation shall be conducted only by inhabitants of the dwelling.

6. Parks and playgrounds.

D. BULK REQUIREMENTS

1. Lot Area -- Every lot shall be at least eighteen thousand (18,000) square feet in size.

2. Building Coverage -- No more than 20% of the lot shall be occupied by principal and accessory buildings, including those portions of the lot constituting the required yards and parking areas.

3. Front Yards -- Every lot shall have a front yard of at least twenty feet (20'). On any corner lot no fence or foliage shall obstruct vision across such yard from one street to another between a height of two and one-half feet (2 1/2') and ten feet (10') above the street grade.

Rear Yards -- Every lot shall have a rear yard of twenty five feet (25').

Side Yards -- Every lot shall have two side yards of ten feet (10') each.

4. Building Height -- No building shall be higher than twenty four feet (24').

E. PARKING

Two (2) off-street parking spaces shall be provided for each dwelling unit

F. SIGNS

No signs, billboards, or advertising displays or other devices of any kind or character shall be displayed on any of said lots except traffic signs, school signs, directional street or road signs, real estate promotion signs,

Special Zoning District No. 2: West Valley

mailboxes or house numbers to identify the occupancy of a residence.

G. NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

Intent- Within the district established by these regulations or amendments thereto, there may exist lots, structures, and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these non-conforming situations and uses to continue.

It is further the intent of these regulations that such non-conformities shall not be enlarged, expanded, extended, or increased in non-conformity, or used as grounds for adding other prohibited uses.

If any non-conforming use or activity ceases or is not in operation for a period of one (1) year, any subsequent use of land shall conform to the district regulations. Further, if any non-conforming structures or situations are destroyed or eliminated, any subsequent development of the property shall conform to the district regulations.

H. VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

I. AMENDMENT

The following procedure shall be used to amend the regulations of this district, in accordance with the provisions of Title 76, Chapter 2, Part 1, MCA:

A pre-application conference is held between Applicant and Planning Department staff to discuss general concept and specific issues of a proposal, legal considerations, and procedures. The Applicant then applies to County Planning Department and submits any required materials and fee. Public notices are posted by the Department. Analysis of the proposal and preparation of report and recommendation is completed by Department staff. A public hearing and is held before the Planning and Zoning Commission which makes recommendation to the Board of County Commissioners. A public hearing is also held before the Board of County Commissioners which acts on the proposal. If approved, the Planning staff prepares a resolution amending the district. Board of County Commissioners sign the resolution which is then recorded with the Clerk and Recorder's Office.

J. APPLICABILITY CLAUSE

Should any section or provision of these regulations be in conflict with any of the other regulations applicable to County Special Zoning District No. 2, and adopted prior to the effective date of these regulations, the regulations herein shall be controlling.

Special Zoning District No. 2: West Valley

K. SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 2: West Valley

**REGULATIONS FOR R-3 DISTRICT
(SINGLE-FAMILY RESIDENTIAL, HIGH DENSITY)**

ARTICLE 1. TITLE.

This resolution shall be known and cited as Special Zoning District and Regulation No. 2, R-3 District.

ARTICLE 2. DEFINITIONS.

Section 1. General Construction. For the purposes of this ordinance, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular number shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; and the "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied." The "person" shall include a corporation, partnership, or other legal entity.

Section 2. Accessory Building or Use. The use of land or a structure which is incidental, subordinate, or secondary to the principal use of the property, providing that such accessory use does not conflict with the intent of the district.

Section 3. Basement. That portion of a building where the adjacent grade of the land falls between the floor and ceiling and more than half of the vertical distance between floor and ceiling is below the average adjoining grade.

Section 4. Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Section 5. Building Coverage. That percentage of the total lot area of a lot which is covered by the principal building.

Section 6. Building Height. The vertical distance from the average finished grade elevation surrounding the structure to the highest point of the structure.

Section 7. Building Line. The edge or side of a building nearest a lot line.

Section 8. Building Line. Front. The line of that part of the building nearest and parallel to the front lot line of the lot.

Section 9. Building, Principal. A structure in which is conducted the main use of the lot on which the structure is located.

Section 10. Church. A building designed and used for public worship by any religious body.

Section 11. Dwelling. A building or portion thereof designed for occupancy by one or more families.

Special Zoning District No. 2: West Valley

Section 12. Dwellings. Modular or Manufactured. The term as herein used is defined as a dwelling with all of the following characteristics:

- a. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

Section 13. Family. An individual or two or more persons living together as a single housekeeping unit and occupying a dwelling unit.

Section 14. Governing Body. The County Commission of Lewis and Clark County.

Section 15. Gross Floor Area. The total area of all floors of a building measured from exterior walls.

Section 16. Lot. A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Section 17. Lot. Frontage. The front of a lot shall be that side which faces a street. If a lot faces more than one street, it shall conform to an established frontage where side exists or a common frontage shall be established. If it is a common lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to both frontages.

Section 18. Lot Width. The mean width of the lot measured at right angles to its depth.

Section 19. Non-Conforming Use. A structure or land lawfully used or occupied prior to the effective date of this ordinance which does not conform to the use regulations for the district in which it is located.

Section 20. Parking Space, Off Street. A space located off any public right-of-way which is at least 9' x 20' in size for parking of any automobile, with room to get out on either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.

Section 21. Sign. Any face of any lettered or pictorial device or structure designed to inform or attract attention.

Section 22. Street. A public thoroughfare or right-of-way, 20' in width or greater, which affords the principal means of access to a butting property.

Section 23. Structural Alteration. My change to the supporting members of a structure, such as bearing walls, columns or beams.

Section 24. Structure. Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

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Section 25. Yard, Front. An open space extending across the full width of the lot between the front building line and the front lot line. No fence or foliage shall obstruct vision across such yard from one street to another.

Section 26. Yard, Rear. An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.

Section 27. Yard, Side. An open space between the side building line and side line of a lot, running from the front to the rear of the lot.

ARTICLE 3. R-3 SINGLE FAMILY RESIDENTIAL.

Section 1. Intent. The intent of this District is to provide for newly constructed, low-density, single-family residential development to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

Section 2. Permitted Uses. (1) Newly constructed one-family dwellings; and (2) temporary buildings for and during construction, for up to one year.

Section 3. Lot Area and Width. The Residential lot area for any use in this District shall be not less than eight thousand (8,000) square feet, and no lot width shall be less than seventy feet (70) wide.

Section 4. Building Coverage; Residential Minimum Floor Area. No more than forty percent (40%) of the lot shall be occupied by the principal building. Each residence shall have a minimum of one thousand (1,000) square feet of floor area in its living quarters.

Section 5. Yards.

- a. Front Yards: Every lot shall have a front yard of at least twenty feet (20') in depth.
- b. Rear Yards: Every lot shall have a rear yard of at least twenty feet (20') in depth.
- c. Side Yards: Every lot shall have two side yards totaling fifteen (15') feet, with no side yard less than six (6') feet in width.

Section 6. Building Height. No building shall be higher than twenty-four feet (24').

Section 7. Off-street Parking, Residential. Two (2) off street parking spaces shall be provided for each residential dwelling unit. On-street parking is prohibited.

Section 8. Signs and Billboards. No sign of any kind shall be displayed to the public view on or from the property or any lot except:

- a. Signs as may be required for legal proceedings;

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- b. Residential identification signs of combined total area or two (2) square feet or less for each residence;
- c. During the time of construction of any new building or other improvement, job identification signs having a maximum face area of four (4) square feet per sign of the type usually employed by contractors, sub-contractors, and tradesman; or
- d. "For Sale," "For Rent," or "Beware of Dog" signs of customary and reasonable dimensions.

ARTICLE 4. SPECIAL RESTRICTION.

Section 1. Residential. No lot or building plot shall be used except for strictly residential purposes, and no business, trade or manufacture of any sort or nature shall be conducted thereon except home occupations meeting the requirements of Article 4, Section 8.

Section 2. New Construction. Only single-family dwelling units constructed of new materials shall be permitted. No old buildings, whether intended for use in whole or in part as the main residential structure or for use as a garage or other outbuildings, shall be moved upon said premises. House trailers either on wheels or on a permanent foundation and manufactured homes are prohibited.

Section 3. On Residential Lots. Not more than one residence shall be erected or constructed upon any lot situated in this subdivision.

Section 4. Temporary Construction. No structure of a temporary character, trailer, RV unit, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at anytime as a residence, nor shall any residential structure be occupied for residential purposes until completely finished.

Section 5. Impermissible Activities. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 6. Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept provided further that any such dog or cat must be confined to the owner's premises at all times or on a leash.

Section 7. Commercial Enterprises. No manufacturing or commercial enterprise or enterprises of any kind, whether for profit or not, shall be maintained upon, in front of; or in connection with the residential lots in this subdivision, nor shall any said lot in any way be used for any purpose other than strictly residential purposes, except for home occupations meeting the requirements of Article 4, Section 8.

Section 8. Home Occupations. Home occupations which meet the following requirements are permitted with the R-3 District.

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- a. The home occupation shall not change the character or appearance of the dwelling, or otherwise interfere with its primary use as a residence, shall not detract from the residential character of the neighborhood, and shall not result in substantial increases in traffic, congestion, or parking burdens in the neighborhood.
- b. The home occupation shall occupy a lesser percentage of the use of the property than the principal use of the property, a single-family residence.
- c. The home occupation shall be conducted only by the inhabitants of the dwelling and shall be conducted entirely within the dwelling.
- d. There shall be no advertising, sign, display, or other indications of a home occupation on the premises.
- e. All parking for the home occupation shall be provided off-street.
- f. The home occupation shall comply with all other requirements of the regulations including bulk requirements.

ARTICLE 5. MISCELLANEOUS.

Section 1. Variances. Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

Section 2. Severability Clause. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 2: West Valley

AGRICULTURAL TRANSITION DISTRICT

A-1

INTENT - It is the primary purpose of this district to provide for the transition of moderately large, sparsely settled areas from agricultural characteristics to urban single-family residential use and to provide certain areas wherein a partial agricultural atmosphere is retained.

PERMITTED USES-

1. Any use permitted within the R-1 1-A zone subject to the regulations thereof.
2. Farming, ranching, dairying, and poultry pursuits, (with the exception of feed lot operations) and activities incidental thereto.
3. Accessory uses such as the following:
 - (a) Private garages
 - (b) Barns
 - (c) Stables
 - (d) Corral
 - (e) Greenhouses

MINIMUM LOT AREA & WIDTH - The minimum lot area in this district shall be 2.5 acres and shall contain not less than 150 feet of width appurtenant to the building setback line.

YARD REQUIREMENT-

Front Yard - Each lot shall have a front yard extending 25' to a street R/W if one exists, or 55' to the property line.

Rear Yard - Each lot shall have a rear yard of 25' measured from the property line to the structure.

Side Yards - Two side yards shall be provided each extending not less than 25' from the property line to the structure.

Special Zoning District No. 2: West Valley

PERMITTED USES IN THE B-2 DISTRICT

Retail Trade

Building materials, hardware, farming equipment; general merchandise which would include department stores, mail order houses, direct selling organizations; food; automotive dealers, auto accessories; mobile home sales and service; apparel and accessories; furniture, home furnishings and equipment; eating and drinking establishments; miscellaneous retail stores such as drug, liquor, antique, book, sporting goods, and jewelry.

Service Activities

Finance, insurance, real estate; transient lodging; personal services; automobile repair services; parking; miscellaneous repair services that are not considered hazardous, detrimental, or offensive to surrounding land uses; commercial amusement, recreation; medical and health services excluding hospitals, sanitariums, convalescent and rest homes.

Other Permitted Uses

Professional organizations; labor unions; fraternal organizations and so on; churches and related accessory uses.

Special Zoning District No. 2: West Valley

**LIMITED COMMERCIAL AND LIGHT MANUFACTURING
ZONING REGULATIONS**

A. INTENT

It is the primary intent of this district to provide opportunities for limited commercial and light-manufacturing uses and related retail or office uses in a manner that is compatible with the transportation network, the nearby land uses, and the topographic, groundwater, and soil conditions of the area. Permitted uses are intended to be low traffic generators that should not create capacity or maintenance problems on the street network. Bulk requirements are designed to promote public health, safety, and welfare particularly with regard to water supply, sewage disposal, and fire protection services. Parking standards are designed to reduce congestion in the streets; lighting, signing, and landscaping standards are intended to encourage security, identification, and appearance in a manner that promotes stable property values.

B. DEFINITIONS

Accessory Uses - Those uses of land or structures that are secondary or incidental to the principal use of land or structure(s), providing that such accessory uses do not conflict with the intent of the district.

Building - Any structure built for support, shelter, or enclosure of persons or property of any kind.

Building Coverage - That percentage of the total lot area of a lot which is covered by the principal building.

Building Height - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than forty feet (40').

Building Line - The edge or side of a building nearest a lot line.

Lot - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Parking Space, Off Street - A space located off any public right-of-way which is at least nine feet by twenty feet (9' x 20') in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.

Sign - Any face of any lettered or pictorial device or structure designed to inform or attract attention.

Yard, Front - An open space extending across the full width of the lot between the front building line and the front lot line or access easement line.

Yard, Rear - An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line or access easement line.

Yard, Side - An open space between the side building line and a side lot line or access easement line,

Special Zoning District No. 2: West Valley

extending from the front yard to the rear yard.

C. PERMITTED USES

Only the following uses, and no others, are permitted in this district:

1. Building and construction contractors
2. Engineering, architectural, and surveying services
3. Forestry services
4. Landscape and horticultural services
5. Mining services
6. Oil and gas field services
7. Manufacturing of finished products, including: apparel, furniture, wood products, leather goods, ceramic products, and fabricated metal products
8. Vocational trade schools and apprenticeship training schools
9. Storage facilities
10. Sand and gravel mining limited to restoring the approximate original contour of the land
11. Retail trade accessory to an otherwise permitted use
12. Single family residence for the exclusive use of the owner, caretaker, or other managerial personnel as an accessory to an otherwise permitted use
13. Temporary buildings for and during construction, except for overnight occupancy
14. Accessory uses

D. BULK REQUIREMENTS

1. Lot Area -- Every lot shall be at least one acre in size.
2. Building Coverage -- No more than 75% of the lot shall be occupied by principal and accessory buildings, including those portions of the lot constituting the required yards and parking areas.
3. Front Yards -- Every lot shall have a front yard of at least twenty feet (20'). On any corner lot no fence or foliage shall obstruct vision across such yard from one street to another between a height of two and one-half feet (2 1/2') and ten feet (10') above the street grade.

Rear Yards -- A rear yard of five feet (5') is required, except that if the rear yard of a business property abuts on a residential use or zone, a fifteen foot (15') rear yard shall be provided.

Side Yards -- A side yard of five feet (5') is required, except if the business abuts a residential use or zone, a ten foot (10') side yard shall be provided.
4. Building Height -- No building shall be higher than twenty four feet (24')

Special Zoning District No. 2: West Valley

E. PARKING

An accessory off-street parking area shall be provided for all uses and shall be for use only by automobiles and vehicles of the owners, employees and customers thereof and shall provide adequate parking spaces to accommodate the identified users. Any such off-street parking area shall be located on the same site or premises as the use for which parking is required, and shall provide maneuvering space and access to public streets and alleys.

F. LIGHTING

Any outdoor lighting, except for street lighting, shall be directed in a manner so as to not be visible from beyond the property lines of each lot.

G. SIGNING

One free-standing sign, which is any sign supported by one or more columns, uprights, or braces, and permanently affixed in the ground, shall be permitted for each use. Each such sign shall be located on the same site or premises as the use and shall not exceed thirty two (32) square feet.

One facade sign, which is any sign affixed to a building facade, shall be permitted for each use. Each such sign shall not exceed one hundred (100) square feet.

No sign shall be higher than fifteen feet (15') above the ground surface.

H. LANDSCAPING

Landscaping on each lot shall be provided in accordance with the following requirement:

8% of the lot area that is not covered by buildings shall be landscaped using some combination of planted, living trees, shrubs, hedges, vines, ground cover, flowers and lawns suitable for the climate, exposure, and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs and rock. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.

I. NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

Intent

Within the district established by these regulations or amendments thereto, there may exist lots, structures, and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these non-conforming situations and uses to continue.

It is further the intent of these regulations that such non-conformities shall not be enlarged, expanded, extended, or increased in non-conformity, or used as grounds for adding other prohibited uses.

If any non-conforming use or activity ceases or is not in operation for a period of one (1) year, any subsequent use of land shall conform to the district regulations. Further, if any non-conforming structures or situations

Special Zoning District No. 2: West Valley

are destroyed or eliminated, any subsequent development of the property shall conform to the district regulations.

J. VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

K. AMENDMENT

The following procedure shall be used to amend the regulations of this district, in accordance with the provisions of Title 76, Chapter 2, Part 1, MCA:

A pre-application conference is held between Applicant and Planning Department staff to discuss general concept and specific issues of a proposal, legal considerations, and procedures. The Applicant then applies to County Planning Department and submits any required materials and fee. Public notices are posted by the Department. Analysis of the proposal and preparation of report and recommendation is completed by Department staff. A public hearing and is held before the Planning and Zoning Commission which makes recommendation to the Board of County Commissioners. A public hearing is also held before the Board of County Commissioners which acts on the proposal. If approved, the Planning staff prepares a resolution amending the district. Board of County Commissioners sign the resolution which is then recorded with the Clerk and Recorder's Office.

L. APPLICABILITY CLAUSE

Should any section or provision of these regulations be in conflict with any of the other regulations applicable to County Special Zoning District No. 2, and adopted prior to the effective date of these regulations, the regulations herein shall be controlling.

M. SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 2: West Valley

CONDITIONAL USES PERMIT FOR SPECIAL ZONING DISTRICT NO. 2

SECTION I EXISTING ZONING DISTRICTS

Single Family Residential (R-1 and R-2)

Agricultural Transition (A-1)

Limited Commercial/Light Manufacturing (LCLM)

SECTION II INTENT

A conditional use permit may be issued by the County Commissioners to provide for unique needs of individuals or the County at large.

SECTION III PERMITTED CONDITIONAL USES FOR ALL ZONES IN SPECIAL ZONING DISTRICT 2 (SZD-2)

Institutions

Parking Lots (R-1 only)

SECTION IV DEFINITIONS

1. Conditional Use Permit: Development permit granted for land uses which are generally not permitted in a zoning district, but may be permitted, if additional standards are met. Conditional uses may be established subject to approval by the County Commissioners. The additional standards applicable to specified conditional uses in Special Zoning District 2 are presented in Section VIII.
2. Day Care Centers Associated with Places of Worship or Not-for-profit Organizations: A place registered or licensed by an agency of the State of Montana that provides supplemental care of less than twenty four (24) hours on a regular basis, operated by or in association with a place of worship or a not-for-profit organization, including but not limited to pre-school, kindergarten, nursery schools, day nurseries, and day care centers.
3. Educational Facilities Associated With Places of Worship or Not-for-profit Organizations: Elementary, intermediate or secondary educational facilities operated by public or private educational agencies for kindergarten to twelfth grade.
4. Institutions: A governmental facility, not-for-profit corporation, or not-for-profit establishment existing for public or quasi-public purposes or uses, including uses as permanent places of worship, educational facilities, hospitals, government buildings, and parks or open spaces.
5. Not-for-profit Organization: Institutions or organizations registered under the provisions of Section 501(c), U.S. Internal Revenue Code of 1954 or as amended to provide cultural, educational, governmental, scientific, medical, or related services directly to the general public.
6. Places Of Worship: Any structure or site used on a permanent basis for worship by a recognized and established religious sect or denomination registered as a not-for-profit organization pursuant to Section 501(c) of the U.S. Internal Revenue Code of 1954 or as amended.

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7. Quasi-Public: An activity, use of structure or land and related or accessory operations generally open to the public on a not-for-profit basis for religious, cultural, medical, entertainment or similar purposes.
8. Parking Lot: An open area other than a public right-of-way, used for off-street parking of motor vehicles.

SECTION V CONDITIONAL USE PERMIT PROCEDURE

1. Any person, agency, or organization wishing to use or operate any structure or real property located within Special Zoning District 2 (SZD-2) in a manner not specifically allowed, shall first make application and obtain a conditional use permit. Application for such permit shall be made on appropriate forms established by the County Planning Department, and a required filing fee shall be paid in full when the application is submitted. The application shall be filed with the County Planning Department.
2. After review of completed application by appropriate County staff, the application shall be presented to the Planning and Zoning Commission with Staff recommendations. The Planning and Zoning Commission shall hold a public hearing on the application to gather needed and relevant facts from all interested parties. If needed, the Planning and Zoning Commission, may continue such hearing to take additional information and comment. If the hearing is continued, a second legal notice is not required, if the time and the date of the continued hearing is announced at the hearing and included in the official record.
3. The Planning and Zoning Commission shall send to the County Commissioners its recommendations on the application, together with all pertinent facts pertaining to the application. The applicant shall be given a true and exact copy of the Planning and Zoning Commission's recommendations at least five (5) business days prior to the County Commissioner's hearing on the application.
4. The County Commission shall hold a public hearing on the application, at which time the Planning and Zoning Commission's recommendation shall be presented and additional pertinent testimony may be taken from interested parties. The County Commission shall by resolution, approve, deny, or change the recommendations of the Planning and Zoning Commission. If the County Commission denies or changes the Planning and Zoning Commission's recommendations, the reason for denial or changes shall be made part of the resolution.
5. The Planning and Zoning Commission shall recommend approval, and the County Commissioners shall grant such application, if the testimony, evidence and other matters of record establish that:
 - a) The proposed conditional use shall not cause significant adverse effects upon nearby properties or the occupants of nearby properties;
 - b) The proposed conditional use shall meet the overall density, coverage, yard, height, and other regulations of the zoning district in which it would be located;
 - c) The proposed conditional use shall meet the additional application and development standards established by this Chapter in Section VIII;

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- d) All public hearings have been held, all required legal notices given, and members of the community have been given an opportunity to be heard upon the matter, as provided by applicable ordinances of Lewis and Clark County pertaining to hearings and notices.
6. The County Commission may make the granting of the conditional use permit subject to additional reasonable limitations or conditions necessary to reduce any of the adverse effects on nearby property or occupants of nearby property. Upon granting of a conditional use permit which is subject to reasonable limits or conditions, the applicant shall insure the County that he/she will comply with all said conditions or limitations. The County Commission may require assurances in the form of a cashier's check, a performance bond or cash in an escrow account in the estimated value of any required physical improvements upon which the use is conditional. The value of such improvements shall be determined by a qualified County Staff member and the applicant, or the applicant's representative if the applicant is a corporation or agency. The County Commission shall set forth a time schedule during which the conditions shall be met. If in the event the conditions are not met, the applicant shall forfeit the security. Written notice of violation of the conditional use permit or expiration of the time in which the conditions are to be met, will be given to the applicant prior to forfeiture of security.

SECTION VI ENFORCEMENT

The Director of Planning shall be responsible for insuring compliance with all conditions of approval. Duties shall include: site design review, verification of compliance with all general and specific standards as outlined in Section VIII.

SECTION VII APPEALS PROCEDURES

Any person or persons aggrieved or taxpayer affected by the County Commission's decision to approve, change or deny a conditional use permit may appeal to the District Court as provided in Section 76-2-110 MCA.

SECTION VIII REQUIREMENTS FOR CONDITIONAL USE PERMIT

1) General Standards

A) Additional Standards

- i. The proposed conditional use shall be consistent with the County's Comprehensive Plan;
- ii. will be in harmony with the general character of the surrounding area, considering population, design, scale and bulk of any new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;
- iii. will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or general area; will cause no objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;
- iv. will have no detrimental effect on vehicular or pedestrian traffic;
- v. will not adversely affect the health, safety, security, morals, or general welfare of residents or workers in the area;

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- vi. will not in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities.

2) Specific Requirements

A) Places of Worship

- i. Additional Application Requirement: NONE
- ii. Additional Site Dimensions:
 - a. Minimum Site Area: 1 acre
 - b. Minimum Lot Width: 100 feet
 - c. Minimum Distances: All principal and accessory structures shall be fifty (50) feet from residential zoning districts and fifty feet from any residential property line if located in a residential zoning district;

All parking, loading, and vehicular circulation areas shall be fifty (50) feet from any residential property line if located in a residential zoning district.

B) Day Care Facilities, Children, Accessory to Places of Worship

- i. Additional Application Requirements:
 - a. Written statement that the proposed day care facility will comply with all applicable county and state regulations;
 - b. Written statement that the proposed child day care facility will be operated and maintained solely by the place of worship or in conjunction with a registered not-for-profit public agency or organization.
- ii. Additional Standards:
 - a. Minimum Site Area: 10,000 square feet.
 - b. Minimum Lot Width: 100 feet.
 - c. Minimum Distances: All principal structures shall be fifty (50) feet from residential zoning districts or fifty (50) feet from any residential property line if located in a residential zoning district;

All parking, loading and vehicular circulation areas shall be thirty (30) feet from residential zoning districts or thirty (30) feet from any residential property line if located in a residential zoning district;

All outdoor play areas shall be ten (10) feet from residential zoning district or ten (10) feet from residential property line if located in a residential district;

Available play or activity area shall not be located in front setback;

Adequate off-street pick-up and drop-off facilities shall be provided. Loading and unloading facilities for children, such as circular drives or similar circulation systems that

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allow stacking of three standard cars without interfering with traffic flow or servicing right-of-way or ingress or egress of parking area;

All facilities shall comply with the child indoor/outdoor space requirements specified by the State of Montana;

Conformance with the Uniform Fire Code and Uniform Building Code including, but not limited to, required exits, smoke alarms and fire extinguisher; and

Five (5) foot high fence shall be installed around the outdoor play area. Screening shall be installed around the outdoor play area to provide a noise buffer, when abutting residential uses.

C) Educational Facilities Associated with Places of Worship or Not-for-profit Organizations

i. Additional Application Requirements:

- a. Educational facilities offering primary and secondary classes from kindergarten through twelfth grade must provide competent substantial evidence that their curriculum will be equivalent to that offered by public schools.

ii. Additional Standards:

- a. Minimum Site Dimensions: 1 acre
- b. Minimum Distance: All principal and accessory structures shall be one hundred feet from any residential zoning district or twenty (20) feet from any residential property line if located in a residential zoning district;
- c. Vehicular access shall be provided from a minor or major arterial, or from a collector;
- d. All parking, loading and vehicular circulation areas shall be ten (10) feet from any residential zoning district or ten (10) feet from any residential property line if located in a residential district;
- e. All outdoor activity areas shall be fifty (50) feet from any residential zoning district or fifty (50) feet from any residential property line if located in a residential zoning district;
- f. Adequate off street student pick-up and delivery facilities ,such as a circular driveway shall be provided; and
- g. Walls or fences of appropriate height may be required to prevent unauthorized entries and departures.

D) Not-for-profit Organizations

i. Additional Application Requirements: None

ii. Additional Standards:

- a. Minimum Distant: Minimum setback of buildings shall be thirty (30) feet from any residential zoning district or thirty (30) feet from any residential property line if located in a residential zoning district;

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Minimum setback of parking, loading and vehicular circulation areas shall be twenty feet from any residential zoning district or thirty feet from any residential property line if located in a residential zoning district;

Minimum setback of outdoor activity areas shall be thirty feet from any residential zoning district or thirty feet from any residential property line if located in a residential zoning district.

- b. Access and egress shall be provided, where possible, only from a major or minor arterial, a collector or a local street which does not pass through any residential zoning district.

E) Parking Lot

- i. Additional Application Requirements: None.
- ii. Additional Standards:
 - a. Minimum distances for parking and loading areas shall be twenty-five (25) feet from any residential property line.
 - b. When possible, ingress and egress shall have a minimal impact on residentially zoned areas.
 - c. The lot shall be adjacent to a B-2 zone.
 - d. The parking lot shall include either a vegetative buffer or six (6) foot tall opaque fencing between the parking lot and all residentially zoned areas. Vegetative buffers shall become at least 75% opaque and grow to six (6) feet in height after three (3) years of growth on-site, excluding any entrances to the parking lot.
 - e. Any exterior lighting shall be arranged and shielded so that the illuminating elements cannot be seen from adjacent roads or property, and so that no direct beam illuminates other private property or roads, and shall not be visible from beyond the property lines.
 - f. All parking spaces shall be delineated with pavement marking paint (hard-surfaces only) and wheel stops.
 - g. Parking area surfacing shall, at a minimum, consist of 3" or more crushed top surfacing material, and be maintained in good condition to inhibit the creation of soil dust pollution.
 - h. Handicap or ADA parking spaces, and path of pedestrian travel from the ADA spaces to the facility served, shall meet the current Federal ADA standards for accessible design (28 CFR, Part 36) at the time of construction. Post-mounted accessible parking signage (all parking surfaces) and painted accessibility symbols (hard-surfaces only) shall be provided at each ADA parking space.
 - i. Parcels used for the purpose of a parking lot (in whole or in part) must have a Certificate of Subdivision Approval (COSA) from the Montana Department of Environmental Quality on file at the Clerk and Recorder, allowing for such use.

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SECTION IX SEVERABILITY

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision. Such holdings shall not effect the validity of the remaining portion.

SECTION X EFFECTIVE DATE

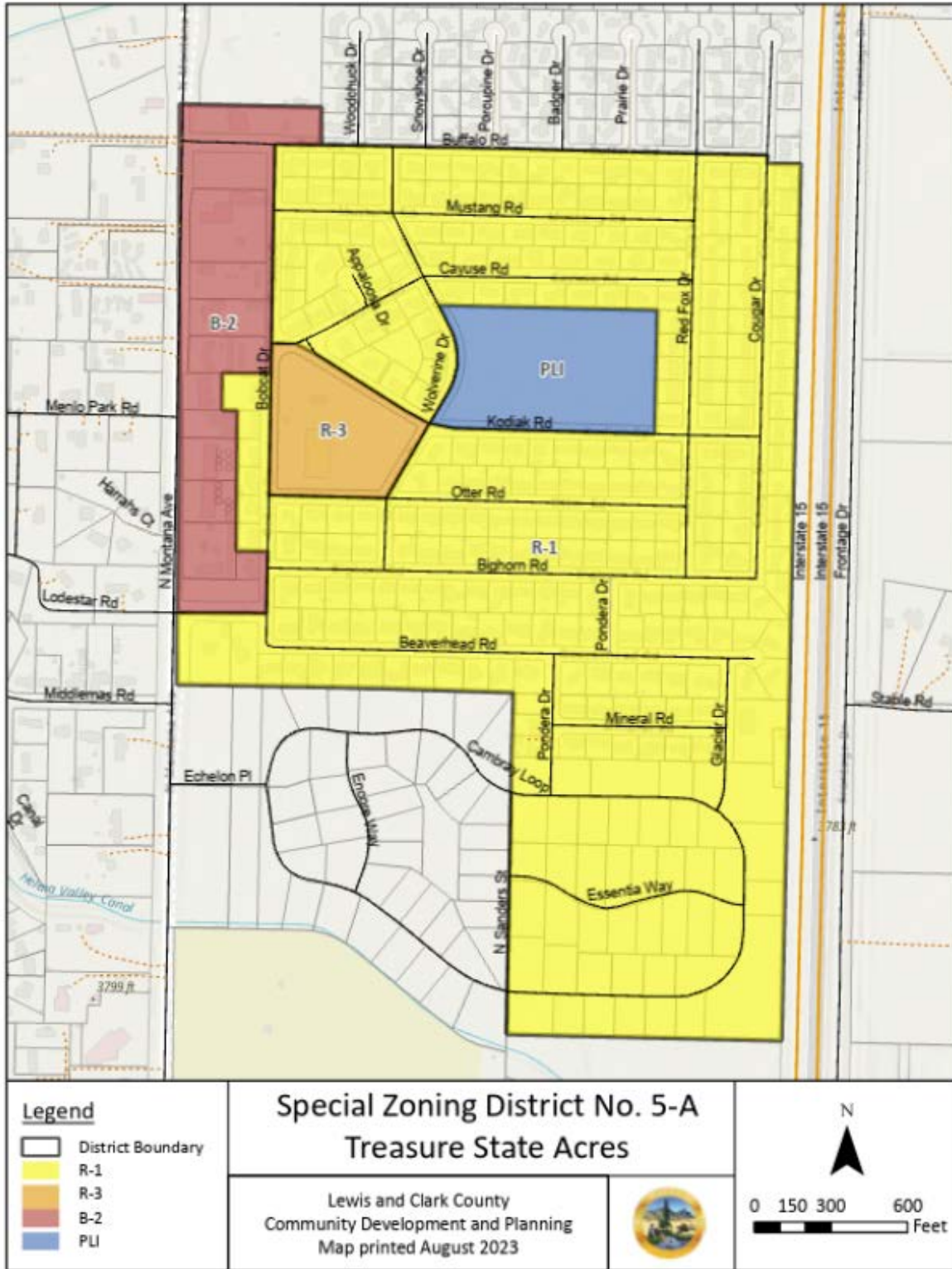
This ordinance shall become effective the _____ day of _____, 1993 and shall apply to all proposed development within Special Zoning District 2, Lewis and Clark County after that date.

SPECIAL ZONING DISTRICT NO. 5-A: TREASURE STATE ACRES

Resolution No.	Purpose	Adopted	Filed
Res. 1972-15	Original adoption	July 25, 1972	M Book 1, Page 2556
Res. 1986-31	Legal description clarified	June 11, 1986	M Book 6, Page 9147
	Zone change from B-2 to R-1	December 10, 1985	
Res. 1987-75	Re-adoption of district	December 8, 1987	M Book 8, Page 5414
Res. 1990-91	Re-zone portion of B-2 to R-1	September 25, 1990	M Book 11, Page 2014
Res.2010-320	Amendment to Section 7.2	October 19, 2010	M Book 42, Page 7075
Res. 2012-68	Amendment to Section 5.2	May 22, 2012	M Book 45, Page 1947

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 5-A: Treasure State Acres



Special Zoning District No. 5-A: Treasure State Acres

SECTION 1 TITLE

This resolution shall be known and cited as Special Zoning District and Regulations #5-A.

SECTION 2 DEFINITIONS

For the purposes of these regulations, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular number shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; and the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied". The word "person" shall include a corporation, partnership, or other legal entity.

- 2.1 ACCESSORY BUILDING OR USE - The use of land or a sub-ordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.
- 2.2 APARTMENT HOUSE - See "Multiple Dwelling".
- 2.3 BASEMENT - That portion of a building where the adjacent grade of the land falls between the floor and ceiling and more than half of the vertical distance between floor and ceiling is above the average adjoining grade.
- 2.4 BUILDING - Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 2.5 BUILDING COVERAGE - That percentage of the total lot area of a lot which is covered by the principal building
- 2.6 BUILDING HEIGHT - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than 40 feet.
- 2.7 BUILDING LINE - The edge or side of a building nearest a lot line.
- 2.8 BUILDING LINE, FRONT - The line of that part of the building nearest and parallel to the front lot line of the lot.
- 2.9 BUILDING OFFICIAL - That official designated, from time to time by the County Commission as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and applications for building and occupancy permits, and for interpretation and enforcement of ordinances related thereto.
- 2.10 BUILDING PRINCIPAL - A structure in which is conducted the main use of the lot on which the structure is located.

Special Zoning District No. 5-A: Treasure State Acres

- 2.11 CHURCH - A building designed and used for public worship by any religious body.
- 2.12 DWELLING - A building or portion thereof designed for occupancy by one or more families.
- 2.13 DWELLING, ONE FAMILY - A conventional detached building designed for occupancy by one family and its resident domestic employees.
- 2.14 DWELLING, MULTIPLE-FAMILY - A building or portion thereof designed for occupancy by two or more families.
- 2.15 DWELLING, MODULAR - The term as herein used is defined as a dwelling with all of the following characteristics:
- a. Designed for a long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - b. Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
 - c. Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
 - d. That the factory construction is able to meet or exceed the most recent Uniform Building Codes. (As published by International Conference of Building Officials).
 - e. That the dwelling unit is eligible for long-term amortized mortgage financing of at least twenty years.
 - f. The dwelling unit shall not be subject to motor vehicle registration and titling laws of the State of Montana.
- 2.16 DWELLING UNIT - A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.
- 2.17 FAMILY - An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit.
- 2.18 FOOD SERVICE ESTABLISHMENT - A restaurant or delicatessen that serves food at retail to the public for consumption.
- 2.19 GOVERNING BODY - The County Commission of Lewis & Clark County.
- 2.20 GROSS FLOOR AREA - The total area of all floors of a building measured from exterior walls.
- 2.21 LOT - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 5-A: Treasure State Acres

- 2.22. LOT, FRONTAGE - The front of a lot shall be that side which faces a street. If a lot faces more than one street, it shall conform to an established frontage where side exits or a common frontage shall be established. If it is a common lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to both frontages.
- 2.23. LOT WIDTH - The mean width of the lot measured at right angles to its depth.
- 2.24. NONCONFORMING USE - A structure or land lawfully used or occupied prior to the effective date of these regulations which does not conform to the use regulations for the district in which it is located.
- 2.25. PARKING SPACE, OFF STREET - A space located off any public right-of-way which is at least 9' x 20' in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.
- 2.26. SIGN - Any face of any lettered or pictorial device or structure designed to inform or attract attention.
- 2.27. STREET - A public thoroughfare or right-of-way, 20' in width or greater, which affords the principal means of access to abutting property.
- 2.28. STRUCTURAL ALTERATION - Any change to the supporting members of a structure, such as bearing walls, columns or beams.
- 2.29. STRUCTURE - Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 2.30. TRAILER - A movable vehicle with wheels designed or used as living and sleeping quarters or for business purposes, and such vehicle that has been placed on a foundation. (This definition includes trailer coaches, campers, trailer houses and mobile homes.)
- 2.31. YARD, FRONT - An open space extending across the full width of the lot between the front building line and the front lot line. No fence or foliage shall obstruct vision across such yard from one street to another.
- 2.32. YARD, REAR - An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.
- 2.33. YARD, SIDE - An open space between the side building line and a side line of a lot, running from the front to the rear of the lot.

SECTION 3 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

3.1 INTENT

The intent of this district is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the

Special Zoning District No. 5-A: Treasure State Acres

residential quality of the area.

3.2 PERMITTED USES

1. Newly on-site constructed conventional one-family dwellings.
2. Temporary buildings for and during construction.
3. Accessory uses.
4. Church and accessory uses.
5. One-Family Modular Dwellings.

3.3 LOT AREA AND WIDTH

Each lot shall not be less than 75 feet in width and shall have a minimum area of 10,000 square feet. Where a minimum area requirement greater than the 10,000 square feet required is established on the zoning map it shall be designated by a symbol; number less than one hundred (100) indicating acreage and numbers greater than one hundred (100) indicating minimum square feet of area required per lot.

3.4 BUILDING COVERAGE AND MINIMUM FLOOR AREA

No more than 25% of the lot shall be occupied by the principal and accessory buildings.

3.5 FRONT YARDS

Every lot shall have a front yard of at least 20 feet.

3.6 REAR YARDS

Every lot shall have a rear yard of at least 20 feet in depth.

3.7 SIDE YARDS

Every lot shall have two side yards of at least 10 feet each.

3.8 BUILDING HEIGHT

No building shall be higher than 24 feet.

3.9 OFFSTREET PARKING

Each dwelling unit shall have two off street parking spaces.

3.10 SIGNS

One sign not over four (4) square feet may be placed on a lot.

Special Zoning District No. 5-A: Treasure State Acres

SECTION 4 R-3 MULTI FAMILY RESIDENTIAL

4.1 INTENT

This District is intended to provide for the development of multi-family residential structures having a set density control. It would provide for changing patterns of residential areas where facilities can be provided to serve them and for a variety of housing facilities to serve the varied needs of families of different sizes.

4.2 PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Multiple family dwellings
4. Churches and accessory uses
5. Accessory uses
6. Modular dwellings

4.3 LOT AREA & WIDTH

For each residential use, there shall be at least 3,000 square feet of lot area for each dwelling unit if two or more, and 5,000 square feet if only one, not less than 50 feet wide.

4.4 COVERAGE

No more than 40% of the lot shall be occupied by principal and accessory buildings.

4.5 FRONT YARDS

Every lot shall have a front yard of at least 20 feet in depth.

4.6 REAR YARDS

Every lot shall have a rear yard of at least 20 feet in depth.

4.7 SIDE YARDS

Every lot shall have two side yards with a total of at least 15 feet, with no side yard of less than six feet.

4.8 BUILDING HEIGHT

No building height shall be greater than 32 feet, except for church spires or towers.

4.9 OFFSTREET PARKING

Each dwelling unit shall have two off-street parking spaces.

4.10 SIGNS

One sign not to exceed thirty (30) square feet in size is permitted for each lot or building complex.

Special Zoning District No. 5-A: Treasure State Acres

SECTION 5 B-2 GENERAL COMMERCIAL DISTRICT

5.1 INTENT

It is the intent of this district to provide for small neighborhood, low traffic generating community shopping facilities consisting of varied retail, service, and office functions conveniently grouped near major arterials to serve a trade area encompassing several neighborhoods. The requirements of this district are directed at the achieving of an aesthetic unity and harmony between the community business district and other surrounding land uses and to minimize traffic congestion in adjoining streets.

5.2 PERMITTED USES

The uses listed below appear in general form and are established as categorical subjects of which underlying related uses can be implied at the discretion of the County Commission after review by the City - County Plan Board.

1. RETAIL TRADE - Building materials, hardware and farm equipment; general merchandise (department stores, mail order houses, direct selling organizations); food; automotive dealers, auto accessories, mobile home sales and service; apparel and accessories; furniture, home furnishings and equipment; miscellaneous retail stores (drug, liquor, antique, book, sporting goods, jewelry), and food service establishments. Food service establishments that would like to have alcoholic beverages are limited to those that are licensed under MCA 16-4-420: Restaurant beer and wine license.
2. SERVICE ACTIVITIES - Finance, insurance, and real estate; transient lodgings; personal services; automobile repair services, parking; miscellaneous repair services that are not considered hazardous, detrimental or offensive to surrounding land uses; medical and health services, excluding hospitals, sanitarium convalescent and rest homes; other professional services including professional associations, labor unions, fraternal organizations, etc.
3. A single family residential use is permitted for the use of a family that owns or manages a permitted business in this district. It is not the intent of this section to encourage a mixture of commercial and residential use except where for convenience a dwelling would be proper and would not adversely affect surrounding property.

MINIMUM LOT REQUIREMENTS - Other than to meet other requirements of this section, no minimum lot requirement is specified.

FRONT YARD REQUIREMENTS - Front yards of at least 15 feet shall be provided.

REAR YARD REQUIREMENTS - No rear yard is required with the exception of a "B" district abutting a street or an "R" zone. In such cases, there shall be provided at least 20 feet of rear yard.

SIDE YARD REQUIREMENTS - No side yards are required with the exception of a "B" district abutting a street or an "R" zone. In such cases there shall be at least 10 feet of side yard.

BUILDING HEIGHT - No building shall be higher than 24 feet.

BUILDING SIZE - No building shall be larger than 5000 square feet in gross floor area.

Special Zoning District No. 5-A: Treasure State Acres

SPECIAL SETBACK REQUIREMENTS - Any building built on a lot having frontage on Montana Avenue shall have a setback from the west section line of Section 8, Township 10 North, Range 3 West a distance of at least eighty (80) feet.

SECTION 6 PLI PUBLIC LANDS AND INSTITUTIONS DISTRICT

6.1 INTENT

This district is to provide for and to reserve land for major open lands, public and quasi-public institutional uses, and recreational and public service activities for the future benefit of the citizens of Lewis and Clark County.

6.2 PERMITTED USES

1. Open, timber and crop land uses, excluding the raising or feeding of animals.
2. Publicly-owned land in use for parks, playgrounds, and other open spaces.
3. Zoos, museums, historic and cultural exhibits, nature walks, gardens, arboreta, and similar activities.
4. Water conservation, flood control, drainage area, nature conservation and preservation area.
5. Nonprofit, quasi-public institutions, including schools, colleges and universities, hospitals, children's homes, correctional institutions, rehabilitation centers, and similarly approved public interest-oriented activities.
6. Public buildings, memorial stadia, statuary, fountains, etc.
7. Temporary buildings for and during construction.
8. Accessory uses.
9. Cemeteries

6.3 LOT AREA AND WIDTH, BUILDING COVERAGE AND YARDS

No restrictions.

6.4 BUILDING HEIGHT

No building shall be higher than 40 feet.

SECTION 7 NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

7.1 INTENT

Within the districts established by these regulations or amendments thereto there exist lots, structures, and uses of land and structures which were lawful before these regulations were passed or amended but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these nonconforming uses to continue until they are removed but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of these regulations that nonconformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other prohibited uses. However, nothing in these regulations shall be deemed to require a change in the plans, construction or designated uses of a building on

Special Zoning District No. 5-A: Treasure State Acres

which actual lawful construction has been begun prior to the effective date of these regulations or their amendments.

7.2 NON-CONFORMING LOTS OF RECORD

Lots or tracts of record filed with the Clerk and Records Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

7.3 NONCONFORMING USES OF LAND

A lawful use of land on the effective date of these regulations or their amendment which is made no longer permissible by the terms of these regulations or their amendment may be continued if it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied by such use at the effective date of the adoption or amendment of these regulations.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of these regulations.
3. If any such nonconforming use ceases for a period of more than 180 days, any subsequent use of the land shall conform to district regulations for the district in which it is located. The term "ceases", as used in this subsection, shall mean that the activity in question has not been in operation for a period of 180 days.

7.4 NONCONFORMING STRUCTURES

Where a lawful structure exists that could not be built under the terms of these regulations, such structure may be continued so long as it remains otherwise lawful, providing that:

1. No such structure may be enlarged or altered in a way that increases its nonconformity.
2. Should such structure be destroyed by any means, an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of these regulations.
3. Should such structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated

Special Zoning District No. 5-A: Treasure State Acres

7.5 NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structures and premises, exists at the effective date of adoption or amendment of these regulations, that would not be allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, providing that:

1. No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to a permitted use.
2. Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
3. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
4. Whenever a nonconforming use of a structure or premise ceases for six consecutive months or for 18 months during any three year period the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases", as used in this subsection, shall mean that the activity in question has not been in operation for a period of six consecutive months or for an accumulated period of 18 months during any three year period.
5. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

7.6 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of nonbearing walls, to an extent not exceeding 10% of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to safe conditions of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 8 VARIANCES

VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

SECTION 9 SEPARABILITY CLAUSE

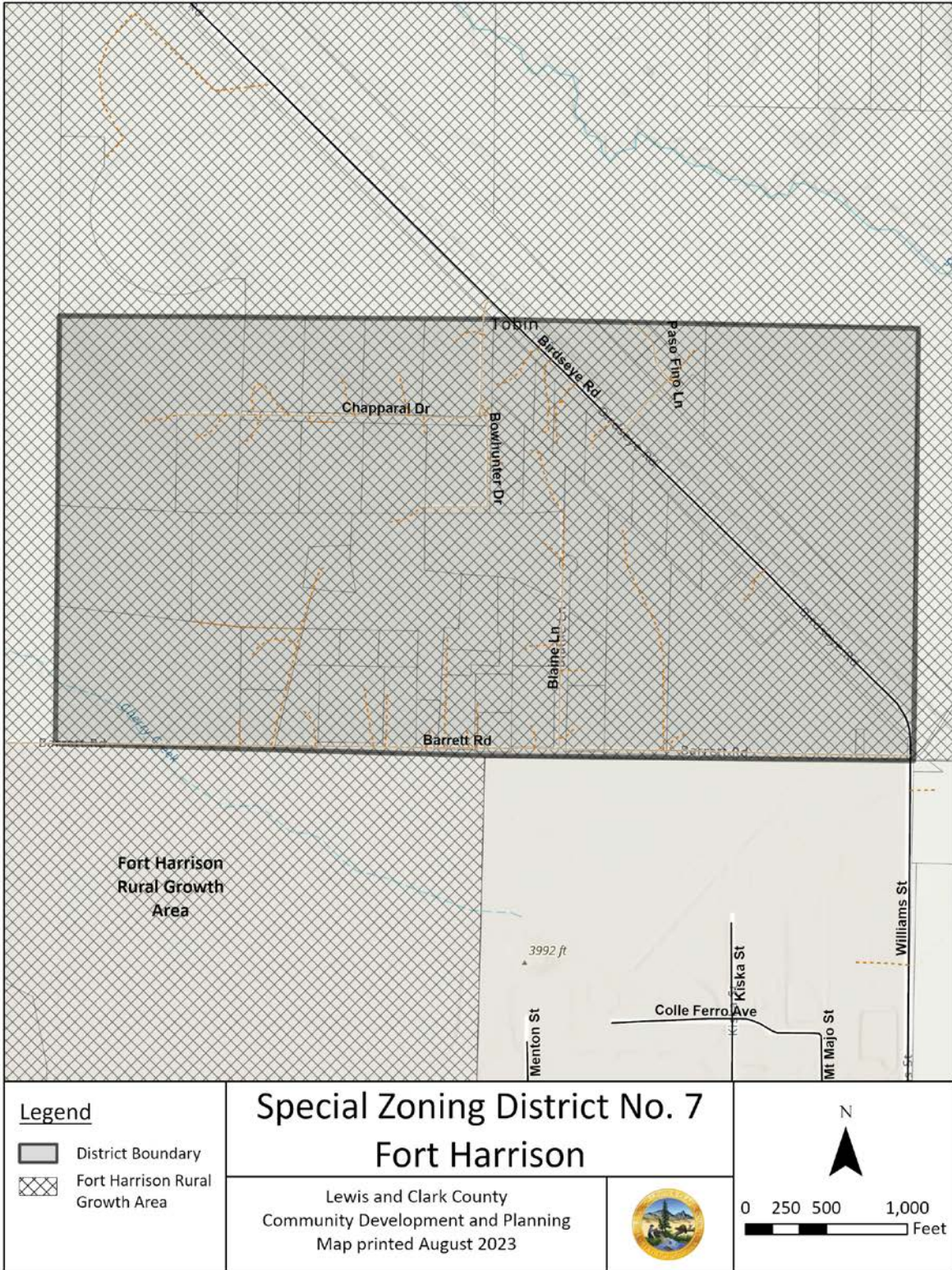
Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 7: Fort Harrison

SPECIAL ZONING DISTRICT NO. 7: FORT HARRISON

Resolution No.	Purpose	Adopted	Filed
Res. 1972-12	Original adoption	June 30, 1972	Book 98, Page 279

Special Zoning District No. 7: Fort Harrison



Special Zoning District No. 7: Fort Harrison

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY,

That within the area so encompassed within the boundaries of the Fort Harrison North Planning and Zoning District, no building or structure shall be erected, structurally altered or maintained and no premises used, except for one or more of the following uses. Except as herein specifically provided, it shall be unlawful to use any of the land within the boundaries of said district or any structure or building located thereon for any commercial business or industrial use. The following uses and no others are permitted:

I. Permitted Uses-

- A. Residential uses including conventional detached single family and two family dwellings. A dwelling is a building providing separate cooking, eating, sleeping and living facilities for a family.
- B. Modular homes and mobile homes. A mobile home is defined as a movable or portable dwelling constructed to be towed on its own chassis and designed without a permanent foundation for year around occupancy. A modular home is a dwelling with the following characteristics:
 - 1. Designed for long-term occupancy and containing sleeping accommodations, a toilet, tub or shower bath, kitchen facilities, plumbing and electrical connections provided for attachment to outside systems.
 - 2. Designed to be transportable on temporary wheels, a flatbed trailer or some other type of trailer but not on its own chassis.
 - 3. Eligible for long-term amortized mortgage financing.
 - 4. When completed, is not less than twenty (20) feet in width.
- C. Agricultural, grazing and pastoral uses.
- D. Home occupations. A home occupation is a profession or service activity conducted within a dwelling by its inhabitants only, which activity is incidental to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.
- E. Temporary building for and during construction of buildings for the foregoing uses.
- F. Accessory uses customarily incident to any of the permitted uses when located on the same lot and not involving the conduct of any business, trade or industry.

- II. Minimum Lot and Bulk Requirements - Each lot shall have a minimum area of not less than twenty thousand (20,000) square feet unless the Board of Health of the State of Montana shall require a larger area to meet its septic system or well requirements. No more than one single family dwelling or one two family dwelling or one mobile home or one modular home shall be placed or constructed on any one lot or area of said size of twenty thousand (20,000) square feet.

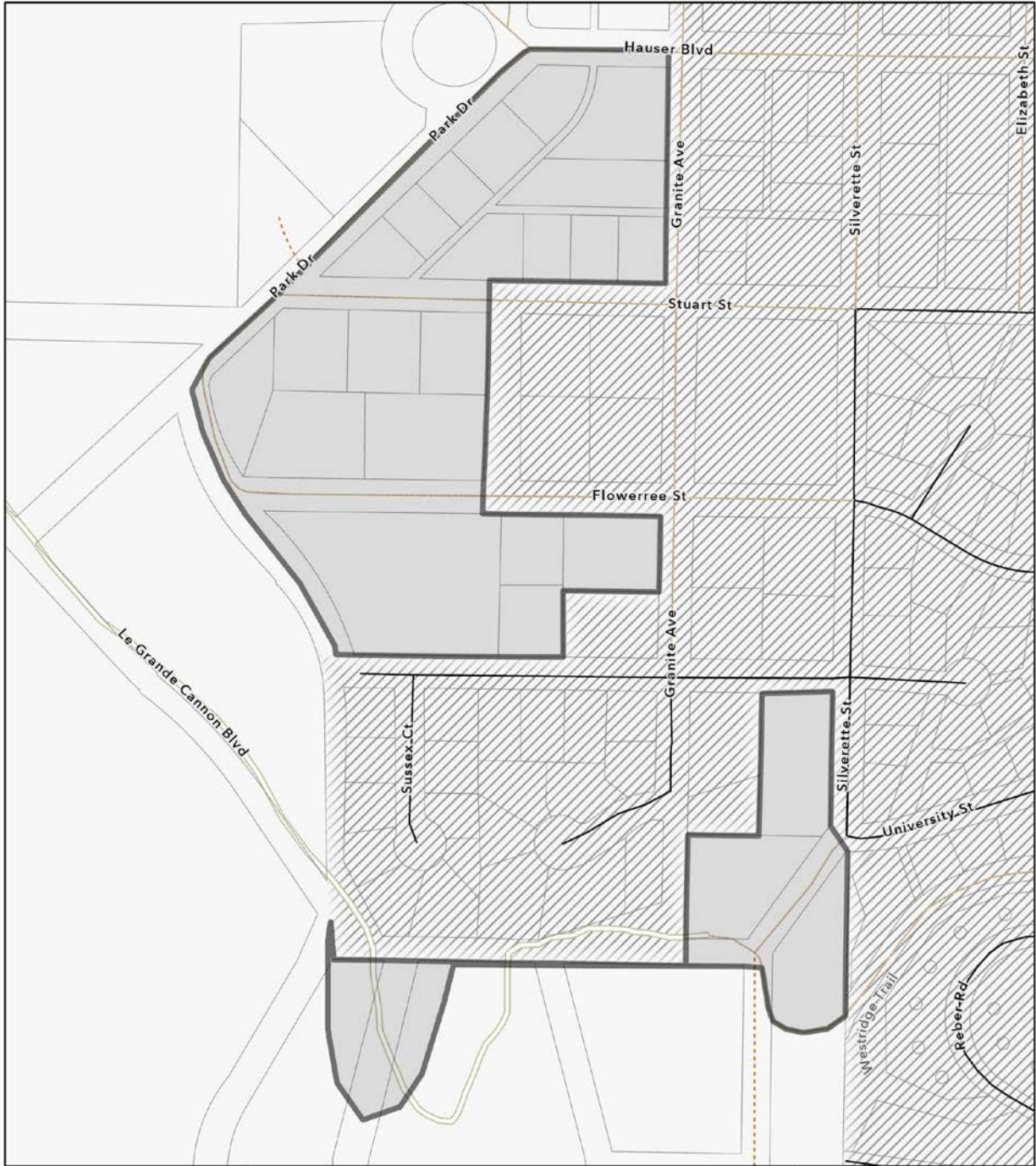
Special Zoning District No. 7: Fort Harrison





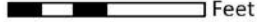
- III. Nonconforming Uses - Notwithstanding any other provisions of this resolution, any person who is actually using his property in a lawful manner at the date hereof for a use which is not allowed under the terms of this resolution shall be deemed to have a prior nonconforming use. This section shall not however, be deemed to include the maintenance of any nuisance, obnoxious, or unlawful activity on any land nor shall it be deemed to include any use which is not actually in existence as of the dated hereof.
- IV. Adjustments - The Lewis and Clark County Board of Adjustments shall act as Board of Adjustments for the Zoning District herein created and shall exercise with respect thereto all powers conferred on it by law and by resolution of the Board of County Commissioners.
- V. Validity - Should any section, subsection, sentence or clause of this resolution be held unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portion of this resolution. The Board of County Commissioners hereby declares that it would have adopted each section, subsection, sentence and clause irrespective of the fact that one more such portion may be declared invalid.

SPECIAL ZONING DISTRICT NO. 9: UPPER WEST SIDE

Resolution No.	Purpose	Adopted	Filed
Res. 1973-26	Original adoption	July 31, 1973	M Book 3, Page 2638
Res. 1985-26	Amendment of District	May 3, 1985	M Book 5, Page 5922
Res. 2011-165	Amendment of Text	September 22, 2011	M Book 44, Page 1539

Special Zoning District No. 9: Upper West Side



<p>Legend</p> <ul style="list-style-type: none"> District Boundary City of Helena	<p>Special Zoning District No. 9 Upper West Side</p>	<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>	 <p>0 88 175 350 Feet</p> 

Special Zoning District No. 9: Upper West Side

Statement of Intent (Purpose):

The purpose of this District is to protect and enhance the residential nature of the area by providing for single-family residential dwellings and their accessory uses.

Permitted Uses:

1. Conventional detached single-family dwellings constructed, assembled and erected on the land which they occupy. A dwelling is a building providing separate cooking, eating, sleeping, and living facilities for a family.
2. Detached single-family dwellings previously constructed and lived in elsewhere and constructed or restored to a standard which would meet or exceed all City of Helena building codes as of March 27, 1985, if the same had been in effect in the District. Such dwellings shall be placed upon a permanent foundation and shall comply fully with regulations for other residences within the Special Zoning District. (Section 2 added by Resolution 1985-26 on May 3, 1985.)
3. Modular detached single-family dwellings on permanent foundations. A modular dwelling is a detached one family dwelling with all of the following characteristics:
 - a. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
 - b. Designed to be transportable on temporary wheels, a flat bed, or some other type of trailer, but not on its own chassis;
 - c. Designed without a permanent frame or undercarriage so that it can be placed on a permanent foundation prior to occupancy;
 - d. Eligible for long term amortized mortgage financing;
 - e. That the factory construction is able to meet or exceed the uniform building codes;
 - f. That the dwelling unit, when completed, shall be not less than twenty (20) feet in width.
4. Public and private institutions and uses.
5. Accessory uses, those uses of land or a subordinate building or portion of the main building, such use being secondary to or incidental to the principal use or structure.
6. Temporary buildings for and during construction.
7. Any building presently located within the boundaries of said District may be maintained and any lawful use presently being made of the lands in said District may be continued whether the same be in conformity with the provisions of these regulations or not; provided, however, that if any non-conforming use is discontinued for a period of one hundred eighty (180) days, any future use thereafter shall be in conformity with the provisions of these regulations. Buildings and lands devoted to present non-conforming uses may be maintained and altered, but shall not be expanded. In addition, non-conforming uses of buildings and lands shall not be devoted to any other non-conforming use. This section shall not, however, be deemed to include the maintenance of any nuisance, obnoxious or unlawful activity on any land nor shall it be deemed to include any use which is not actually in existence as of the date hereof. Provided, however, that any tract on which there is

Special Zoning District No. 9: Upper West Side

more than one single family dwelling at the time of enactment of this resolution may continue to be so used and occupied and no discontinuance of such a use will forfeit the right to reinstate such use, unless the market value of such additional dwelling(s) is depreciated by more than fifty (50%) percent by fire, casualty, or deterioration, in which case such use shall be deemed a non-conforming use as of the date of such fire, casualty, or deterioration, subject to the termination provisions hereof.

Livestock Restrictions:

1. Maintaining large livestock, as defined in these regulations, is prohibited.
2. Maintaining small livestock, as defined in these regulations, is subject to the following provisions:
 - a. A principal use or structure must exist on-site (or on an adjacent property(ies) under the same ownership) prior to maintaining livestock.
 - b. Minimum lot area:
 - i. 1 pygmy goat per 0.2 acres;
 - ii. pot-bellied pigs and rabbits are not subject to a minimum lot area requirement; and
 - iii. 1 chicken, goose, duck, turkey, or other domesticated bird per .05 acres. The keeping of roosters and peacocks is prohibited; however.

The minimum lot area specified must be provided for each animal maintained on the property.

3. Setbacks from all property lines, existing wells, and existing drainfields for all livestock structures and fenced areas (including, but not limited to, corrals, pens, or other animal enclosures) shall be a minimum of twenty-five (25) feet.
4. Livestock excreta shall be removed from the site at sufficient intervals to prevent exposure of neighboring properties to odors, pests, and/or other obnoxious characteristics generated by the animals.
5. No degradation (including, but not limited to, overgrazing, odor, erosion, run-off of wastes, attraction of pests, property destruction) shall be allowed, regardless of compliance with other minimum standards.
6. Livestock shall be contained in such a manner to prevent damage to adjoining property, such as damage to vegetation, fencing and/or structures.
7. Commercial uses related to livestock (including, but not limited to, leasing a shelter(s), pen(s), stable(s), corral(s) or pasture(s)) are prohibited.

Minimum Lot Area and Width:

Each lot shall be not less than one hundred (100) feet in width and shall have a minimum area of ten thousand (10,000) square feet. In the case where an individual, on-site water and/or wastewater treatment system is provided, the minimum lot area shall conform to the Montana Department of Environmental Quality requirements for such systems.

Bulk Requirements:

1. Front Yard. Every lot shall have a front yard extending not less than twenty (20) feet.

Special Zoning District No. 9: Upper West Side

2. Side Yards. Every lot shall have two (2) side yards extending not less than ten (10) feet each.
3. Rear Yard. Each lot shall have a rear yard extending not less than twenty-five (25) feet.
4. Height. No building shall be higher than twenty-four (24) feet with the exception of church spires or towers, measured from grade level to the highest point of the structure.
5. Off-street Parking. There shall be provided two (2) off-street parking spaces for each new residential use effective at the time of the adoption of this resolution.
6. Garbage and refuse facilities. There shall be provided adequate receptacles for garbage on each lot, said receptacles to be of a type that can and shall be removed from the lots and no garbage, junk, or automobiles that are non-operable or other types of refuse shall be allowed to accumulate on any lot herein.

Variance Process:

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary and extreme hardship to a landowner, the landowner may request a variance from the regulations. Such request will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest and which are not detrimental to neighboring properties. A variance that would allow a use that is not allowed under the zoning will not be considered nor granted (an approved text amendment would be required).

Enforcement:

Penalty for Violation.

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, is subject to a fine of \$25.00 for each violation. Each day of continued violation after notification shall constitute a separate, additional violation.

Use of Available Remedies Authorized.

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land. At a minimum, violators will be required to restore property to original condition.

Validity/Severability Clause:

Should any section, subsection, sentence, or clause of this resolution be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution. The Board of County Commissioners hereby declares that it would have adopted such section, subsection, sentence or clause irrespective of the fact that one or more of such portions may be

Special Zoning District No. 9: Upper West Side

declared invalid.

District Limits:

The Boundaries of Special Zoning District No. 9 to which this resolution applies are shown on Exhibit A attached hereto.

Definitions:

Livestock, large: cattle, sheep, goats (with the exception of a pygmy goat(s) maintained as a domestic pet(s)), swine (with the exception of a pot-bellied pig(s) maintained as a domestic pet(s)), horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

Livestock, small: pygmy goats and/or pot-bellied pigs maintained as domestic pets similar to a dog, rabbits, chickens, geese, ducks, turkeys, and other domesticated birds.

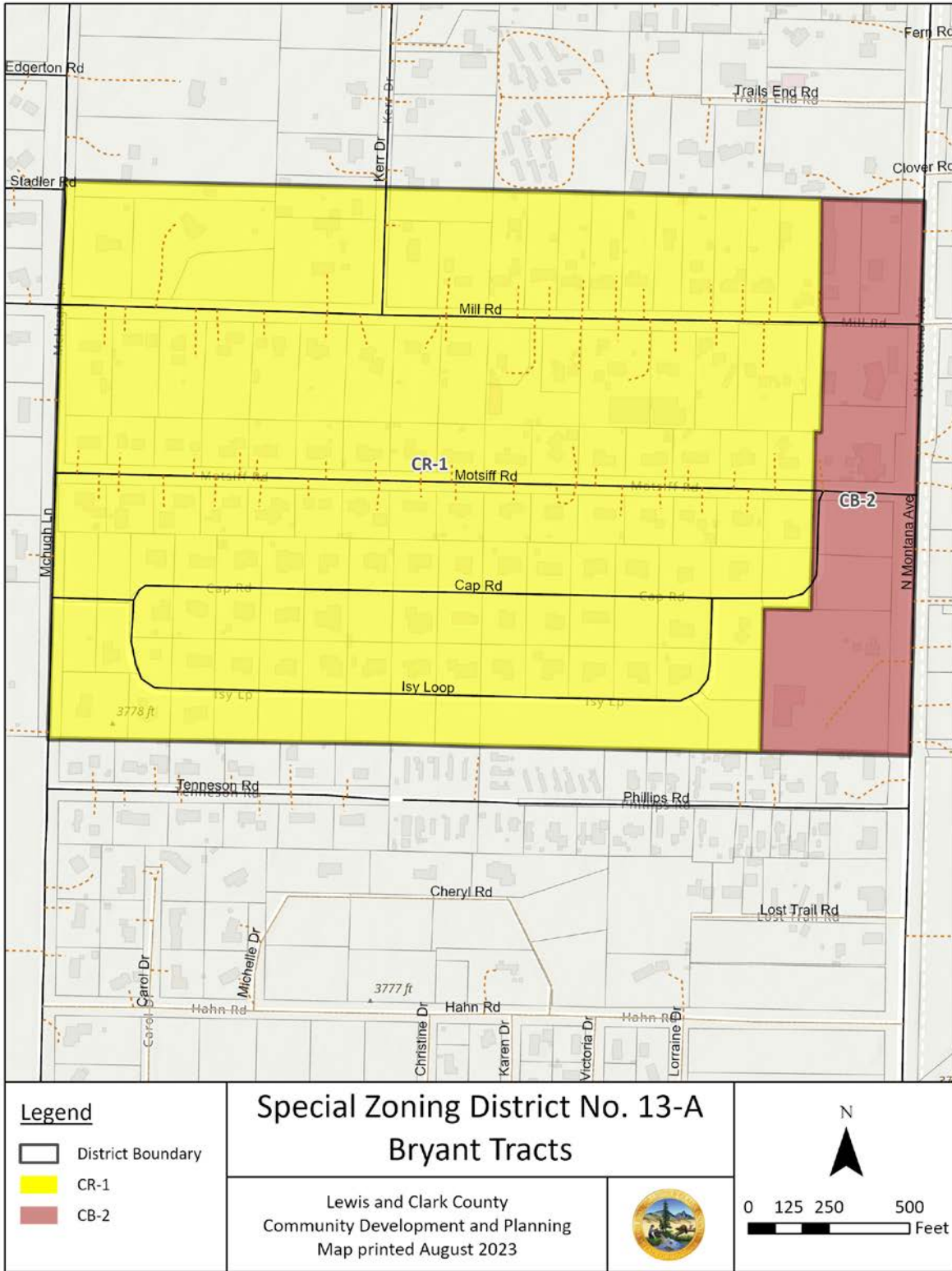
Special Zoning District No. 13-A: Bryant Tracts

SPECIAL ZONING DISTRICT NO. 13-A: BRYANT TRACTS

Resolution No.	Purpose	Adopted	Filed
Res. 1988-47	Original adoption	March 14, 1988	

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 13-A: Bryant Tracts



Special Zoning District No. 13-A: Bryant Tracts

SECTION A CR-1 SINGLE FAMILY RESIDENTIAL

Intent: It is the primary intent of this district to accommodate and protect the uses of single family dwelling units and also preserve and promote the residential character of the area. It is also intended that these districts be located in areas where the environment can support high human population densities.

Permitted Uses: The following types of residential and related uses are those which are permitted within this residential district:

1. A conventional detached single family dwelling.
2. A modular detached single family dwelling on a permanent foundation. Modular as used here applies more to size and general shape than to the degree of either finish or completeness. Modular Dwelling defined: A detached one family dwelling with all of the following characteristics:
 - a. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - b. Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
 - c. Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
 - d. That the factory construction is able to meet or exceed the Uniform Building Codes.
 - e. That the dwelling unit is eligible for long term amortized mortgage financing.
3. Temporary buildings for and during construction but not for habitation.
4. Accessory uses.

Minimum Lot Width and Area: Each lot shall not be less than one hundred (100) feet in width and shall have a minimum area of ten thousand (10,000) square feet, provided that a central sewage and water system are established for the area under consideration. In the case where individual on-lot water and/or septic tank sewer is provided, the lot area shall conform to the State of Montana Health Board and/or City-County Health Department requirements concerning said systems.

Bulk Requirements:

1. Front Yard: Every lot shall have a front yard extending not less than twenty (20) feet from road rights-of-way or property lines

SECTION B CB-2 GENERAL COMMERCIAL

Intent: It is the intent of this district to provide for community shopping facilities consisting of varied retail, service, and office functions, conveniently grouped near major traffic arterials to serve a trade area encompassing several neighborhoods. Furthermore, the requirements of this district are directed at the achieving of an aesthetic unity and harmony between the community business district and other surrounding land uses.

Special Zoning District No. 13-A: Bryant Tracts

Permitted Uses: The uses listed below appear in general form and are established as categorical subjects of which underlying related uses can be implied at the discretion of the City-County Planning Director

1. Retail Trade: Building materials, hardware and farm equipment; general merchandise (department stores, mail order houses, direct selling organizations); food; automotive dealers, auto accessories, mobile home sales and service; apparel and accessories; furniture, home furnishings and equipment; eating and drinking establishments; miscellaneous retail stores (drug, liquor, antique, book, sporting goods, jewelry).
2. Service Activities: Finance, insurance, and real estate; transient lodgings; personal services; automobile repair services, parking; miscellaneous repair services that are not considered hazardous, detrimental or offensive to surrounding land uses; commercial amusement and recreational; medical and health services, excluding hospitals, sanitarium convalescent and rest homes; other professional services including professional associations, labor unions, fraternal organizations, etc.

Minimum Lot Requirements: Other than to meet other requirements of this section, no minimum lot requirement is specified.

1. Front Yard: Every lot shall have a front yard extending not less than twenty (20) feet from road rights-of-way or property lines.
2. Side Yards: No side yards are required if a two (2) hour fire stop is provided on each building. In the case of corner lots where a public street or where a "CR" District is located adjacent thereto there shall be side yards of not less than twenty (20) feet. In all other cases side yards of twenty (20) feet are required.
3. Rear Yard: Every lot shall have a rear yard extending not less than twenty (20) feet from road rights-of-way or property lines.

Building Height: No building shall be higher than twenty-four (24) feet

SECTION C NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

Intent

Within the districts established by these regulations or amendments thereto, there may exist lots, structures, and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these non- conforming uses to continue. The effective date of these regulations is considered to be June 3, 1986, the date when interim zoning was enacted. Subsequent amendments will have different effective dates.

Where a landowner wishes to make a change or expansion from an existing prior non-conforming situation to another or expanded non-conforming situation, the landowner may request a change in non-conforming status. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize changes in non- conforming status which are not contrary to the public interest.

Special Zoning District No. 13-A: Bryant Tracts

Any request for a change or expansion of a non-conforming use shall be granted if the requested change is to a similar or higher grade of conformity or is to a similar or lesser degree of non-conformity. Further, any changes which are not material or are not substantial shall be approved.

SECTION D VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

SECTION E SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION F PUBLIC INTEREST

The recommendations of the planning and zoning commission and the zoning decisions of the Board of County Commissioners shall be based upon the considerations and factors set forth below, provided, that no one consideration shall be controlling:

1. Lessen congestion in the streets
2. Secure safety from fire and other dangers
3. Promote health and general welfare
4. Provide adequate light and air
5. Prevent the overcrowding of land
6. Avoid undue concentration of people
7. Facilitate provision of public requirements
8. Consider the character of the district
9. Conserve building values
10. Encourage the appropriate use of the land
11. Conformance with the development pattern or comprehensive plan
12. Expressed public opinion
13. Applicable decisions of the Courts and Attorney General Opinions
14. Other applicable factors.

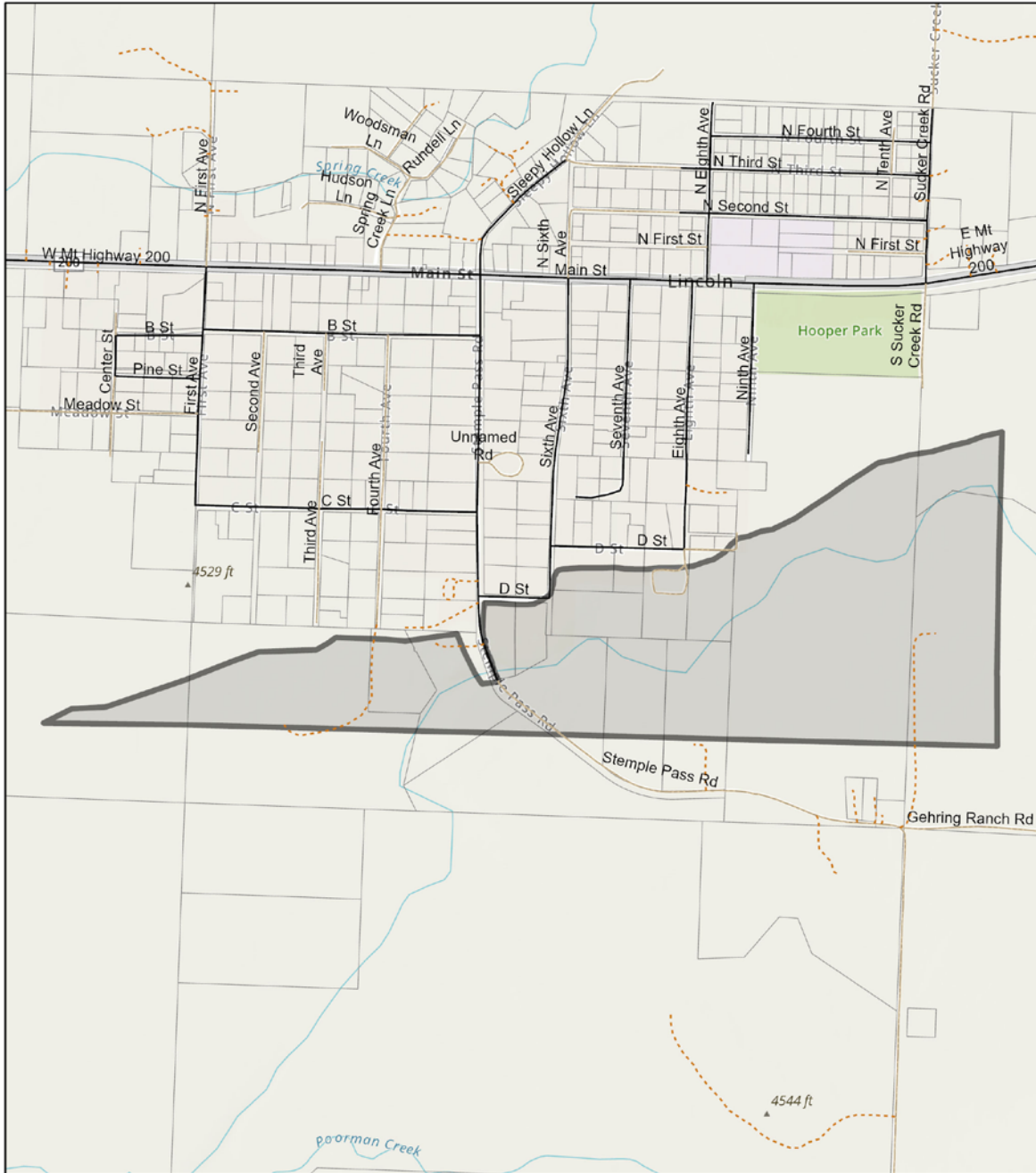
Special Zoning District No. 14: Lincoln Floodplain, Special Flood Hazard Area



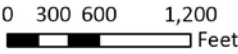
SPECIAL ZONING DISTRICT NO. 14: LINCOLN FLOODPLAIN, SPECIAL FLOOD HAZARD AREA (SFHA)

Resolution No.	Purpose	Adopted	Filed
Res. 1975-43	Original adoption	July 24, 1975	

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 14: Lincoln Floodplain, Special Flood Hazard Area



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 14</p> <p>Lincoln Floodplain</p>		<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>		

Special Zoning District No. 14: Lincoln Floodplain, Special Flood Hazard Area

Section 1 Title

This resolution shall be known and cited as the Special Flood Hazard Area Zoning Resolution.

Section 2 Definitions

"Flood" means a temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other inland water.

"Floodplain or floodprone" means a land area adjoining a river, stream, or water course which is likely to be flooded.

"Governing body" is the Board of County Commissioners.

"Location Permits" are the application forms required for any new construction or substantial improvement within the designated special flood hazard area to insure: 1) the use of construction and utility material resistant to flood damage, 2) that structures are designed and anchored to prevent flotation, collapse or lateral movement and 3) generally use methods and practices that will minimize flood hazards.

"Special flood hazard area" means that portion of the floodplain delineated on the communities special flood hazard boundary map issued by the Federal Insurance Administrator.

"Structure" means anything constructed above or below ground which is used for support, shelter or enclosure of persons, animals or property of any kind. The term includes trailers, prefabricated homes, and those buildings under construction, alteration or repair.

"Substantial improvement" means any repair or improvement of a structure, exceeding 50% of its cash value before improvement or damage done by floods.

Section III Intent

It is the intent of this resolution to establish construction practices within the special flood hazard area that will reduce the damage and loss by floods, and to meet the requirements of the National Flood Insurance Program. The resolution contained herein shall take precedence over any conflicting laws, ordinance or codes, but will not relax other nonconflicting federal, state or local regulations.

Section IV Permitted Uses

Those new structures or substantial improvements that have first obtained a location permit.

Section V General Provisions

Those areas within the floodprone area delineated on the attached Special Flood Hazard Map are zoned flood hazard areas. Within this area location permits must be obtained before any new construction or substantial improvement occurs. These permits shall be issued if: 1) these structures incorporate into their designs sufficient anchoring to prevent floatation, collapse or lateral movement, 2) use construction materials and utility equipment that are resistant to flood damage and 3) use general methods and practices that will minimize flood damage. Such designs shall be reviewed before issuing a permit.

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 14: Lincoln Floodplain, Special Flood Hazard Area

Subdivision proposals and new developments within the special flood hazard area will be reviewed by the County Commissioners to assure compliance with Lewis and Clark County subdivision regulations and further to guarantee that: 1) all proposals are consistent with the need to minimize flood damage, 2) all utilities are constructed to minimize damage from flood and 3) adequate drainage is provided to reduce exposure to flood.

The Lewis and Clark County Health Department shall require new or replacement water supply systems and/or sewage disposal systems be designed to minimize infiltration of flood waters into the systems, and discharges from these systems into the floodwater.

Section VI Non-Conforming Use

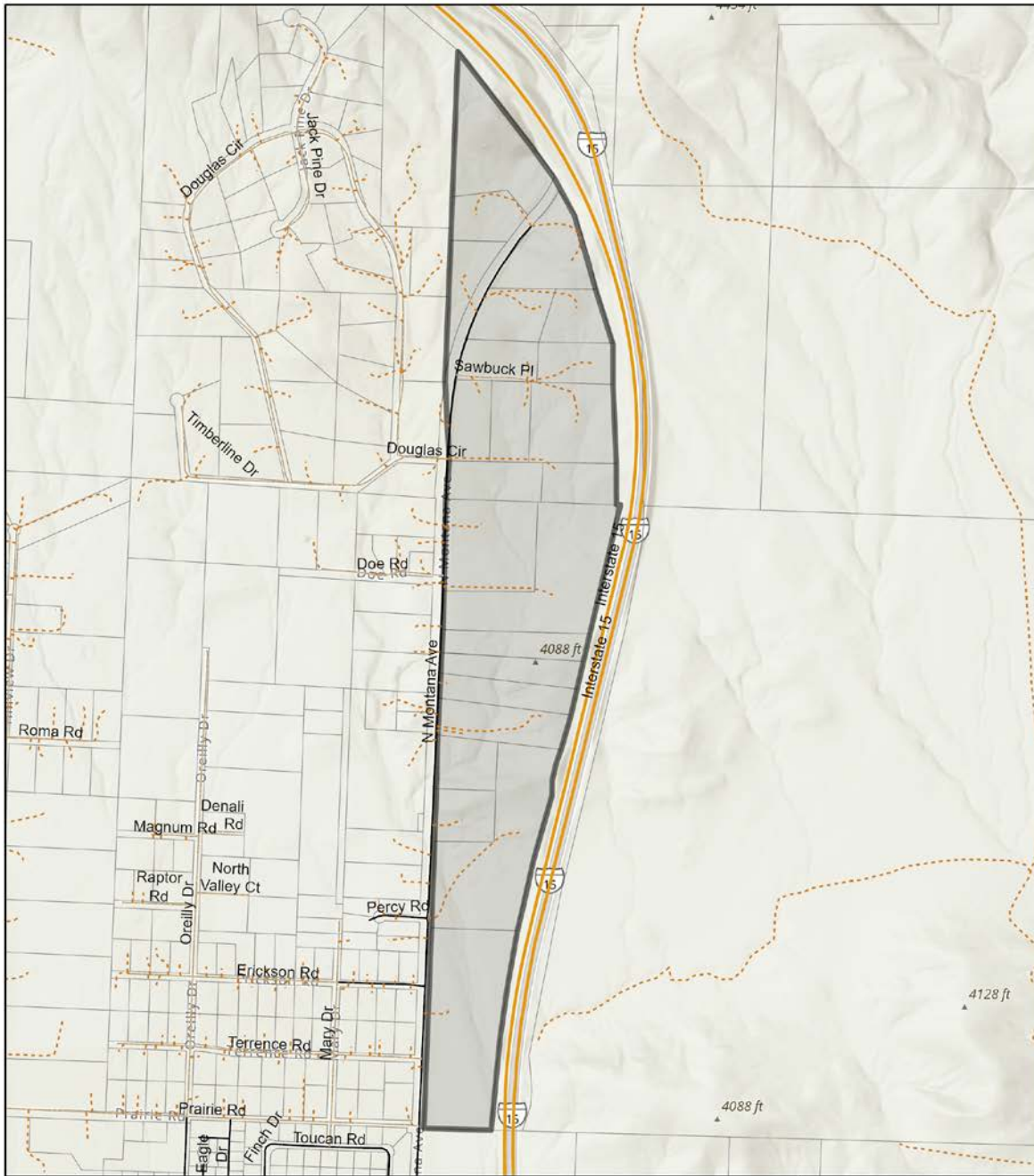
Within the district established by this Ordinance there exists structures that were lawful before this Ordinance was passed. It is the intent of this section to permit these non-conforming structures to continue. If substantial improvement in the structure occurs, they shall be subject to the provisions of Section V.



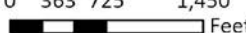

SPECIAL ZONING DISTRICT NO. 15-A: NORTHEAST MONTANA & PRAIRIE

Resolution No.	Purpose	Adopted	Filed
Res. 1988-63	Original adoption	May 27, 1988	

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 15-A: Northeast Montana & Prairie



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 15-A Northeast Montana & Prairie</p>	<p>N</p>  <p>0 363 725 1,450 Feet</p> 
<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>		

Special Zoning District No. 15-A: Northeast Montana & Prairie

SECTION 1 TITLE

This resolution shall be known and cited as County Special Zoning District and Regulations No. 15-A.

SECTION 2 INTENT

This district is intended to provide for low density residential uses in a rural atmosphere. This district offers environmental protection to areas that are fragile in nature and cannot support normal densities due to physiographic, hydrological, and biological conditions.

SECTION 3 PERMITTED USES

The following types of uses are permitted in this area:

1. A conventional, detached single family dwelling.
2. A detached, modular single family dwelling on a permanent foundation. A modular dwelling is described as follows:
 - a. Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer and shall be constructed without a permanent undercarriage, so that it may be placed on a foundation.
 - b. That factory construction is able to meet or exceed the Uniform Building Codes.
3. Those agricultural, livestock, and poultry uses that do not create a nuisance.
4. Accessory uses such as private garage, barn, stable, corral, and temporary buildings for construction.

SECTION 4 MINIMUM LOT SIZE

The minimum lot area in this district for the permitted uses shall be five (5) acres, with a maximum of one (1) dwelling per lot.

SECTION 5 NON-CONFORMING USES

Within the district established by this ordinance there exist lots, structures, and uses of land which were lawful before this resolution and preceding interim zoning resolutions were adopted, but which would now be prohibited. It is the intent here to permit these non-conforming uses to continue, without expansion, until they are removed.

SECTION 6 SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SPECIAL ZONING DISTRICT NO. 18: SOUTHEAST VANDENBERGH VILLAGE

Resolution No.	Purpose	Adopted	Filed
Res. 1976-6A	Original adoption	February 3, 1976	M Book 4, Page 7883
Res. 2010-339	Legal description clarified	June 11, 1986	M Book 6, Page 7712
Res. 2010-339	Amendment to Non-Conforming Lots section	November 23, 2010	M Book 42, Page 8876

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 18: Southeast Vandenberg Village



Special Zoning District No. 18: Southeast Vandenberg Village

INTENT

It is the primary intent of this district to accommodate and protect the uses of single family dwelling units and also preserve and promote the residential character of the area.

PERMITTED USES:

1. One single family dwelling per lot of conventional construction, modular construction, or a mobile home on a permanent foundation.
2. Agricultural pursuits with animal densities not to exceed one animal unit for each one acre.
3. Accessory Uses: Those uses of land or a subordinate building or portion of a main building, such use being secondary to, or incidental to the principal use or structure. Accessory uses such as the following, but not limited to the same:
 - A. Private garage
 - B. Barn
 - C. Stable
 - D. Corral
 - E. Guest House
4. Home Occupations: A profession or service activity customarily and historically conducted within a dwelling unit by its inhabitants only, which activity is clearly incidental to the use of the dwelling unit for dwelling purposes and does not change the character and appearance thereof.

MINIMUM LOT AREA:

Each lot area shall not be less than 85 feet in width and shall have a minimum lot area of 12,750 square feet, provided that a central sewage and water systems are established for the area under consideration. In the case where individual on-lot water and/or septic tank sewer is provided, the lot area shall conform to the State of Montana Health Board and/or City-County Health Department requirements concerning said systems.

Non-conforming Lots: Lots or tracts of record filed with the Clerk and Records Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

Notwithstanding other limitations imposed by this resolution, structures permitted in this district may be

Special Zoning District No. 18: Southeast Vandenberg Village

erected on any single lot of record on the effective date of this resolution.

Non-conforming Use: A structure or land lawfully used or occupied prior to the effective date of this resolution which does not conform to the use regulations for the district in which it is locate.

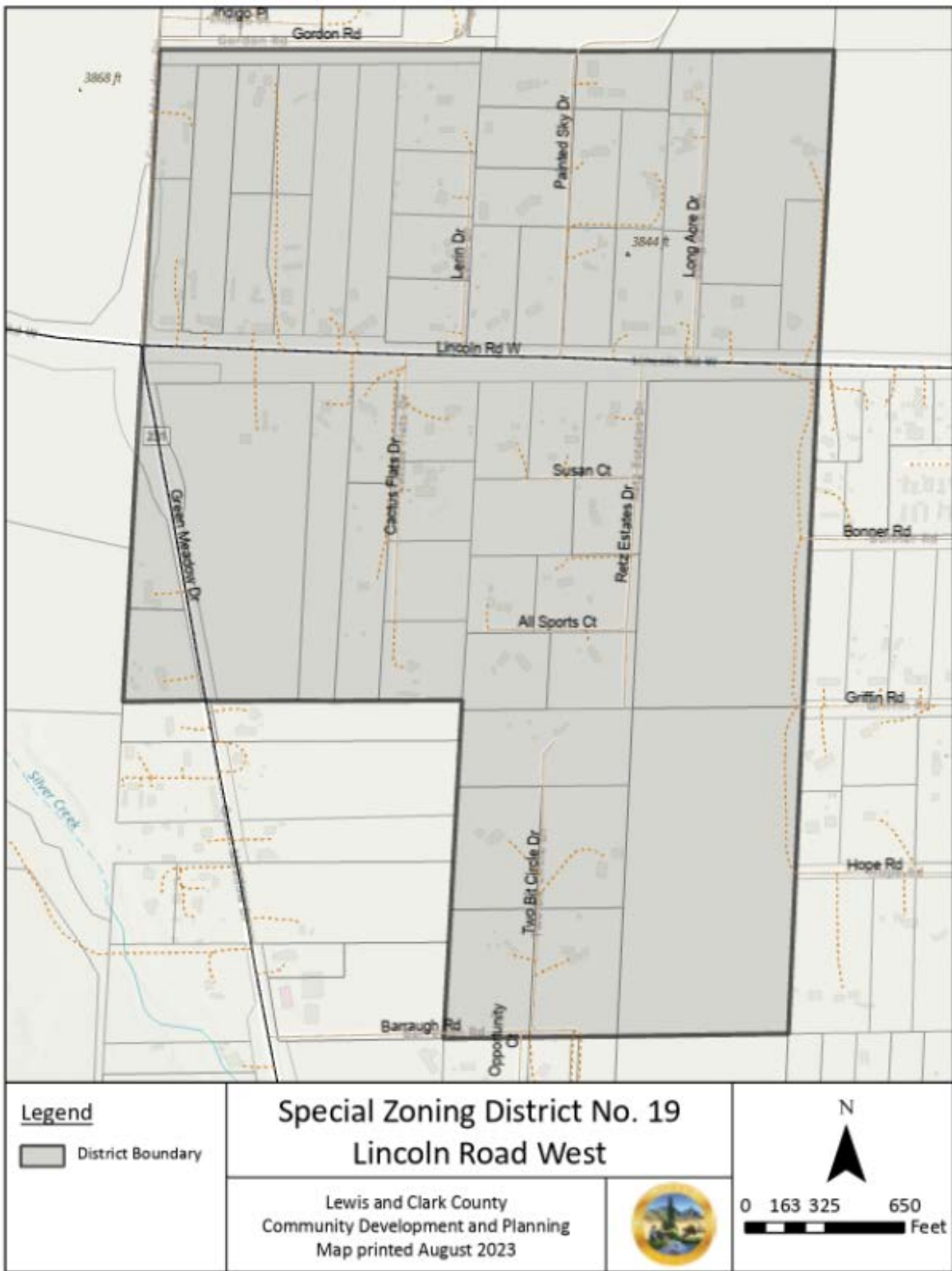
1. The lawful use of land or a structure existing at the time of the adoption of this resolution may be continued even though such uses does not conform with the district provisions thereof.
2. The nonconforming use of land or structure shall not in any way be expanded either on the same or adjoining property.
3. If the nonconforming use of land or structures, existing at the time this resolution became effective, is discontinued for a period of 6 months or changed, then that use shall conform to the uses permitted in the district in which it is located.

Special Zoning District No. 19: Lincoln Road West

SPECIAL ZONING DISTRICT NO. 19: LINCOLN ROAD WEST

Resolution No.	Purpose	Adopted	Filed
Res. 1976-30A	Original adoption	August 19, 1976	Book 109, Page 115
Res. 1986-32	Legal description clarified	June 11, 1986	M Book 6, Pg. 7712

Special Zoning District No. 19: Lincoln Road West



Special Zoning District No. 19: Lincoln Road West

INTENT

It is the primary intent of this district to preserve and protect the uses of single family dwelling units and promote this residential character in the area.

Permitted Uses:

1. One single family dwelling of conventional construction, modular construction or a mobile home per lot.
2. Agricultural pursuits with animal densities not to exceed five (5) animal units for each two (2) acres.
3. Accessory uses such as the following, but not limited to the same:
 - A. Private garage
 - B. Barn
 - C. Stable
 - D. Corral
 - E. Guest House
4. Home Occupation: A profession or service activity customarily and historically conducted within the dwelling unit by its inhabitants only, which activity is clearly incidental to the use of the dwelling unit for residential purposes and does not change the character and appearance thereof.

Minimum Lot Area: The minimum lot size in this district for any permitted use shall be two (2) acres. A lot size greater than two (2) acres may be established in this district.

Building Coverage: No more than ten percent (10%) of the total land area shall be covered by man-made structures.

Yard Requirements and Setbacks: At the point where a building is situated on a tract of land, the total width of the tract measured at right angles to each property line and through the said building must be a minimum of one hundred fifty (150) feet. All structures shall be a minimum of ten (10) ft. setback from every property line and public right-of-way line. Any stable, barn, corral, hutch, pen or other such structure built to enclose or house animals or fowl shall not be closer than twenty (20) feet from the property lines.

Non-Conforming Lots: Lots or tracts of record filed with the Clerk and Records Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single

Special Zoning District No. 19: Lincoln Road West

lot, the new lot shall not, thereafter, be divided in violation of these regulations.

The lawful use of a building or structure existing at the time of adoption of this District may be continued even though such use does not conform with the District provisions hereof.

A nonconforming use may be extended throughout the building or structure provided no structural alterations or change are made therein, except those required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during the natural life of the building.

The nonconforming use of land where a structure thereon is not so employed, existing at the time that this District becomes effective, may be continued provided:

1. The nonconforming use of land shall not in any way be expanded either on the same or adjoining property.
2. That if the nonconforming use of land, existing at the time this District became effective, is hereafter discontinued or changed, then the future use of such land shall be in conformity with the provisions of this District.

Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a District of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted use

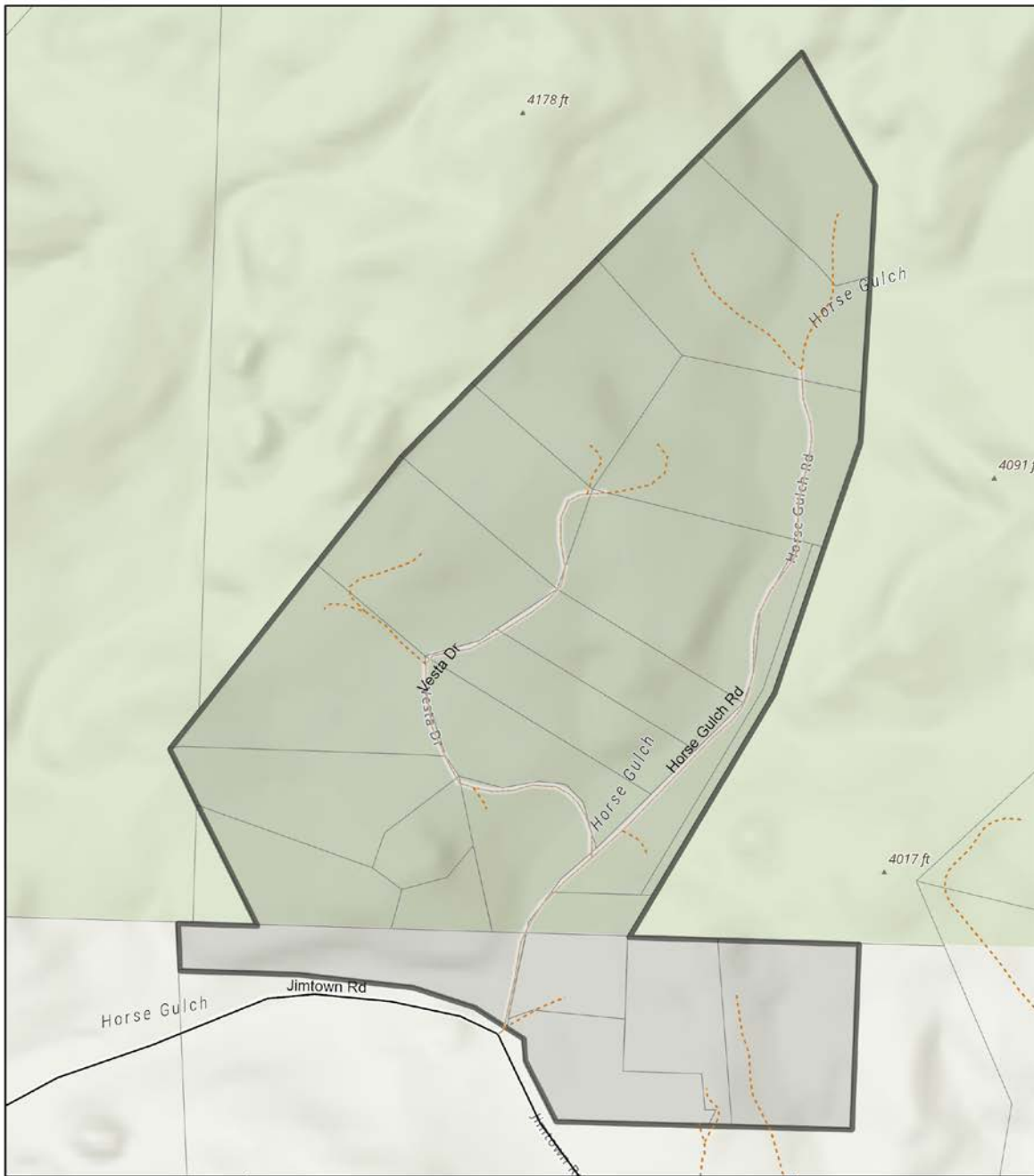
In the event that a nonconforming use of any building, building and land or land only is discontinued for a period of one year, the use of the same shall conform thereafter to the uses permitted in the District in which it is located.

Special Zoning District No. 21: Canyon Ferry

SPECIAL ZONING DISTRICT NO. 21: CANYON FERRY

Resolution No.	Purpose	Adopted	Filed
Res. 1977-16	Original adoption	March 15, 1977	Book 110, Page 779
Res. 1986-34	Legal description clarified	June 11, 1986	M Book 6, Page 9144
Res. 2010-340	Amendment to Non-Conforming Lots section	November 23, 2010	M Book 42, Page 8877

Special Zoning District No. 21: Canyon Ferry



Legend District Boundary	Special Zoning District No. 21 Canyon Ferry		 0 163 325 650 Feet
	Lewis and Clark County Community Development and Planning Map printed August 2023		

Special Zoning District No. 21: Canyon Ferry

INTENT

It is the primary intent of this district to accommodate and protect the uses of single-family dwelling units and also preserve and promote the residential character of the area.

PERMITTED USES

1. Conventional detached single-family dwellings.
2. Modular detached single-family dwellings placed on permanent foundations. Modular as used here applies more to size and general shape than to the degree of either finish or completeness. Modular defined: A detached one-family dwelling with all of the following characteristics:
 - a. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - b. Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
 - c. That the factory construction is able to meet or exceed the uniform building codes.
 - d. That the dwelling unit is eligible for long-term amortized mortgage financing.
3. Public and private institutions and uses.
4. Temporary buildings for and during construction.
5. Accessory uses: These are defined as those uses of land or a subordinate building or portion of a main building, such use being secondary to, or incidental to the principal use of the structure. Accessory uses are such as the following, but not limited to the same:
 - A. Private garage
 - B. Barn
 - C. Stable
 - D. Corral
 - E. Guest House
6. Home Occupations: A profession or service activity customarily and historically conducted within a dwelling unit by its inhabitants only, which activity is clearly incidental to the use of the dwelling unit for dwelling purposes and does not change the character and appearance thereof. This shall include use of the lot for storage and sale of firewood for residential users.

MINIMUM LOT AREA

Each lot shall be not less than five (5) acres notwithstanding continuation of pre-existing non-conforming lots of record. In the case where individual on-lot water and/or septic tank sewer is provided, the lot area shall conform to the State of Montana Health Board and/or City-County Health Department requirements concerning said systems.

Special Zoning District No. 21: Canyon Ferry

NON-CONFORMING LOTS

Lots or tracts of record filed with the Clerk and Records Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

NON-CONFORMING LOTS

These are the uses of structures or land lawfully used or occupied prior to the effective date of this resolution which do not conform to the use regulations for this district.

1. The lawful use of land or a structure existing at the time of the adoption of this resolution may be continued even though such uses do not conform with the district provisions thereof.
2. The non-conforming use of land or structure shall not in any way be expanded either on the same or adjoining property.
3. If the non-conforming use of land or structures, existing at the time this resolution became effective, is discontinued for a period of 6 months or changed, then that use shall conform to the uses permitted in the district in which it is located.

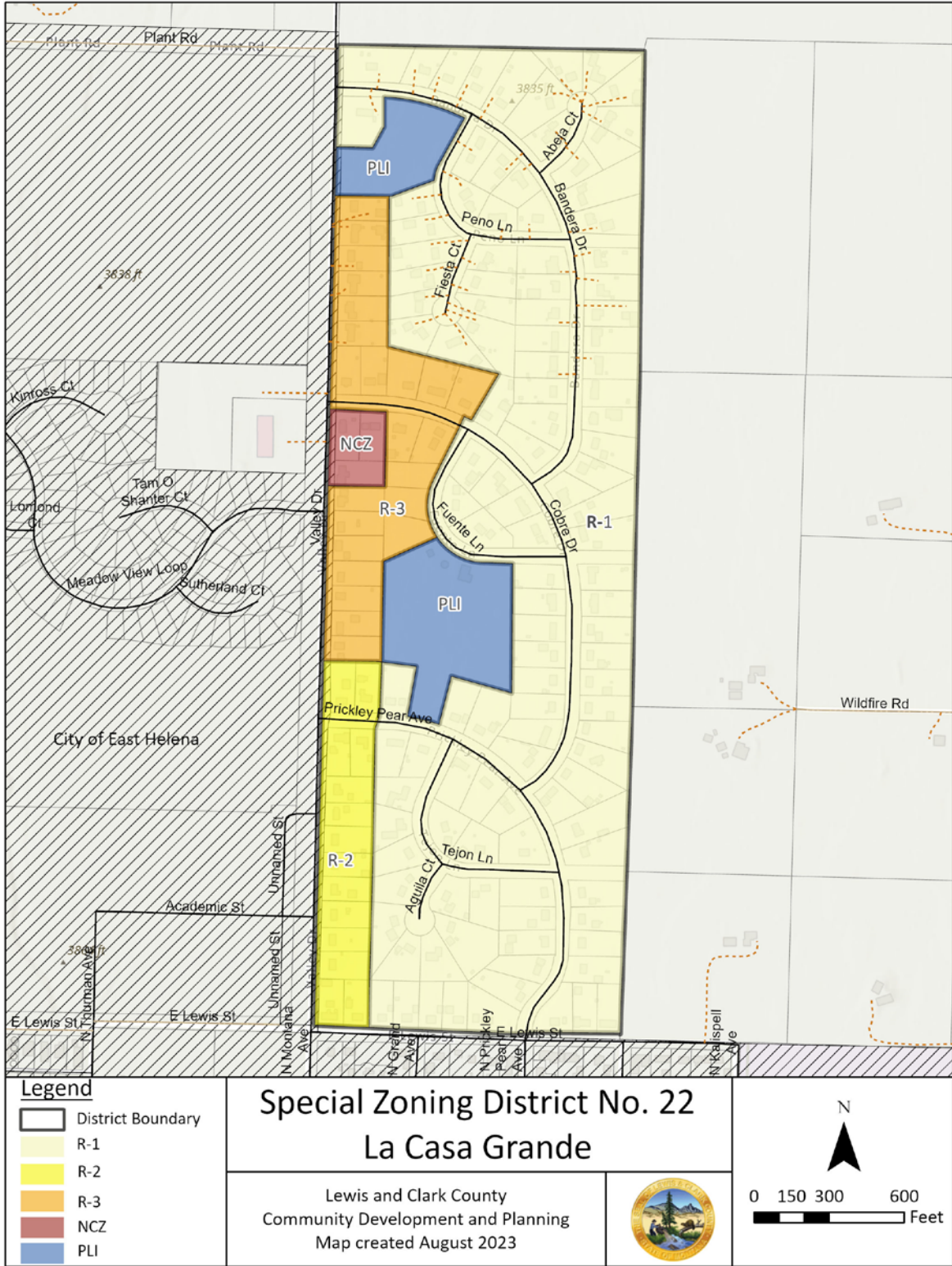
Special Zoning District No. 22: La Casa Grande

SPECIAL ZONING DISTRICT NO. 22: LA CASA GRANDE

Resolution No.	Purpose	Adopted	Filed
Res. 1977-41	Original adoption	August 16, 1977	Book 115, Page 558
Res. 1978-13	Amendment of regulations	April 17, 1978	Book 115, Page 564
Res. 1986-29	Amendment of regulations	June 11, 1986	M Book 6, Page 7711

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 22: La Casa Grande



Special Zoning District No. 22: La Casa Grande

SECTION 1 TITLE

This resolution shall be known and cited as Special Zoning District and Regulations No. 22.

SECTION 2 PROVISIONAL ZONING MAP

The County has hereby divided into zones La Casa Grande Estates subdivision as shown on the Official Zoning Map No. 22, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this resolution. The official zoning map No. 22 should be identified by the signature of the Chairman of the Board of County Commissioners and attested to by the County Clerk and Recorder and bearing the seal of the County under the following words: "This is to certify that this is the Official Zone District Map No. 22 referred to in Section 1 of Resolution No. 1977-40, and amended by Resolution 1978-12, County of Lewis and Clark, State of Montana", together with the date of the adoption of this resolution.

SECTION 3 APPLICATION OF ZONING REGULATIONS

The regulations set by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a) to exceed the height or bulk;
 - b) to accommodate or house a greater number of families;
 - c) to occupy a greater percentage of lot area;
 - d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this resolution.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this resolution shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution.
5. The following definition of "accessory building" applies throughout these regulations: "A subordinate building or a portion of the main building, such use being secondary to or incidental to the principal use or structure".

Special Zoning District No. 22: La Casa Grande

SECTION 4 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

4.1 INTENT

The intent of this district is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

4.2 PERMITTED USES

1. Newly constructed one-family dwellings.
2. Temporary buildings for and during construction.
3. Accessory uses.
4. Church and accessory uses.
5. One-family modular dwellings with a HUD-FHA Structural Engineering Bulletin and as modified.

4.3 LOT AREA AND WIDTH

Each lot would be not less than 85 feet in width and shall have a minimum area of 11,000 square feet.

4.4 BUILDING COVERAGE AND MINIMUM FLOOR AREA

No more than 30% of the lot shall be occupied by the principal and accessory buildings.

4.5 FRONT YARDS

Every lot shall have a front yard of at least 35 feet.

4.6 REAR YARDS

No principal building or garage shall be located closer than 25 feet (25') from the rear lot line. Any accessory building wall shall be at least ten feet (10') from the nearest point of the main building wall excluding eave overhang.

4.7 SIDE YARDS

No principal building or garage shall be located closer than ten feet (10') from the side lot lines. Any accessory building wall shall be at least ten feet (10') from the nearest point of the main building wall excluding eave overhang.

4.8 BUILDING HEIGHT

No building shall be higher than 24 feet, except for church spires or towers.

4.9 OFF-STREET PARKING

Each dwelling unit shall have two off-street parking spaces, which may be constructed of gravel.

4.10 SIGNS

One sign not over four (4) square feet may be placed on a lot.

Special Zoning District No. 22: La Casa Grande

SECTION 5 R-2 ZONE

5.1 INTENT

The intent of this district is to provide for newly constructed, medium density two-family residential development. It would provide for changing patterns of residential areas where facilities can be provided to serve them and for a variety of housing facilities to serve the varied needs of families of different sizes.

5.2 PERMITTED USES

1. Uses permitted in the R-1 zone
2. Single-family dwellings
3. Two-family dwellings
4. Churches and accessory uses
5. Accessory uses
6. Modular dwellings - with a HUD-FHA Structural Engineering Bulletin and as modified.

5.3 LOT AREA AND WIDTH

For each residential use, there shall be at least 5,500 square feet of lot area for each dwelling unit contained within a single structure, and 11,000 square feet if for only one unit. Minimum lot width shall be 75 feet

5.4 COVERAGE

No more than 40% of the lot shall be occupied by principal and accessory buildings.

5.5 FRONT YARDS

Every lot shall have a front yard of at least 35 feet in depth.

5.6 REAR YARDS

No principal building or garage shall be located closer than 25 feet (25') from the rear lot line. Any accessory building wall shall be at least ten feet (10') from the nearest point of the main building wall excluding eave overhang.

5.7 SIDE YARDS

No principal building or garage shall be located closer than ten feet (10') from the side lot lines. Any accessory building wall shall be at least ten feet (10') from the nearest point of the main building wall excluding eave overhang.

5.8 BUILDING HEIGHT

No building height shall be greater than 32 feet, except for church spires or towers.

5.9 OFF-STREET PARKING

Each dwelling unit shall have two off-street parking spaces, which may be constructed of gravel.

5.10 SIGNS

One sign not to exceed thirty (30) square feet in size is permitted for each lot or building complex.

Special Zoning District No. 22: La Casa Grande

SECTION 6 R-3 MULTI-FAMILY RESIDENTIAL

6.1 INTENT

This district is intended to provide for the development of multi-family residential structures having a set density control. It would provide for changing patterns of residential areas where facilities can be provided to serve them and for a variety of housing facilities to serve the varied needs of families of different sizes.

6.2 PERMITTED USES

1. Uses permitted in the R-1 and R-2 zones
2. Single-family dwellings
3. Two-family dwellings
4. Multiple family dwellings (up to and including 4-plexes)
5. Churches and accessory uses
6. Accessory uses
7. Modular dwellings - with a HUD-FHA Structural Engineering Bulletin and as modified.

6.3 LOT AREA AND WIDTH

For each residential use, there shall be at least 3,000 square feet of lot area for each dwelling unit if two or more, and 5,000 square feet if only one, not less than 50 feet wide.

6.4 COVERAGE

No more than 40% of the lot shall be occupied by principal and accessory buildings.

6.5 FRONT YARDS

Every lot shall have a front yard of at least 20 feet in depth.

6.6 REAR YARDS

No principal building or garage shall be located closer than twenty feet (20') from the rear lot line. Any accessory building wall shall be at least ten feet (10') from the nearest point of the main building wall excluding eave overhang.

6.7 SIDE YARDS

Every lot shall have two side yards with a total of at least fifteen feet (15'), with no side yard of less than six feet (6'). This requirement applies to principal buildings and garages only. Any accessory building wall shall be at least ten feet (10') from the nearest point of the main building wall excluding eave overhang.

6.8 BUILDING HEIGHT

No building height shall be greater than 32 feet, except for church spires or towers.

6.9 OFF-STREET PARKING

Each dwelling unit shall have two off-street parking spaces, and may be constructed of gravel.

Special Zoning District No. 22: La Casa Grande

6.10 SIGNS

One sign not to exceed thirty (30) square feet in size is permitted for each lot or building complex.

SECTION 7 NEIGHBORHOOD COMMERCIAL ZONE

7.1 INTENT

It is the intent of this district to provide for neighborhood shopping facilities consisting of varied retail, service and office uses intended to serve the La Casa Grande Estates subdivision. The requirements of this district are directed at the achieving of an aesthetic unity and harmony for the neighborhood business district and other surrounding land uses.

7.2 PERMITTED USES

The uses listed below appear in general form and are established as categorical subjects of which underlying related uses can be implied at the discretion of the County Commission after review by the City-County Planning Board.

1. All uses permitted in R-1, R-2, and R-3 zones.
2. Retail Trade - Grocery, fruit or vegetable store; meat market; meat, fish, or dressed poultry (no live poultry) sales; bakery; drug store; liquor store (for consumption off the premises only); hardware store; mini-storage facilities; restaurant, cafe or soda fountain, not including entertainment or dancing; sale of liquor, beer or other alcoholic beverages for consumption on the premises shall be permitted only in conjunction with a restaurant
3. Service Activities - Barber or beauty shop, clothes cleaning and laundry pickup stations, laundromat, coin-operated dry-cleaning establishment; offices of physicians, dentists, optometrists; chiropractors, accountants, real estate agencies, lawyers, and insurance agencies; tailors and dressmakers.
4. A single-family residential use is permitted for the use of a family that owns or manages a permitted business in this district. It is not the intent of this section to encourage a mixture of commercial and residential use except where convenience a dwelling would be proper and would not adversely affect surrounding property.

7.3 MINIMUM LOT REQUIREMENTS

Other than to meet other requirements of this section, no minimum lot requirement is specified.

7.4 FRONT YARD

Front yards of at least 15 feet shall be provided.

7.5 REAR YARDS

No rear yard is required with the exception of a "NC" zone district abutting a street or an "R" zone. In such cases, there shall be provided at least 20 feet of rear yard.

7.6 SIDE YARD

No side yards are required with the exception of a "NC" zone district abutting a street or an "R" zone. In such cases there shall be at least 10 feet of side yard.

Special Zoning District No. 22: La Casa Grande

7.7 BUILDING HEIGHT

No building shall be higher than 32 feet.

7.8 SIGNS

One business identification sign permitted for each commercial use not to exceed 50 square feet in area.

7.9 PARKING

One parking space shall be provided for each 300 square feet of retail floor space occupied. Construction of parking area shall be of hard surface type, i.e., concrete or asphalt.

SECTION 8 PLI PUBLIC LANDS AND INSTITUTIONS DISTRICT

8.1 INTENT

This district is to provide for and to reserve land for major open lands, public and quasi-public recreational and public service activities.

8.2 PERMITTED USES

1. Publicly-owned land in use for parks, playgrounds and other open spaces.
2. Public buildings, memorial stadia, statuary, fountains, etc.
3. Temporary buildings for and during construction.
4. Accessory uses.
5. Drain fields.
6. Well house and water works.

8.3 LOT AREA AND WIDTH, BUILDING COVERAGE AND YARDS

No restrictions.

8.4 BUILDING HEIGHT

No building shall be higher than 40 feet.

8.5 SIGNS

Signs permitted only when incidental to the use of the property.

SECTION 9 ADMINISTRATION AND ENFORCEMENT

An administrative official designated by the County Commission shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the County Commission may desire. If the administrative official shall find that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this resolution to ensure compliance with or to prevent violation of its provisions.

Special Zoning District No. 22: La Casa Grande

SECTION 10 GENERAL PROVISIONS

Construction: All structures shall be of new construction and no provisional or accessory buildings may be moved from a prior existing site. Temporary buildings will be allowed while the principal structure is under construction.

SECTION 11 FENCES AND WALLS

No solid fence, wall, or hedge shall extend beyond the front portion of the principal building. No other fence, wall or hedge in excess of forty-two inches (42 in.) in height measured from grade level shall extend beyond the front portion of the principal building. No other fence or wall shall exceed six feet (6') in height. No fences, walls, trees, bushes or hedges shall be constructed or allowed to grow so as to impede vision between a height of two and one half (2 1/2) and twelve (12) feet above the grade of any intersection for a distance of fifty (50) feet from the intersection. No fence, wall, or other structure, tree or shrub shall be constructed or planted within twelve (12) feet of an existing fire hydrant.

SECTION 12 VARIANCES

Any person, firm or corporation may request relief from the provisions of this resolution by requesting a variance from the Board of County Commissioners. At the time of application for a variance, the applicant shall pay that fee which has been established by the Board of County Commissioners.

SECTION 13 SEPARABILITY CLAUSE

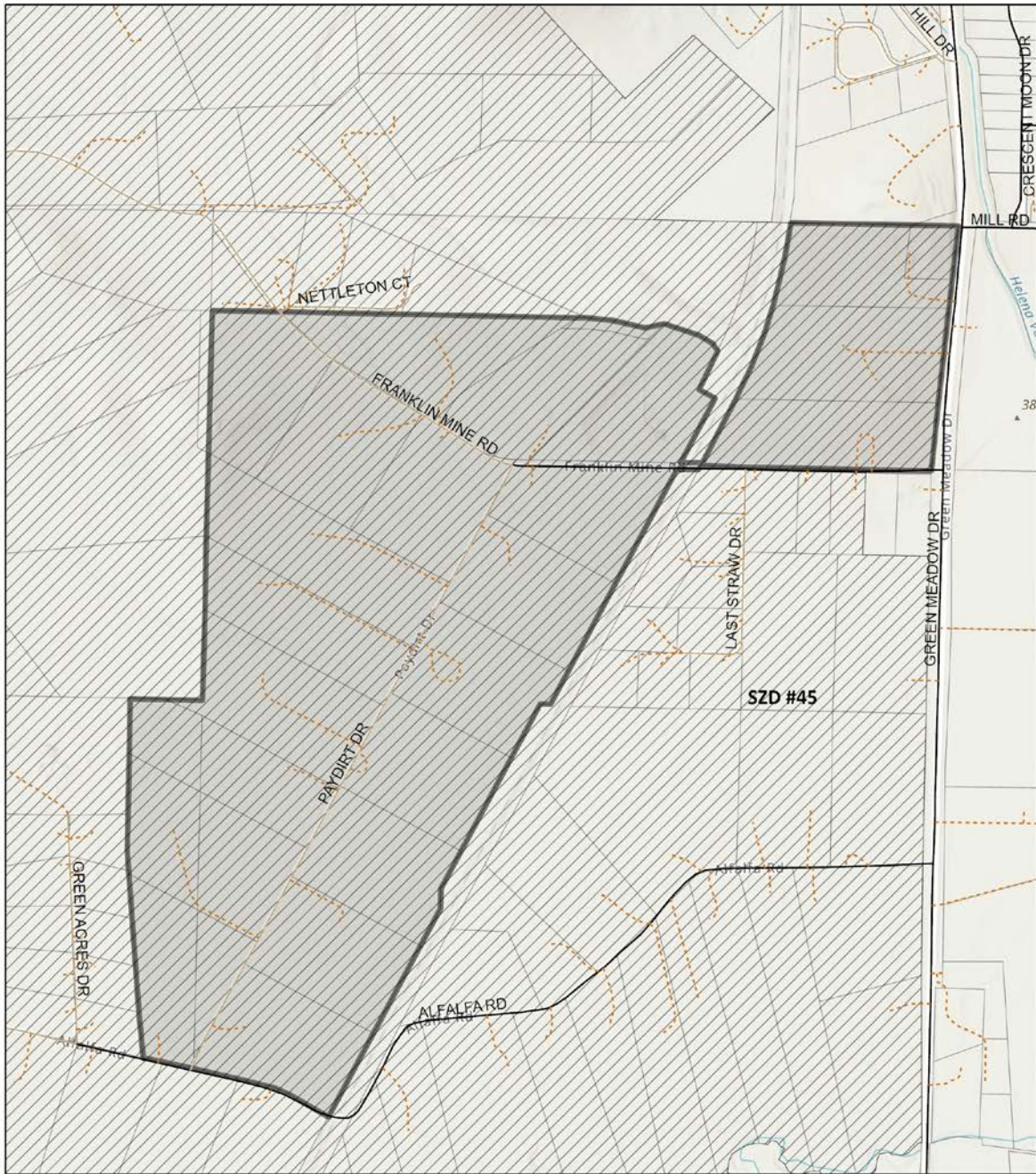
Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.






Special Zoning District No. 23: Paydirt

SPECIAL ZONING DISTRICT NO. 23: PAYDIRT

Resolution No.	Purpose	Adopted	Filed
Res. 1977-47	Original adoption	September 30, 1977	Book 113, Page 224
Res. 1986-73	Legal description clarified	August 28, 1986	Book M7, Page 1335

Special Zoning District No. 23: Paydirt



<p>Legend</p> <ul style="list-style-type: none"> District Boundary South Scratchgravel Hills Special Zoning District #45	<p>Special Zoning District No. 23</p> <p>Paydirt</p> <p>Lewis and Clark County Community Development and Planning Map printed August 2023</p> 	<p>N</p>   <p>0 250 500 1,000 Feet</p>
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Special Zoning District No. 23: Paydirt

INTENT

It is the primary intent of this district to accommodate and protect the use of single-family dwelling units and agricultural land uses while promoting and preserving the rural-residential atmosphere of the area.

PERMITTED USES:

1. Only single family homes of new or modular construction.
2. Only one such home shall be constructed or placed on each lot.
3. Agricultural pursuits.
4. Accessory uses necessary to the use, operation and maintenance of the above permitted uses, such as but not limited to the following:
 - a. Private garages
 - b. Barns
 - c. Stables
 - d. Corrals
 - e. Other necessary structures
5. Non-conforming uses and lots provided that the lot or use was lawfully created or in use prior to the effective date of this resolution which does not conform to the use regulations for the district in which it is located. Such non-conforming uses shall be subject to the following conditions:
 - a. The lawful use of land or a structure existing at the time of the adoption of this resolution may be continued even though such use does not conform with the district provisions thereof.
 - b. The non-conforming use of land or structure shall not in any way be expanded either on the same or adjoining property.
 - c. If the non-conforming use of land or structures, existing at the time of this resolution became effective, is discontinued for a period of 6 months or changed, then that use shall conform to the uses permitted in the district in which it is located.
 - d. Those numbered lots as they appear on the original plat of the PAYDIRT or RACETRACK MEADOWS DIVISIONS that are less than 10 acres in size may be sold as less than 10 acres and will be subject to all other building and agricultural restrictions.

MINIMUM LOT SIZE

The minimum lot size shall be 10 acres.

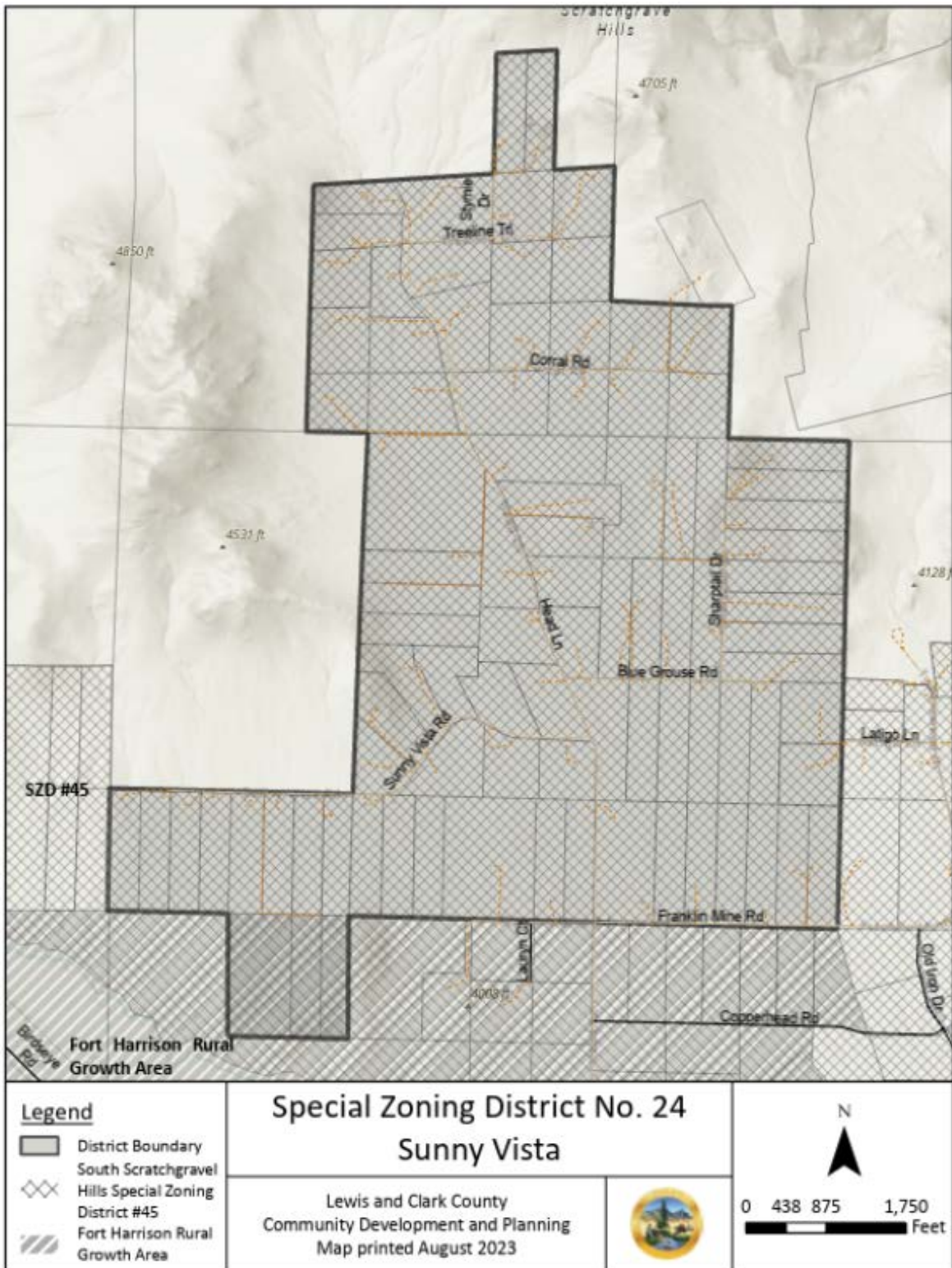
Special Zoning District No. 24: Sunny Vista

SPECIAL ZONING DISTRICT NO. 24: SUNNY VISTA

Resolution No.	Purpose	Adopted	Filed
Res. 1977-49	Original adoption	September 30, 1977	Book 113, Page 228

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 24: Sunny Vista



Special Zoning District No. 24: Sunny Vista

INTENT

It is the primary intent of this district to accommodate and protect the uses of single-family dwelling units and protect the agricultural uses and also preserve and promote the rural-residential atmosphere of the area.

PERMITTED USES:

1. Only new single-family dwellings may be constructed and only one such dwelling on each 10 acre lot. Each such dwelling shall have not less than 1,000 square feet of living space exclusive of porches and garages. The construction of such dwellings must be conventional or modular on a permanent foundation. No more than two outbuildings will be permitted with each single-family dwelling. The construction of such outbuildings will be of a similar material and design as the dwelling.
2. Noncommercial agricultural pursuits with animal densities not to exceed four (4) grazing type animal units per ten acres, which must be kept in a fenced enclosure.

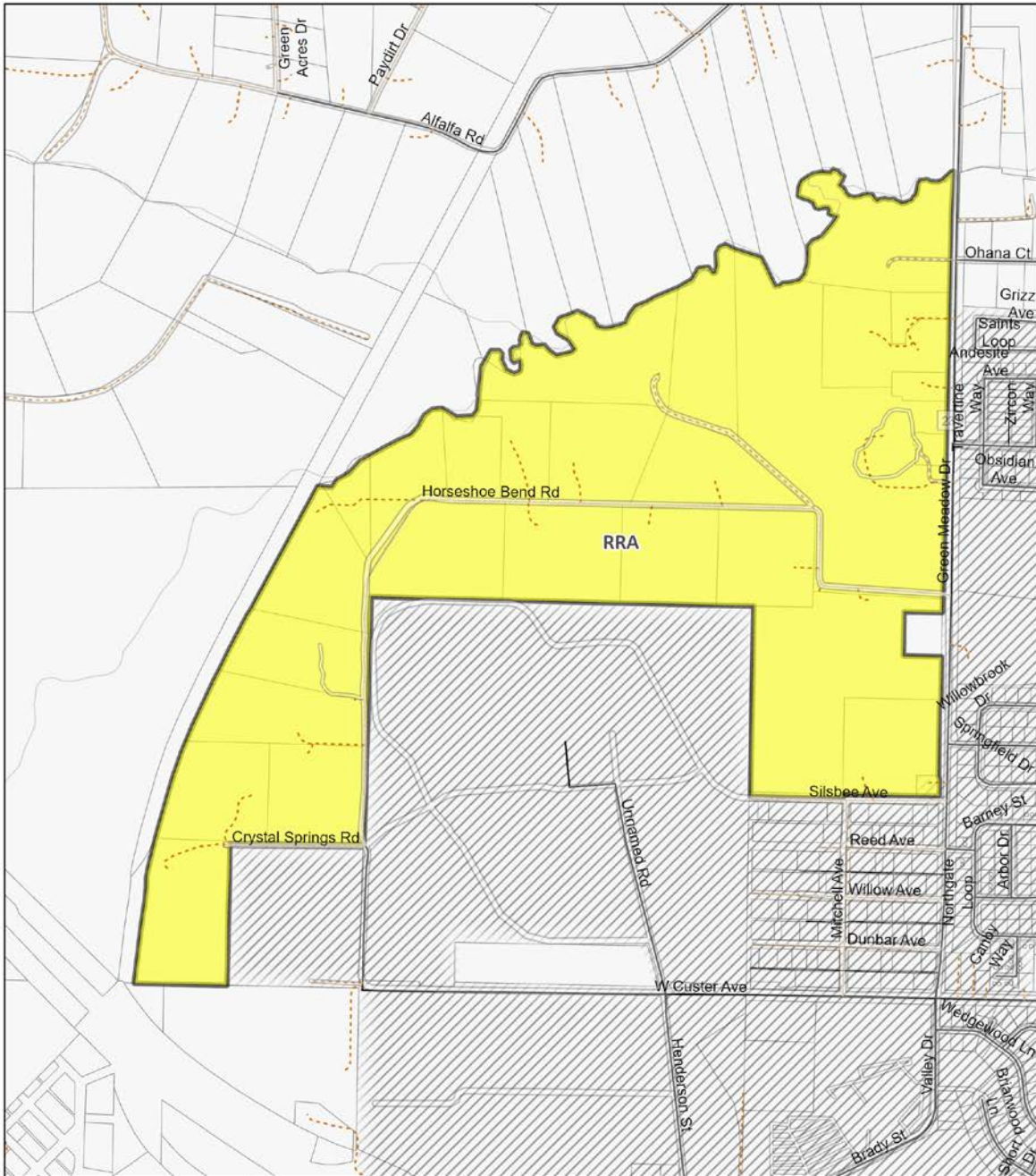
Nonconforming Use: A structure or land lawfully used or occupied prior to the effective date of this resolution which does not conform to the use regulations for the district in which it is located.




1. The lawful use of land or a structure existing at the time of the adoption of this resolution may be continued even though such use does not conform with the district provisions thereof.
2. The nonconforming use of land or structure shall not in any way be expanded either on the same or adjoining property.
3. If the nonconforming use of land or structures, existing at the time this resolution became effective, is discontinued for a period of 6 months or changed, then that use shall conform to the uses permitted in the district in which it is located.
4. Those numbered lots as they appear on the original plat of Sunny Vista that are less than 10 acres in size may be sold as less than 10 acres and will be subject to all other building and agricultural restrictions.

SPECIAL ZONING DISTRICT NO. 25: RACETRACK MEADOWS

Resolution	Purpose	Adopted	Filed
Res. 1977-51	Original Adoption	September 30, 1977	Book 113, Page 232
Res. 1986-33	Legal Description Clarified	June 11, 1986	Book M6, Page 9143
Res. 2000-41	Amendment of Regulations to Add Two Classifications: PPE & RRA and to Add General Regulations	February 29, 2000	Book M23, Page 1973
Res. 2012-139	Amendment of Regulations to RRA Classification and General Regulations	June 10, 2004	Book M45, Pg. 9455

Special Zoning District No. 25: Racetrack Meadows



<p>Legend</p> <ul style="list-style-type: none"> District Boundary RRA Helena City Limits	<p>Special Zoning District No. 25 Racetrack Meadows</p> <p>Lewis and Clark County Community Development and Planning Map created August 2023</p> 	<p>N</p>  
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Special Zoning District No. 25: Racetrack Meadows

PUBLIC AND PRIVATE EDUCATION DISTRICT

A. INTENT

It is the primary intent of this district to accommodate and provide for public and private vocational facilities, including the appropriate expansion and continued use of vocational and apprenticeship training facilities.

B. DEFINITIONS

- Accessory Uses: These uses of land or structures that are secondary or incidental to the principal uses of land or structure(s), provided such accessory uses do not conflict with the intent of the district.
- Building: Any structure built for support, shelter, or enclosure of persons or property of any kind.
- Building Coverage: That percentage of the total lot area which is covered by the principal building, parking areas and yards.
- Building Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of mansard roof and the mean height between eaves and the ridge for gable, hip and gambrel roofs.
- Building Line: The edge or side of a building nearest a lot line.
- Lot: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- Parking Space, Off-street: A space located off any public right-of-way which is at least nine feet by twenty feet (9'x20') in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets.
- Sign: Any face of any lettered or pictorial device or structure designed to inform or attract attention.
- Vocational Facility: A higher education facility primarily teaching usable skills that prepare students for jobs in a trade.
- Yard, Front: An open space extending across the full width of the lot between the front building line and the front lot line or access easement line.
- Yard, Rear: An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line or access easement line.

Special Zoning District No. 25: Racetrack Meadows

Yard, Side: An open space between the side building line and a side lot line or access easement line, extending from the front yard to the rear yard.

C. PERMITTED USES

Only the following uses, and no other uses, are permitted in this district:

1. Vocational trade schools and apprenticeship training schools teaching the following construction trade skills and techniques:
 - a. Building construction, including masonry, structural framing, line and grading, and excavation.
 - b. Highway construction, including asphalt surfacing, line and grading, and traffic control (flagging and signage).
 - c. Utility construction, including excavation and pipe laying.
 - d. Hazardous materials mitigation training, using only non-hazardous materials for simulation purposes.
2. Single family residence for the exclusive use of the caretaker or other managerial personnel as an accessory to an otherwise permitted use.
3. Accessory Uses.

D. BULK REQUIREMENTS

1. Lot Area: Every lot shall be at least ten acres in size.
2. Building Coverages: No more than 30% of each lot shall be occupied by principal and accessory buildings, including those portions of a lot constituting the required yards and parking areas.
3. Front Yards: Every lot shall have a front yard of at least 100 feet.
4. Rear Yards: A rear yard of 50 feet is required.
5. Side Yards: A side yard of 50 feet is required.
6. Building Height: No building shall be higher than twenty-five feet.

E. PARKING

An accessory off-street parking area shall be provided for all uses and shall be for use by automobiles and vehicles of the caretaker, employees and students, thereof and shall provide “one off street parking space per student, employee, caretaker and guest.” Each parking space shall have dimensions that are none feet wide and twenty feet long. These parking spaces shall be exclusive of driving lanes. Any such off-street parking area shall be located on the same site or premises as the use for which parking is required, and shall provide maneuvering space and access to public streets.

Special Zoning District No. 25: Racetrack Meadows

F. LIGHTING

All outdoor lighting shall be shaded in a manner insuring that no direct beam of light illuminates other private property or public roads.

G. SIGNING

One free-standing sign shall be permitted on each lot within the zoning designation as long as it does not exceed fifty (50) square feet. Directional signs for traffic and building identification will be permitted as necessary within each lot of the zoning designation as long as they do not exceed six (6) square feet each.

H. LANDSCAPING

Four percent of the total lot area exclusive of buildings, sidewalks, and parking areas shall be landscaped using some combination of planted or pre-existing, living trees, shrubs, hedges, vines, groundcover, flowers and lawns suitable for the climate, exposure, and site condition. In addition, the combination or design may include earthquake sculptures, cobble, bark, mulch, edger, flower tubs and rock. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings. Vegetative buffers will be established and maintained between the developed lots within the PPE zoning designation and adjacent residential lots and public access roads. The vegetative buffer shall consist of native trees that will grow to a height greater than thirty (30) feet. The spacing of the trees in question shall be no greater than 20 feet from the center of each tree.

I. ROOFING AND SIDING MATERIALS

The use of metal roofing and siding for building purposes is permitted if it meets the following specifications: The metal roofing and siding must be color coordinated to complement the colors of the structure and the surroundings and which meet the following standards: Not less than 26 gauge, pre-finished, baked enamel finish, ribs to be no greater than 24 inch spacing.

J. HAZARDOUS MATERIALS

The use and storage of any hazardous materials must meet all applicable local, state, and federal regulations.

Special Zoning District No. 25: Racetrack Meadows

RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT

A. INTENT

It is the primary intent of this district to accommodate and protect the use of single-family dwelling units and agricultural land uses while promoting and preserving the rural-residential atmosphere of the area.

B. PERMITTED USES

1. No lot shall be less than 10 acres in size. Only single family dwelling may be constructed on each 10 acre lot. Each dwelling shall have not less than 1200 square feet of living space, exclusive of porches and garages.
2. Dwellings will be of conventional construction or modular construction. Modular dwellings must be placed on a permanent foundation. No mobile homes shall be allowed.
3. No asphalt siding shall be allowed on any buildings as an exterior finish.
4. Roofing must be color coordinated to compliment the colors of the structure and surroundings. Roofing material must be pre-finished, baked enamel finish with ribs no greater than 24-inch spacing.
5. No motor vehicle which cannot be moved under its own power may be left on any of the lots for more than four (4) weeks. Any motor vehicle rendered temporarily inoperative on any roads in the area must be removed within 72 hours. No motor vehicle may be abandoned on the roads described at any time unless it is in an enclosed structure. A motor vehicle in the process of being repaired or rebuilt may be left on a lot for a longer period of time if it does not present an unsightly appearance and such repair proceeds expeditiously.
6. No building shall be constructed nearer than 20 feet to the lot lines on the side of the property nor less than 25 feet from the front property line.
7. No noxious, offensive or unlawful activities shall be conducted upon any lot nor shall any lot be used in such a way as to constitute a nuisance to the neighborhood.
8. No tract may be re-platted or divided into an area of less than 10 acres.
9. No signs, bill boards, posters, or advertising displays or other devices of any kind or character shall be displayed on any of the said lots except traffic signs, school signs, directional, street or road signs, real estate promotion signs, mail boxes or house numbers to identify the occupancy of a residence.
10. No manufacturing, commercial or industrial enterprise, or any other activity of any kind conducted for profit, except agriculture, shall be carried on, upon, in front of or in connection with the lots and parcels in the above described area, nor shall any tract in any way be used for any purpose other than strictly residential purposes, except such residences which may be used for a home occupation, which is defined as a profession, trade or service which is customarily and historically conducted from or within a dwelling unit by the inhabitants thereof, and which does not change the character or appearance of the dwelling or otherwise interfere with its primary use as a family dwelling.

Special Zoning District No. 25: Racetrack Meadows

GENERAL REGULATIONS

A. VARIANCES IN USE OR BULK REQUIREMENTS

Where owing to special conditions, a literal enforcement of the zoning regulations would result in an unnecessary hardship to a landowner, the landowner may request a variance from the regulations. "Hardship" is interpreted to mean that the property owner must be able to show, if he/she complies with the provisions of the zoning regulations that he/she cannot make any reasonable use of his/her property. Cost/financial considerations are not to be considered relevant in determining "hardship." Request for variances will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

B. AMENDMENT

The following procedure shall be used to amend the regulations of this district, in accordance with the provisions of Title 76, Chapter 2, Part 1, MCA:

A pre-application conference is held between the Applicant and the Planning Department Staff to discuss the general concept and specific issues of a proposal, legal considerations, and procedures. The Applicant then applies to the County Planning Department and submits and required materials and fees. Public notices shall be posted by the Department within the district. Analysis of the amendments and preparation of a report and recommendation is completed by the Department staff. A noticed public hearing shall be held before the Planning and Zoning Commission which shall make a recommendation to the Board of County Commissioners. A noticed public hearing shall be held before the Board of County Commissioners to consider the said amendments. If approved, the planning staff prepares a resolution amending the district. The Board of County Commissioners will sign the resolution which is then recorded with the County Clerk and Recorder's Office.

C. APPLICABILITY CLAUSE

Should any section or provision of these regulations be in conflict with any of the other regulations applicable to County Special Zoning District No. 25, and adopted prior to the effective date of these regulations, the regulations herein shall be controlling.

D. SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the regulations as a whole, or any part thereof, other than the part do declared to be unconstitutional or invalid.

E. NON-CONFORMING USES

It is recognized that certain uses and structures now located in the said area which do not now conform to the restrictions and regulations of this resolution were permissible and lawful when implemented, constructed and undertaken. Therefore, any use or structure which is in existence at the time of the

Special Zoning District No. 25: Racetrack Meadows

adoption of these regulations may be continued even though such uses do not conform with the district regulations of this resolution. However, any non-conforming use or structure shall not in any way be expanded either on the same or adjoining property after the adoption of these regulations. If the non-conforming use of land or structures, existing at the time this resolution became effective, is discontinued for a period of six months or changed in any way after the adoption of these regulations then that use or structure shall be considered abandoned and cannot be re-instituted unless it fully complies with the regulations of the Special Zoning District and the resolution.

F. MAP

The map is attached.

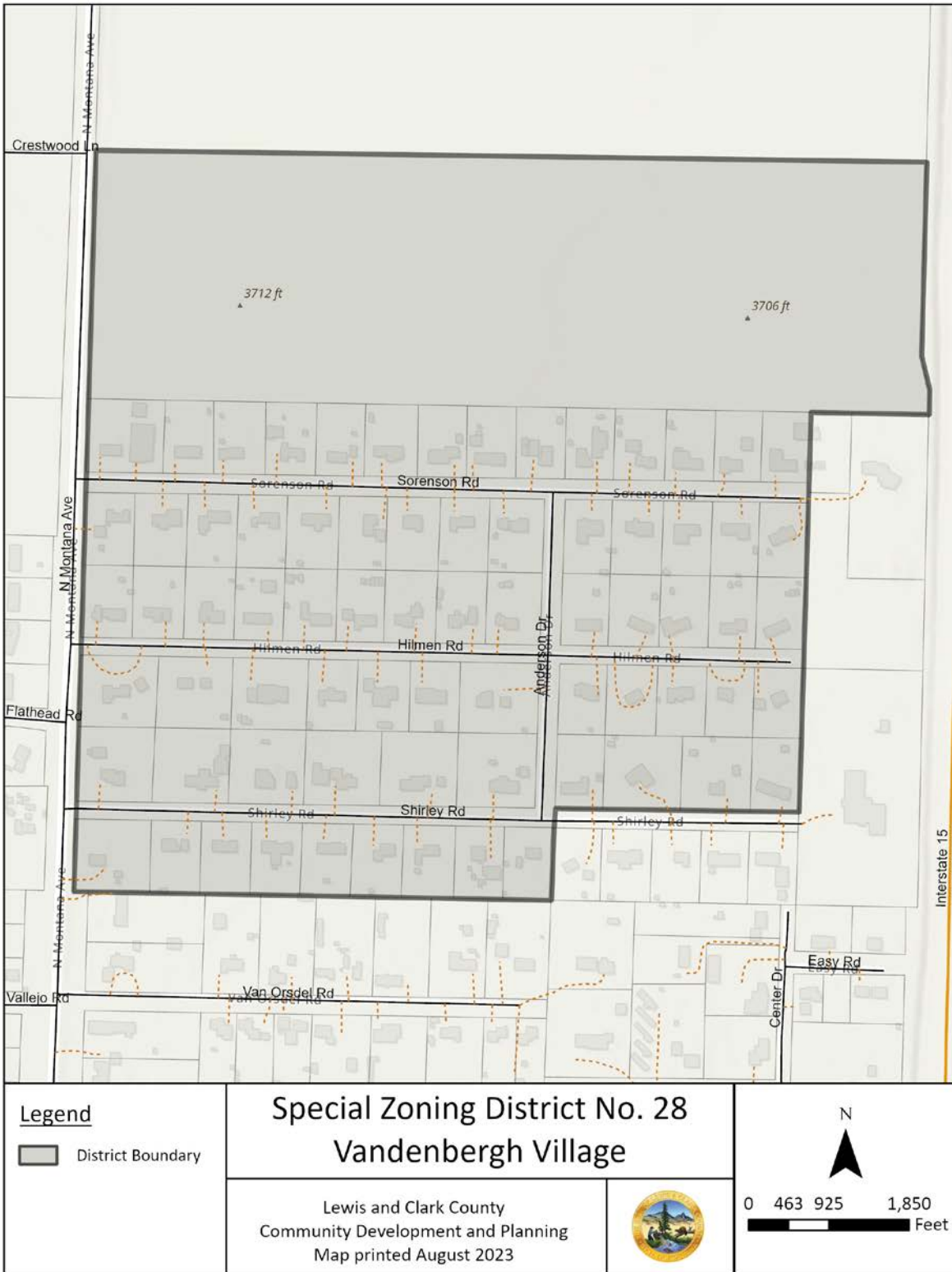
G. ENFORCEMENT

Penalties. A person who violates any provision of these requirements is subject to a fine of \$25.00 for each violation. Each day of violation constitutes a separate violation.

SPECIAL ZONING DISTRICT NO. 28: VANDENBERGH VILLAGE

Resolution No.	Purpose	Adopted	Filed
Res. 1977-58	Original adoption	October 11, 1977	Book 113, Page 313
Res. 1986-32	Legal description clarified	June 11, 1986	Book M6, Page 7712
Res. 2005-123	Misc. amendments including to Setback and Enforcement sections	October 4, 2005	Book M33, Page 3291
Res. 2010-341	Amendment to Non-Conforming Lots section	November 23, 2010	M Book 42, Page 8878

Special Zoning District No. 28: Vandenberg Village



Special Zoning District No. 28: Vandenberg Village

INTENT

It is the primary intent of this district to accommodate and protect the uses of single-family dwelling units and also preserve and promote the residential character of the area.

USES PERMITTED

1. Conventional detached single-family dwellings constructed, assembled and erected on the land, which they occupy. A dwelling is a building providing separate cooking, eating, sleeping, and living facilities for a family, containing a minimum of 800 sq. ft. (ground floor) exclusive of porches, patios, and garages.
2. Modular detached single-family dwellings on permanent foundations. A modular dwelling is a detached one family dwelling with all of the following characteristics:
 - a. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - b. Designed to be transportable on temporary wheels, a flat bed, or some other type of trailer, but not on its own chassis.
 - c. Designed without a permanent frame or undercarriage so that it can be placed on a permanent foundation prior to occupancy.
 - d. Eligible for long term amortized mortgage financing.
 - e. That the factory construction is able to meet or exceed the uniform building codes.
 - f. That the dwelling unit, when completed, shall be not less than twenty (20) feet in width containing a minimum of 800 sq. ft. (ground floor) exclusive of porches, patios, and garages.
3. No lot or building plot shall be used for any purpose other than a strictly residential use, with the exception of a Home Occupation (See Definition)
4. Accessory uses, those uses of land or a subordinate building or portion of the main building, such use being secondary to or incidental to the principal use of structure.
5. No swine, goats, horses, or other livestock shall be allowed to reside as a pet on said premises.
6. No livestock will be raised or cared for on a commercial or non-commercial basis with the exception of non-conforming uses currently used for agricultural uses (see Non-Conforming Uses).
7. No dogs will be raised or cared for on said premises on a commercial basis.
8. No structure of a temporary character such as a basement, tent shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence.
9. No more than two dogs per single-family dwelling will be allowed.
10. Temporary buildings for and during construction.

MINIMUM LOT AREA AND WIDTH

Each lot shall be not less than 135 ft. in width and shall have a minimum area of 26,000 square feet.

Special Zoning District No. 28: Vandenberg Village

BULK REQUIREMENTS

1. SETBACKS:

A. Minimum Yard Requirements for Principal Building:

Front: 30 feet
Side: 10 feet each
Rear: 20 feet

B. Minimum Yard Requirements for Detached Accessory Structures:

Front: 30 feet
Side: 10 feet each
Rear: 10 feet

*NOTE: Accessory buildings shall be located at or to the rear of the front line of the principal building. (See Definition)

*NOTE: ACCESSORY BUILDINGS OF 256 SQUARE FEET OR LESS: Detached accessory buildings, such as storage sheds, playhouses, garbage enclosures, etc. not larger than two hundred fifty-six (256) square feet in area, shall not be located in any required front or side yard, but may be located one (1) foot from property lines in required rear yards. The maximum height of these structures shall not be greater than twelve (12) feet. A maximum of three (3) accessory buildings, not larger than two hundred fifty-six (256) square feet in area each, are allowed per lot.

2. PERMITTED ENCROACHMENTS INTO YARDS: The following shall be permitted encroachments into required yards, subject to any and all Uniform Building Code requirements:

- A. Architectural features such as chimneys, balconies, stairways, wing walls, bay windows, sills, pilasters, lintels, cornices, eaves, gutters, awnings, and steps, provided such architectural features do not extend more than five (5) feet into any required yard;
- B. Terraces and patios, uncovered decks and stoops or similar features, provided that such features shall not extend above the height of the ground floor level of the principal structure, nor more than five (5) feet into any required yard;
- C. Porches, covered terraces, and covered decks, provided such features shall not extend more than five (5) feet into any required yard;
- D. Fire escapes may be permitted in required side or rear yards only;
- E. Wheelchair ramps may encroach into any required yard, but shall not be located closer than three (3) feet from any property line; and
- F. Flag poles, ornamental features, trees, shrubs, walkways, nameplate signs, and floodlights or other sources of illumination.

3. HEIGHT: No building shall be higher than twenty-four (24) feet measured from grade level to the highest point of the structure.

4. OFF STREET PARKING: There shall be provided two (2) off street parking spaces for each new residential

Special Zoning District No. 28: Vandenberg Village

use effective at the time of the adoption of this resolution.

5. **GARBAGE AND REFUSE FACILITIES:** There shall be provided adequate receptacles for garbage on each lot, said receptacles to be of a type that can and shall be removed from the lots and not garbage, junk, or automobiles that are non-operable or other types of refuse shall be allowed to accumulate on any lot herein.

NON-CONFORMING LOTS

Lots or tracts of record filed with the Clerk and Records Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

NON-CONFORMING USES

These are the uses of structures or land lawfully used or occupied prior to the effective date of this resolution which do not conform to the use regulations for this district.

1. The lawful use of land or a structure existing at time of the adoption of this resolution may be continued even though such uses does not conform with the district provisions thereof.
2. The non-conforming use of land or structures shall not in any way be expanded either on the same or adjoining property.
3. If the non-conforming use of land or structures, existing at the time this resolution became effective, is discontinued for a period of six (6) months or changed, then that use shall conform to the uses permitted in the district in which it is located.

VALIDITY

Should any section, subsection, sentence, or clause of this resolution be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution. Board of County Commissioners hereby declares that it would have adopted such section, subsection, sentence or clause irrespective of the fact that one or more of such portions may be declared invalid.

ENFORCEMENT

PENALTY FOR VIOLATION.

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or

Special Zoning District No. 28: Vandenberg Village

uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, is subject to a fine of \$25.00 for each violation. Each day of continued violation after notification shall constitute a separate, additional violation.

USE OF AVAILABLE REMEDIES AUTHORIZED.

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

DEFINITIONS

ACCESSORY BUILDING: A subordinate building, or portion of the principal building, located on the same lot as the principal building, which is customarily incidental to the principal building. When a portion of an accessory building is connected to a part of the principal building in a substantial manner, as by a roof, such an accessory building shall be counted as part of the principal building.

BUILDING LINE: That part of the building nearest the property line and/or street right-of-way.

HOME OCCUPATION: Any use conducted entirely within a dwelling that is clearly incidental and secondary to the use of the dwelling for residential purposes. Such use may include, but is not limited to, art and/or photography studios, computer programming, insurance sales, and handicrafts, provided that the use does not involve more than one-third of the total square footage of the dwelling and does not generate substantial additional traffic. The home occupation shall not involve more than one person who does not live in the residence. Vehicle trips directly associated with the home occupation shall not exceed an average of ten (10) per day on a weekly basis, including deliveries.

SETBACK: The minimum distance between the property line and/or street right-of-way (whichever lies closest to the building line) and the building line

YARD, FRONT: A yard extending across the full width of the lot between the two side lot lines, the depth of which is the least distance between the street right-of-way and the front building line.

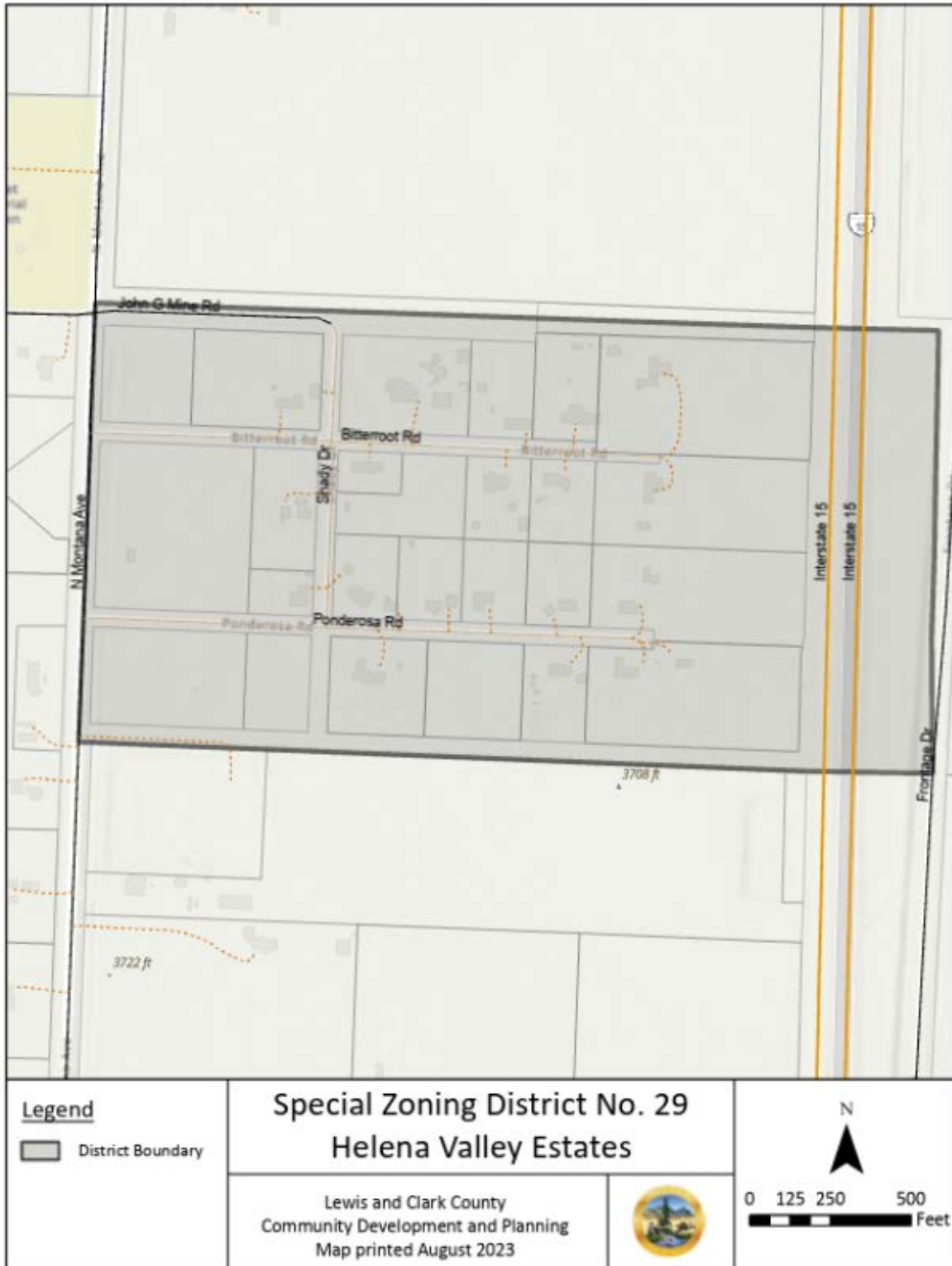
YARD, REAR: A yard extending across the full width of the lot between the two side lot lines, the depth of which is the least distance between the rear property line and the rear building line.

YARD, SIDE: A yard extending between the front building line and the rear building line, the width of which is the least distance between the side lot line and the nearest part of the principal building.

SPECIAL ZONING DISTRICT NO. 29: HELENA VALLEY ESTATES

Resolution No.	Purpose	Adopted	Filed
Res. 1977-74	Original adoption	December 21, 1977	Book 114, Page 714
Res. 2010-322	Amendment to Non-conforming Lots of Record section	October 19, 2010	M Book 42, Page 7077

Special Zoning District No. 29: Helena Valley Estates



Special Zoning District No. 29: Helena Valley Estates

SECTION 1 TITLE

This resolution shall be known and cited as Special Zoning District Regulations #29.

SECTION 2 PROVISIONAL ZONING MAP

The County has hereby divided into zones the Helena Valley estates Subdivision as shown on the Official Zoning Map #29, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this resolution. The official zoning map #29 should be identified by the signature of the Chairman of the County Board of Commissioners and attested to by the County Clerk and bearing the seal of the County under the following words: "This is to certify that this is the Official Zone District Map #29 referred to in Section 1 of Resolution #1977-74, County of Lewis and Clark, State of Montana," together with the date of the adoption of this resolution.

SECTION 3 APPLICATION OF ZONING REGULATIONS

The regulations set by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part hereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a) to exceed the height or bulk;
 - b) to accommodate or house a greater number of families;
 - c) to occupy a greater percentage of lot area;
 - d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this resolution.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this resolution shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution.
5. The County Commission, in the creation of these regulations, have permitted the use of Lots 12, 13 and 34 of the Helena Valley Estates for tree farming. Further, the Commission has permitted the construction of a retail outlet in a one story, 2,500 square foot structure as incidental to the use of the land for tree farming. However, the foregoing is subject to the provisions of these regulations including, but not limited to, Sections 5 and 6.

Special Zoning District No. 29: Helena Valley Estates

SECTION 4 4-1 SINGLE FAMILY RESIDENTIAL DISTRICT

4.1 Intent

The intent of this district is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

4.2 Permitted Uses

1. Newly constructed one-family dwellings.
2. Temporary buildings for and during construction.
3. Accessory uses.
4. Church and accessory uses.

4.3 Lot Area and Width

Each lot would be not less than 200 feet in width and shall have a minimum area of 1 acre (43,560 square feet).

4.4 Front Yards

Every lot shall have a front yard of at least 30 feet.

4.5 Rear Yards

Every lot shall have a rear yard of at least 25 feet in depth.

4.6 Side Yards

Every lot shall have two side yards of at least 10 feet each.

4.7 Building Height

No building shall be higher than 24 feet, except for church spires or towers.

4.8 Off-Street Parking

Each dwelling unit shall have two off-street parking spaces.

SECTION 5 NONCONFORMING USES AND STRUCTURES

5.1 Intent

Within the districts established by this Resolution, or land and structures which were lawful before this Resolution was passed or terms of this Resolution or its amendments. It is the intent of this Resolution to permit these nonconforming uses to continue until they are removed but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this Resolution that nonconformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other prohibited uses. However, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated uses of a building on which actual lawful construction has been begun prior to the effective date of this Resolution or its amendments.

Special Zoning District No. 29: Helena Valley Estates

5.2 Non-conforming Lots of Record:

Lots or tracts of record filed with the Clerk and Recorders Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

5.3 Nonconforming Uses of Land:

A lawful use of land on the effective date of this Resolution or its amendment which is made no longer permissible by the terms of this Resolution or its amendment may be continued if it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied by such use of the effective date of the adoption or amendment of this Resolution.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of this Resolution.
3. If any such nonconforming use ceases for a period of more than one hundred eighty (180) days, any subsequent use of the land shall conform to district regulations for the district in which it is located. The term "ceases", as used in this subsection, shall mean that the activity in question has not been in operation for a period of one hundred eighty (180) days.
4. The previous time limit may be extended for a period not to exceed one hundred eighty (180) days. An application in writing must be submitted to the Planning Director not less than thirty (30) days prior to the expiration date of the previous time limit. After investigation, the Planning Director will submit the application to the County Commission with a recommendation for either approval or disapproval. The County Commission may approve, disapprove, or refer the application back to the Planning Director for further study. In the event that such studies extend past the initial time limit, said limit is extended for the duration of the study period.

5.4 Nonconforming uses of structures:

If a lawful use of a structure, or of structures and premises, exists at the effective date of adoption or amendment of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, providing that:

1. No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted use.

Special Zoning District No. 29: Helena Valley Estates

2. Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
3. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
4. Whenever a nonconforming use of a structure or premise ceases for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases", as used in this subsection, shall mean that six (6) consecutive months or for an accumulated period eighteen (18) months during any three (3) year period.
5. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 6 EXEMPTED USES

The following uses are exempted from this Resolution by 16-4102 of the Revised Codes of Montana.

1. Lands used for:
 - a. Grazing
 - b. Horticulture
 - c. Agriculture
 - d. Growing Of Timber

SECTION 7 ADMINISTRATION AND ENFORCEMENT

An administrative official designated by the County Commission shall administer and enforce this resolution. He may be provided with the assistance of such other persons as the County Commission may desire. If the administrative official shall find that any provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.

SECTION 8 GENERAL PROVISIONS

Construction

All structures shall be of new construction and no provisional or accessory buildings may be moved from a prior existing site. All construction whether undertaken on the site or conveyed upon wheels shall be in conformance with the uniform building code, whether it be known as modular. Temporary buildings will be allowed while the principal structure is under construction, including quarters for watchmen.

Animals

The keeping of swine or cattle is prohibited except as permitted in Section 6. No dogs, cats or other pets may be maintained upon the premises on a commercial basis.

Special Zoning District No. 29: Helena Valley Estates

Sanitation

No trash, waste, garbage, litter, refuse, junk or junk automobiles shall be maintained upon any portion of any property, and no trash burners or incinerators shall be used except those in conformance with regulations promulgated by the fire district or public health service.

SECTION 9 BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore issued by the administrative official except in conformity with the provisions of this resolution, unless he receives a written order from the Board of Adjustment of the form of an administrative review, special exception, or variance as provided by this resolution.

SECTION 10 VARIANCES

Any person, firm or corporation may request relief from the provisions of this resolution by requesting a variance from the duly appointed County Board of Adjustments.

SECTION 11 SEPARABILITY CLAUSE

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

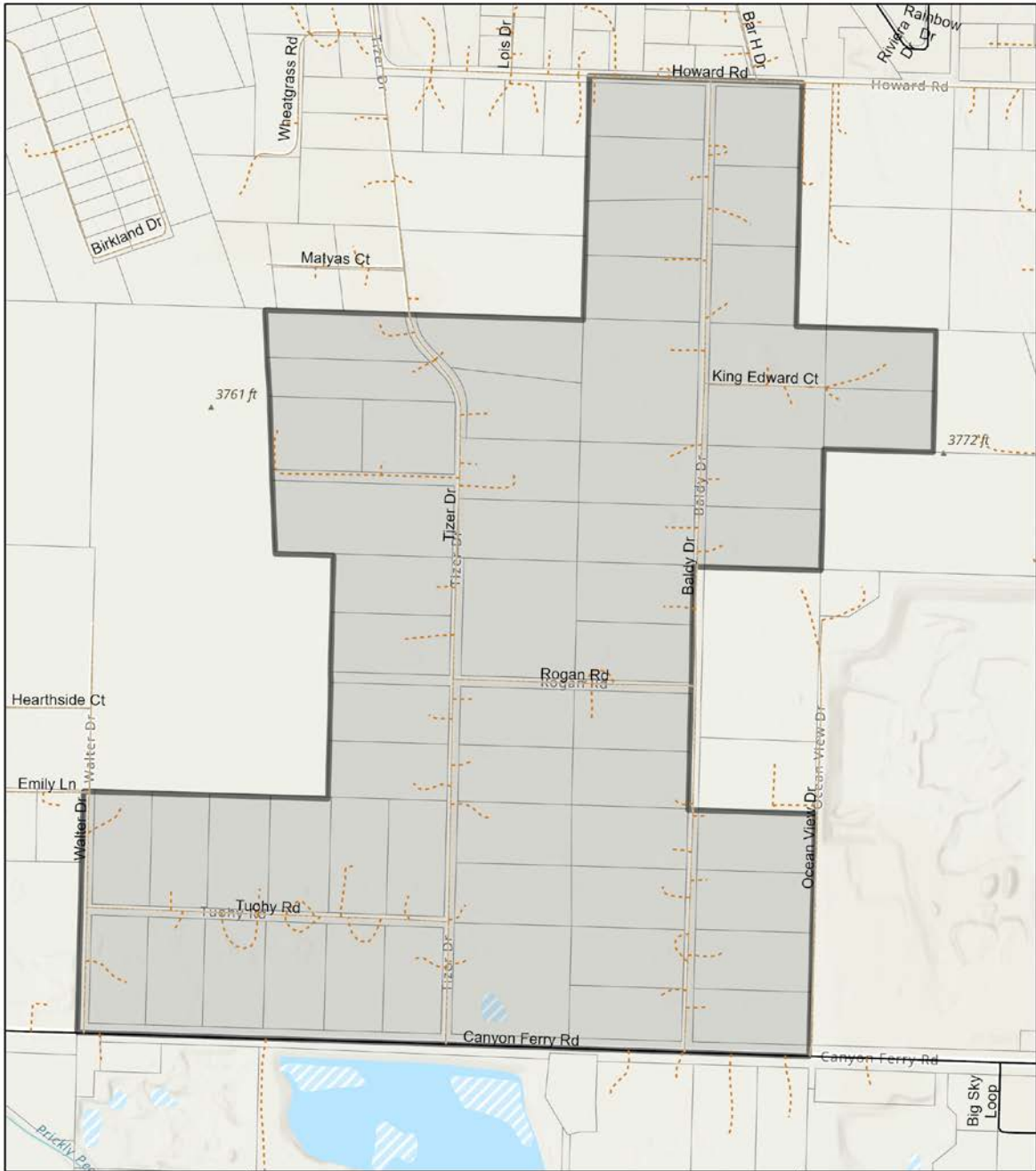
Special Zoning District No. 31: T-L Ranch Acres




SPECIAL ZONING DISTRICT NO. 31: T-L RANCH ACRES

Resolution No.	Purpose	Adopted	Filed
Res. 1978-45	Original adoption	August 21, 1978	Book 117, Page 279

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 31: T-L Ranch Acres



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 31 T-L Ranch Acres</p>	<p>N</p>  <p>0 250 500 1,000 Feet</p>
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>	

Special Zoning District No. 31: T-L Ranch Acres

INTENT

It is the primary intent of this district to accommodate and protect the uses of single-family dwelling units and agricultural land uses, while promoting and preserving the rural-residential atmosphere of the area.

PERMITTED USES

1. Conventional detached single-family dwellings which have a ground floor area of the main structure of at least 1,000 square feet, exclusive of porches, patios and attached garages. A dwelling is a building providing separate cooking eating, sleeping and living facilities for a family.
2. Modular detached single-family dwellings on permanent foundations which have a ground floor area of at least 1,000 square feet, exclusive of porches, patios, and attached garages. A modular dwelling is a detached, one-family dwelling with all of the following characteristics.
 - a) Designed to be transportable on temporary wheels, a flat bed, or some other type of trailer, but not on its own chassis;
 - b) Designed without a permanent frame or undercarriage so that it can be placed on a permanent foundation prior to occupancy;
 - c) Eligible for long term amortized mortgage financing;
 - d) That the factory construction is able to meet or exceed the uniform building codes;
 - e) That the dwelling unit, when completed, shall be not less than twenty-four (24) feet in width.
3. Houses of worship (churches) with additional subdivision review and approval of the Board of County Commissioners, prior to development activi. Development of a house of worship is not development by right. Approval or denial of a proposed development will be based upon existing conditions, specific building and site designs, size, location and assessment of potential impacts associated with said development, in accordance with the provisions of Lewis and Clark County Subdivision Regulations and the Zoning Regulations of County Special Zoning District No. 31.
4. Only one home shall be constructed or placed on each lot.
5. No structure of a temporary character, trailer, trailer house, double-wide trailer, basement, tent, shack, garage barn, or other out-building shall be used on any of the said lands at any time as a residence or living quarters of any kind except during construction of a permanent dwelling. At no time shall the temporary structure be in place longer than one year.
6. Agricultural pursuits as provided for by Section 16-4102, R.C.M., as amended.
7. Accessory uses necessary to the uses, operation, and maintenance of the above permitted uses, such as the following:
 - a) Private Garages

Special Zoning District No. 31: T-L Ranch Acres

- b) Barns
- c) Stables
- d) Corrals

but especially excluding outside toilets.

8. No structure shall be erected or constructed within thirty (30) feet of any property boundary.
9. None of said lands shall be used except for strictly residential or agricultural purposes, and no business, commercial enterprise, trade, or manufacture of any nature shall be conducted thereon.
10. No garbage, junk, or automobiles that are non-operable or other types of refuse shall be allowed to accumulate on any land therein.

DIVISION OF LOTS

No lot shall be further divided without approval of the governing body.

VALIDITY

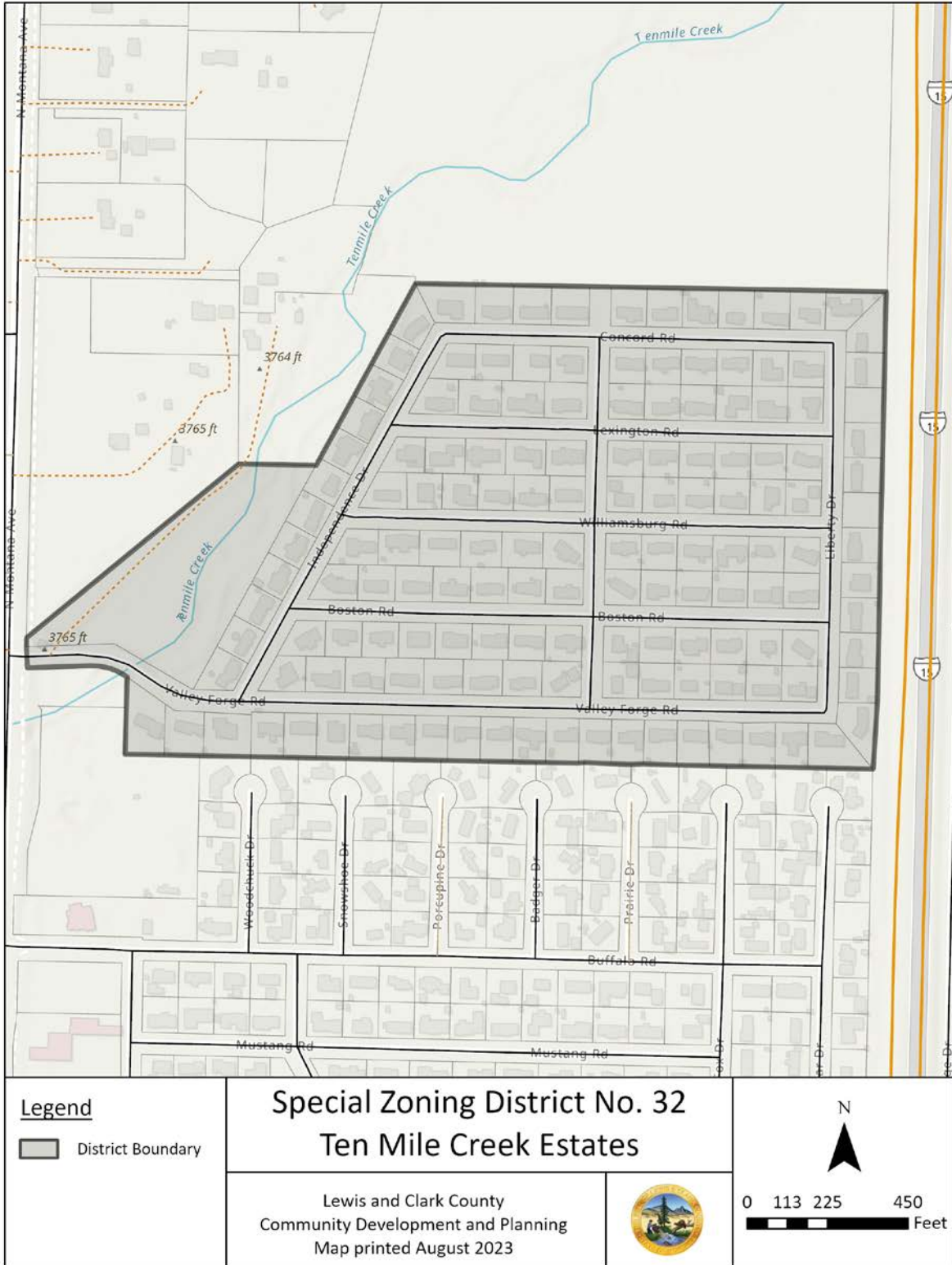
Should any section, subsection, sentence, or clause of this Resolution be held invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Resolution.

SPECIAL ZONING DISTRICT NO. 32: TEN MILE CREEK ESTATES

Resolution No.	Purpose	Adopted	Filed
Res. 1978-52	Original adoption	October 17, 1978	Book 118, Page 222
Res. 1988-72	Correction of regulations	September 26, 1988	M Book 9, Page 2907
Res. 1993-169	Annexation to district	December 21, 1993	M Book 15, Pg. 1098

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 32: Ten Mile Creek Estates



Special Zoning District No. 32: Ten Mile Creek Estates

ARTICLE 1. TITLE.

This resolution shall be known and cited as Special Zoning District and Regulation #32.

ARTICLE 2. DEFINITIONS.

Section 1. General Construction. For the purposes of this ordinance, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular number shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "Structure" includes building; and the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied." The word "person" shall include a corporation, partnership, or other legal entity.

Section 2. Accessory Building or Use. The use of land or a sub-ordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.

Section 3. Basement. That portion of a building where the adjacent grade of the land falls between the floor and ceiling and more than half of the vertical distance between floor and ceiling is above the average adjoining grade.

Section 4. Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Section 5. Building Coverage. That percentage of the total lot area of a lot which is covered by the principal building.

Section 6. Building Height. The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than 40 feet.

Section 7. Building Line. The edge or side of a building nearest a lot line.

Section 8. Building Line, Front. The line of that part of the building nearest and parallel to the front lot line of the lot.

Section 9. Building Official. That official designated, from time to time by the County Commission as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and applications for building and occupancy permits, and for interpretation and enforcement of ordinances related thereto.

Section 10. Building Principal. A structure in which is conducted the main use of the lot on which the structure is located.

Section 11. Church. A building designed and used for public worship by any religious body.

Special Zoning District No. 32: Ten Mile Creek Estates

Section 12. Dwelling. A building or portion thereof designed for occupancy by one or more families.

Section 13. Dwelling, One – Family. A building designed for occupancy by one family and its resident domestic employees.

Section 14. Dwelling, Multiple-Family. A building or portion thereof designed for occupancy by three or more families.

Section 15. Dwelling, Modular. The term as herein used is defined as a dwelling with all of the following characteristics:

- (a) Designed for a long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- (b) Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
- (c) Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
- (d) That the factory construction is able to meet or exceed the most recent Uniform Building Codes. (As published by International Conference of Building Officials).
- (e) That the dwelling unit is eligible for long-term amortized mortgage financing.

Section 16. Dwelling Unit. A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.

Section 17. Family. An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit.

Section 18. Governing Body. The County Commission of Lewis and Clark County.

Section 19. Gross Floor Area. The total area of all floors of a building measured from exterior walls.

Section 20. Lot. A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Section 21. Lot, Frontage. The front of a lot shall be that side which faces a street. If a lot faces more than one street, it shall conform to an established frontage where side exists or a common frontage shall be established. If it is a common lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to both frontages.

Section 22. Lot Width. The mean width of the lot measured at right angles to its depth.

Section 23. Nonconforming Use. A structure or land lawfully used or occupied prior to the effective date of this ordinance which does not conform to the use regulations for the district in which it is located.

Special Zoning District No. 32: Ten Mile Creek Estates

Section 24. Parking Space, Off Street. A space located off any public right-of-way which is at least 9' x 20' in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.

Section 25. Sign. Any face of any lettered or pictorial device or structure designed to inform or attract attention.

Section 26. Street. A public thoroughfare or right-of-way, 20' in width or greater, which affords the principal means of access to abutting property.

Section 27. Structural Alteration. Any change to the supporting members of a structure, such as bearing walls, columns or beams.

Section 28. Structure. Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

Section 29. Yard, Front. An open space extending across the full width of the lot between the front building line and the front lot line. No fence or foliage shall obstruct vision across such yard from one street to another.

Section 30. Yard, Rear. An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.

Section 31. Yard, Side. An open space between the side building line and a side line of a lot, running from the front to the rear of the lot.

ARTICLE 3. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 1. Intent The intent of this District is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

Section 2. Permitted Uses.

- 1) Newly constructed one-family dwellings;
- 2) Temporary buildings for and during construction; and
- 3) Accessory uses

Section 3. Lot Area and Width. The lot area for any use in this District shall be not less than seven thousand (7,000) square feet, and no lot width shall be less than seventy feet (70') wide.

Section 4. Building Coverage; Minimum Floor Area. No more than thirty percent (30%) of the lot shall be occupied by the principal and accessory buildings. Each residence shall have a minimum of one thousand (1,000) square feet of floor area in its living quarters.

Special Zoning District No. 32: Ten Mile Creek Estates

Section 5. Yards.

- (a) Front Yards: Every lot shall have a front yard of at least twenty feet (20').
- (b) Rear Yards: Every lot shall have a rear yard of at least twenty-five feet (25') in depth.
- (c) Side Yards: Every lot shall have two (2) side yards of at least ten feet (10') each.

Section 6. Building Height. No building shall be higher than twenty-four feet (24').

Section 7. Off street Loading. One off street loading berth shall be required for each nonresidential building of over ten thousand (10,000) square feet of floor area.

Section 8. Off street Parking. Two (2) off street parking spaces shall be provided for each dwelling unit.

ARTICLE 4. SPECIAL RESTRICTIONS.

Section 1. Residential. No lot or building plot shall be used except for strictly residential purposes, and no business, trade or manufacture of any sort or nature shall be conducted thereon.

Section 2. New Construction. Only single family dwelling units constructed of new materials, together with the usual outbuildings, including a private garage, and excluding an outside toilet shall be permitted. No old buildings, whether intended for use in whole or in part as the main residential structure or for use as a garage or other outbuildings, shall be moved upon said premises. Mobile homes or house trailers either on wheels or on a permanent foundation are prohibited.

Section 3. One Residence. Not more than one residence shall be so erected or constructed upon any lot situated in this subdivision.

Section 4. Temporary Construction. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, nor shall any residential structure be occupied for residential purposes until completely finished.

Section 5. Impermissible Activities. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 6. Commercial Enterprises. No manufacturing or commercial enterprise or enterprises of any kind, whether for profit or not, shall be maintained upon, in front of, or in connection with the lots in this subdivision, nor shall any said lot in any way be used for any purpose other than strictly residential purposes.

Section 7. Livestock. No horse, cow, hog, goat or similar animal shall be kept or maintained on any of the lots in this subdivision or any portion thereof, nor shall any chicken yard or other poultry yard be maintained thereon. Provided, that the owners of each lot may keep as pets one dog and one cat.

Section 8. Excavation. No excavation shall be made on any lot in this subdivision for the purpose of erecting or constructing a basement or cellar for the dwelling house or garage to be erected or constructed, upon said

Special Zoning District No. 32: Ten Mile Creek Estates

lot, except at the lot owner's risk.

Section 9. Water User's Association. The Water User's Association shall form a water user's association for the purpose of promoting, developing, and operating the subdivision, and maintaining all water mains and appurtenances, curb, gutter, paving, planting, and maintenance of roads and parks therein. The owner of each lot within the subdivision shall be a member of the Association, with ownership, voting privileges and responsibility equal to that of the owner of each other lot within the subdivision. The Association shall be governed by Articles and By-Laws, which by this reference are incorporated herein. The Association shall have the power to levy assessments for water services and for construction, maintenance, and operation of the aforementioned improvements and facilities, which assessments shall be paid promptly when the same become due and which, if unpaid, shall constitute a lien upon the premises to which they are assessed, which lien may be enforced in equity as in the case of any lien foreclosure.

Section 10. Septic Sewer System. No owner of any lot in this subdivision shall construct a septic sewer system or drill a water well without obtaining permission from the water User's Association.

Section 11. Garbage. No garbage receptacles or racks shall be placed closer than 100 feet from the front of any lot lines unless the same are so constructed as to be completely underground. This is not to be construed, however, as prohibiting the placing of garbage cans in front of dwelling houses one day of each week when the garbage is collected.

Section 12. Waiver. All home owners in the subdivision hereby waive their rights to protest to a Rural Improvement District to improve public streets near and through the subdivision, if such is initiated by Lewis and Clark County.

ARTICLE 5. VARIANCES.

Any person, firm or corporation may request relief from the provisions of this ordinance by requesting a variance from the duly appointed County Board of Adjustments.

ARTICLE 6. SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by the courts to be non-constitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 33: Town View Estates

SPECIAL ZONING DISTRICT NO. 33: TOWN VIEW ESTATES

Resolution No.	Purpose	Adopted	Filed
Res. 1979-9	Original adoption	March 30, 1979	Book 120, Pg. 14
Res. 1995-122	Annexation and amendment of regulations	November 7, 1995	M Book 17, Pg. 4290
Res. 1998-67	Amendment of R-2A regulations	May 29, 1998	M Book 20, Pg. 6802
Res. 2005-111	Amendment of Articles 2, 6, and 7	August 18, 2005	M Book 33, Pg. 1627

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 33: Town View Estates



Special Zoning District No. 33: Town View Estates

ARTICLE 1. TITLE

This resolution shall be known and cited as Special Zoning District and Regulation #33.

Article 2. DEFINITIONS

Section 1. General Construction. For the purposes of this ordinance, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular number shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "Structure" includes building; and the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied." The word "person" shall include a corporation, partnership, or other legal entity.

Section 2. Accessory Building or Use. The use of land or a sub-ordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.

Section 3. Adequate Landscaping. Landscaping of one hundred percent (100%) of all ground surface area within the B-2 Commercial Zone not utilized for building or parking area. Landscape materials may include, but are not limited to lava or quartz rock, grasses, shrubbery, trees and other materials compatible with preserving the character of the area. The use of xeri-scape materials and techniques is encouraged.

Section 4. Basement. That portion of a building where the adjacent grade of the land falls between the floor and ceiling and more than half of the vertical distance between floor and ceiling is above the average adjoining grade.

Section 5. Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Section 6. Building Coverage. That percentage of the total lot area of a lot which is covered by the principal building.

Section 7. Building Height. The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than 40 feet.

Section 8. Building Line. The edge or side of a building nearest a lot line.

Section 9. Building Line, Front. The line of that part of the building nearest and parallel to the front lot line of the lot.

Section 10. Building Official. That official designated, from time to time by the County Commission as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and applications for building and occupancy permits, and for interpretation and enforcement of ordinances related thereto.

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Section 11. Building Principal. A structure in which is conducted the main use of the lot on which the structure is located.

Section 12. Church. A building designed and used for public worship by any religious body.

Section 13. Conditional Use. A conditional use is a use, which may be permitted in one or more districts, but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.

Section 14. Conditional Use Permit. A Conditional Use Permit is documented evidence of authority granted by the Board of County Commissioners to locate a conditional use at a specific location.

Section 15. Dwelling. A building or portion thereof designed for occupancy by one or more families.

Section 16. Dwelling, One - Family. A building designed for occupancy by one family and its resident domestic employees.

Section 17. Dwelling, Multiple-Family. A building or portion thereof designed for occupancy by three or more families.

Section 18. Dwelling, Modular. The term as herein used is defined as a dwelling with all of the following characteristics:

- a) Designed for a long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b) Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
- c) Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
- d) That the factory construction is able to meet or exceed the most recent Uniform Building Codes. (As published by International Conference of Building Officials).
- e) That the dwelling unit is eligible for long-term amortized mortgage financing.

Section 19. Dwelling Unit. A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.

Section 20. Family. An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit.

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Section 21. Governing Body. The County Commission of Lewis and Clark County.

Section 22. Gross Floor Area. The total area of all floors of a building measured from exterior walls.

Section 23. Home Occupation. Any occupation or activity carried on as an accessory use by a member of the immediate family who resides within a dwelling unit. The occupation or activities shall not be detrimental to the use, peaceful enjoyment, economic value of the surrounding properties or general area. Nor shall such activities cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

Section 24. Lot. A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Section 25. Lot, Frontage. The front of a lot shall be that side which faces a street. If a lot faces more than one street, it shall conform to an established frontage where side exists or a common frontage shall be established. If it is a common lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to both frontages.

Section 26. Lot Width. The mean width of the lot measured at right angles to its depth.

Section 27. Mini-Storage. Any real property designed and used for the purpose of renting or leasing individual domestic storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

Section 28. Nonconforming Use. A structure or land lawfully used or occupied prior to the effective date of this ordinance which does not conform to the use regulations for the district in which it is located.

Section 29. Parking Space, Off Street. A space located off any public right-of-way which is at least 9' x 20' in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.

Section 30. Permanent Foundation. A perimeter foundation supporting the structure consisting of concrete, concrete block, or wood, any of which rests on embedded concrete or concrete block footings. It shall not include mud sill, pier and post, wood blocks or other types of temporary support, any of which rests directly on the ground.

Section 31. Planning Office The office designated by the County to provide planning services to the County.

Section 32. Planning Staff The staff, employees, or officials designated by the County to serve as its official County planners.

Section 33. Planning and Zoning Commission. A seven member board that reviews and makes recommendations to the Board of County Commissioners regarding zoning.

Section 34. Sign. Any face of any lettered or pictorial device or structure designed to inform or attract

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attention.

Section 35. Street. A public thoroughfare or right-of-way, 20' in width or greater, which affords the principal means of access to abutting property.

Section 36. Structural Alteration. Any change to the supporting members of a structure, such as bearing walls, columns or beams.

Section 37. Structure. Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

Section 38. Yard, Front. An open space extending across the full width of the lot between the front building line and the front lot line. No fence or foliage shall obstruct vision across such yard from one street to another.

Section 39. Yard, Rear. An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.

Section 40. Yard, Side. An open space between the side building line and a side line of a lot, running from the front to the rear of the lot.

Section 41. Yard, Side Corner. An open space between the side building line and a street, running from the front to the rear of the lot.

Section 42. Zoning Administrator. A duly appointed officer of the County charged with the administration and enforcement of the provisions of these adopted regulations.

ARTICLE 3. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 1. Intent. The intent of this District is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

Section 2. Permitted Uses.

- 1) Newly constructed one-family dwellings;
- 2) Temporary buildings for and during construction; and
- 3) Accessory uses.

Section 3. Lot Area and Width. The lot area for any use in this District shall be not less than seven thousand (7,000) square feet, and no lot width shall be less than seventy feet (70') wide.

Section 4. Building Coverage; Minimum Floor Area. No more than thirty percent (30%) of the lot shall be occupied by the principal and accessory buildings. Each residence shall have a minimum of one thousand

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(1,000) square feet of floor area in its living quarters.

Section 5. Yards.

- (a) Front Yards: Every lot shall have a front yard of at least twenty feet (20').
- (b) Rear Yards: Every lot shall have a rear yard of at least twenty-five feet (25') in depth
- (c) Side Yards: Every lot shall have two (2) side yards of at least ten feet (10') each.

Section 6. Building Height. No building shall be higher than twenty-four feet (24').

Section 7. Off street Loading. One off street loading berth shall be required for each nonresidential building of over ten thousand (10,000) square feet of floor area.

Section 8. Off street Parking. Two (2) off street parking spaces shall be provided for each dwelling unit.

ARTICLE 4. R-2A SINGLE FAMILY RESIDENTIAL

Section 1. Intent. The intent of this District is to provide for newly constructed, low-density, single-family residential development on North Montana Avenue to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

Section 2. Permitted Uses. (1) Newly constructed one-family dwellings; (2) temporary buildings or trailers used by building contractors as offices or material storage; and (3) accessory buildings, which must compliment the primary building.

Section 3. Lot Area and Width. The residential lot area for any use in this district shall be not less than eight thousand (8,000) square feet, and no lot width shall be less than seventy feet (70') wide.

Section 4. Building Coverage; Residential Minimum Floor Area. No more than forty percent (40%) of the lot shall be occupied by the principal and accessory buildings. Each residence shall have a minimum of one thousand (1,000) square feet of aboveground living area.

Section 5. Yards.

- (a) Front Yards: Every lot shall have a front yard of at least twenty feet (20') in depth.
- (b) Rear Yards: Every lot shall have a rear yard of at least twenty feet (20') in depth.
- (c) Side Yards: Every lot shall have two (2) side yards of at least eight feet (8') in width each.

Section 6. Building Height. No building shall be higher than twenty-four feet (24').

Section 7. Off-street Parking, Residential. Two (2) off street parking spaces shall be provided for each residential dwelling unit. On-street parking is prohibited.

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Section 8. Signs and Billboards. No sign of any kind shall be displayed to the public view on or from the property or any lot except:

- a. Signs as may be required for legal proceedings;
- b. Residential identification signs of combined total area or two (2) square feet or less for each residence;
- c. During the time of construction of any new building or other improvement, job identification signs having a maximum face area of four (4) square feet per sign of the type usually employed by contractors, sub-contractors, and tradesman; or
- d. "For Sale," "For Rent," or "Beware of Dog" signs of customary and reasonable dimensions.

ARTICLE 5. SPECIAL RESTRICTION

Section 1. Residential. No lot or building plot shall be used except for strictly residential purposes, and no business, trade or manufacture of any sort or nature shall be conducted thereon.

Section 2. New Construction. Only single family dwelling units constructed of new materials, together with the usual outbuildings, including a private garage, and excluding an outside toilet shall be permitted. No old buildings, whether intended for use in whole or in part as the main residential structure or for use as a garage or other outbuildings, shall be moved upon said premises. Mobile homes or house trailers either on wheels or on a permanent foundation are prohibited.

Section 3. One residence. Not more than one residence shall be so erected or constructed upon any lot situated in this subdivision.

Section 4. Temporary Construction. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence. Nor shall any residential structure be occupied for residential purposes until completely finished.

Section 5. Impermissible Activities. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 6. Commercial Enterprises. No manufacturing or commercial enterprise or enterprises of any kind, whether for profit or not, shall be maintained upon, in front of, or in connection with the lots in this subdivision, nor shall any said lot in any way be used for any purpose other than strictly residential purposes, except for home occupations.

Section 7. Livestock. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose and provided further that any such dog or cat must be confined to the owner's premises at all times or on a leash.

Section 8. Excavation. No excavation shall be made on any lot in this subdivision for the purpose of erecting or constructing a basement or cellar for the dwelling house or garage to be erected or constructed, upon said

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lot, except at the lot owner's risk.

Section 9. Water User's Association. The Water User's Association shall form a water user's association for the purpose of promoting, developing, and operating the subdivision, and maintaining all water mains and appurtenances, curb, gutter, paving, planting, and maintenance of roads and parks therein. The owner of each lot within the subdivision shall be a member of the Association, with ownership, voting privileges and responsibility equal to that of the owner of each other lot within the subdivision. The Association shall be governed by Articles and By-Laws, which by this reference are incorporated herein. The Association shall have the power to levy assessments for water services and for construction, maintenance, and operation of the aforementioned improvements and facilities, which assessments shall be paid promptly when the same become due and which, if unpaid, shall constitute a lien upon the premises to which they are assessed, which lien may be enforced in equity as in the case of any lien foreclosure.

Section 10. Septic Sewer System. No owner of any lot in this subdivision shall construct a septic sewer system or drill a water well without obtaining permission from the water User's Association.

Section 11. Garbage. No garbage receptacles or racks shall be placed closer than 100 feet from the front of any lot lines unless the same are so constructed as to be completely underground. This is not to be construed, however, as prohibiting the placing of garbage cans in front of dwelling houses on day of each week when the garbage is collected.

Section 12. Waiver. All home owners in the subdivision hereby waive their rights to protest to a Rural Improvement District to improve public streets near and through the subdivision, if such is initiated by Lewis and Clark County.

ARTICLE 6. B-2 ZONE; COMMERCIAL

The separate set of commercial lots, defined as Block One (1), Lots 1A, 2A, 3A, 4A, 5A, and 6, bordering North Montana Avenue, shall be used for small retail and service shops to compliment the needs of the local homeowners.

Section 1. Signing.

- a. One free-standing sign, which is any sign supported by one or more columns, uprights or braces, and permanently affixed in the ground, shall be permitted for the entire area complex in the commercial zone. Such sign shall not exceed one hundred (100) square feet in background area, and shall not exceed ten (10) feet in height, measured from existing grade to the highest point on the sign or structure supporting such sign.
- b. No lighting, used to illuminate any sign, shall face or have its light source directly visible from any property in the residential zone or used for residential purposes.
- c. One wall sign, which is any sign affixed in any manner to any exterior wall of a building or structure, which does not project more than eighteen (18) inches from such wall, and which does not extend more than six (6) inches above the parapet, eaves, or building facade (also known as external wall),

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shall be permitted in the commercial zone. The background area of such sign, which is the area upon which copy could be placed, shall not exceed thirty percent (30%) of the building facade to which it is attached.

- d. No animated sign, and no sign with action or motion, flashing or intermittent light, or flash or color changes requiring electrical energy, electronic or manufactured sources, or activation shall be placed, erected or maintained in the commercial zone.
- e. The owner of any sign, which is not in use by reason of change in occupancy or vacation of building, structure or use, shall remove the same within ninety (90) days of such change or vacation.
- f. All signs shall be maintained by the owner thereof, shall be kept in good repair and shall be painted at reasonable intervals. The surface of the ground under and about any free-standing sign shall be kept clear of weeds, rubbish, and flammable materials.

Section 2. Parking.

- a. An accessory off-street parking area shall be provided for all commercial uses and shall be for use only by automobiles and vehicles of the owners, employees and customers thereof. Any such off-street parking area shall be located on the same site or premises as the use for which parking is required, and shall provide maneuvering space and access to public streets and alleys. (This requirement does not apply to Mini-Storage facilities.)
- b. Two (2) parking spaces for each seven hundred fifty (750) square feet of commercial space shall be provided. (This requirement does not apply to Mini-Storage facilities.)
- c. Each required parking space shall be designed and designated for the parking of one automobile, and shall provide room to get out on either side of such automobile. Each such parking space shall be at least nine (9) feet wide by twenty (20) feet long. However, twenty-five percent (25%) of the parking space may be provided for compact automobiles, providing the same are lined and clearly designated for such use. Each such compact automobile space shall be at least seven and one-half (7 1/2) feet wide by fifteen (15) feet long.
- d. All permanent off-street parking areas and spaces, access areas and driveways shall be improved with a two (2) inch asphalt mat over an appropriate base. Surfacing of the parking area shall be completed prior to occupancy of the commercial structure or commencement of commercial use. However, if surfacing of a parking area is impractical prior to such because of climatic conditions, such surfacing shall be completed prior to the first day of the following May. (This requirement does not apply to Mini-Storage facilities.)
- e. Any parking area, serving a commercial use for which three (3) or more parking spaces are required, shall be effectively screened from any property, which is used for residential purposes and which adjoins said parking area or is separated by an alley not more than twenty (20) feet wide. Such

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screening shall be not less than six (6) feet high, shall consist of planted vegetation, walls, fences, or combinations thereof, and shall provide at least fifty percent (50%) effective screening at the time of planting. Where walls are used for screening, living vegetation shall be provided on the side of the wall facing the residential zone or use so as to create visual relief covering a minimum of thirty percent (30%) of the surface of that side of wall.

- f. Any commercial use requiring more than three (3) parking spaces shall have two percent (2%) of the total parking area landscaped with living trees and shrubs having a low profile, which landscaping shall be in addition to landscaping required to screen said parking area from adjoining residential zones or uses.
- g. All screening, landscaping and landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition. Such maintenance shall include all necessary and proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of vegetation when necessary, and regular watering. Required landscaping and landscaped areas shall be provided with a suitable water supply and method for the watering of vegetation.
- h. All required screening and landscaping shall be completed prior to occupancy of the commercial structure or commencement of commercial use; however, if installation of plants or vegetation is impracticable at the time of Special Zoning occupancy or the commencement of the use because of climatic conditions, the same shall be installed the first day of the following May.
- i. The other provisions hereof notwithstanding, no fence, wall, hedge, screening, landscaping, or sign shall be erected or maintained on any premises in a manner so as to materially impede the operators of vehicles entering or leaving any street or alley.
- j. No lighting, used to illuminate any parking area, shall face or have its light source directly visible from any property in the residential zone or used for residential purposes.

Section 3. Landscaping. To maintain the residential character of appearance and harmony between the "R" zone and "B" zone, adequate landscaping is herein after prescribed. Parking strips and the front ten (10) feet of the required front yard and the required corner side yards, shall be properly landscaped with natural vegetation and associated material.

Section 4. Uses

Section 4a. Permitted Uses

- Professional and business offices, personal services
- Restaurants, except drive-in and those serving liquor (on premise consumption)
- Furniture and appliance stores
- Business machine, office products and computer sales

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- Art & craft supply stores and art galleries
- Shoe repair stores
- Variety stores, florists including greenhouses
- Auto parts and supply stores, without repair services
- Coin, philatelic and rock stores
- Food stores, such as grocery stores, meat markets, bakeries and delicatessen stores, fruit and vegetable stores
- Clothing and apparel stores
- Sporting goods/bike accessories stores
- Hardware stores
- Self-service, automatic laundries
- Dry cleaning and laundry receiving establishments, processing not to be done on the premises
- Establishments dealing in prosthetic appliances; eyeglasses, hearing aids; including production for on premises sale; fitting, repair, and sale of such products or their parts
- Day care facilities
- Antique shops
- Cafés (deli, coffee shop, bagel shop, etc.)
- Retail shops, of similar nature to those listed and approved by the County Zoning Administrator
- Convenience stores (not including gas stations)
- Video rental stores
- Book stores
- Beauty salons/barber shops

Section 4b. Conditional Uses.

- Mini-Storage

Section 5. Outside Storage. All business activities shall be conducted within a walled structure, with the exception of establishments using outside areas for display purposes only. Such outdoor display areas shall be used only during the establishment's business hours.

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Section 6. Building Height. The maximum height of each commercial building or structure shall be twenty four feet (24').

Section 7. Hours of Operation. Commercial activities shall restrict their hours of public operation to the hours of 6:30 a.m. to 9:00 p.m.

Section 8. Mini-Storage.

Section 8a. This section shall apply to the review of mini-storage facilities proposed to be located in districts that require a Conditional Use Permit for the establishment of such uses.

Section 8b. All buildings shall meet the following required setbacks:

Front Yard:	Twenty (20) feet
Side Yard:	Ten (10) feet each
Side Corner Yard:	Twenty (20) feet
Rear Yard:	Ten (10) feet

Section 8c. Landscaping that produces a sight-obscuring barrier shall be provided in areas adjacent to residentially zoned areas. Landscaping shall consist of a variety of hardy evergreen materials consisting of trees, low-, medium-, and high profile shrubs, together with suitable ground cover such as native grasses, bark, ornamental gravel, or a combination thereof. The landscaping shall be designed, placed, and maintained in such a manner that no wall, fence, sign, or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above street level, within fifteen (15) feet of the intersection of any street right-of-way line or easement, or driveway.

Section 8d. One off-street (1) parking space shall be provided for the on-site manager with two (2) additional off-street spaces provided at the leasing office. Any such off-street parking area shall be located on the same site or premises as the use for which parking is required, and shall provide maneuvering space and access to public streets and alleys.

Section 8e. Parking shall be provided by parking/driving lanes adjacent to the storage units. These lanes shall allow for adequate traffic circulation that will permit emergency vehicles to access and maneuver throughout the site.

Section 8f. All storage shall be kept within an enclosed building. Propane, gasoline engines, and storage tanks or any boat or vehicle incorporating such components shall be prohibited. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

Section 8g. The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited within any structure on a tract of land designated as a mini-storage facility.

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ARTICLE 7. MISCELLANEOUS

Section 1. Variances. Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

Section 2. Interpretations. The zoning administrator shall interpret these regulations consistent with its intent and purpose. An interpretation by the zoning administrator, may be appealed by requesting a hearing before the Board of County Commissioners. Such request must be made within fifteen (15) days of the issuance of the interpretation. The Board of County Commissioners shall hold a public hearing on the appeal request. Notice of the time, place and purpose of the hearing shall be provided in accordance with the provisions of Section 76-2-106, MCA. Upon consideration of the testimony and other evidence presented at the hearing, the Board of County Commissioners may approve or change the interpretation of the zoning administrator.

Section 3. Severability Clause. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid, shall remain in effect.

Section 4. Procedures for a Conditional Use Permit.

Section 4a. No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized and issued by the Board of County Commissioners.

Section 4b. Structures or buildings devoted to any use, which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.

Section 4c. Application.

- (1) Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the County Planning and Development Office.
- (2) The completed application and fee as set by the Lewis and Clark County Board of Commissioners shall be submitted to the County Planning and Development Office. Said fee is not refundable.

Section 4d. Procedures for Consideration.

- (1) After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning and Development Office for their review and evaluation.
- (2) The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Planning and Zoning Commission at least once in a newspaper of

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general circulation in the community at least 15 days prior to the meeting of the Planning and Zoning Commission at which the application is to be considered.

- (3) The Zoning Administrator shall also mail written notice to all abutting and adjacent property owners within 150 feet of the subject property not less than 15 days prior to the date of formal review by the Planning and Zoning Commission. When the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting side.
- (4) Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.
- (5) The Planning and Zoning Commission shall consider the application at its next regular meeting following the public notice process.
- (6) The Planning and Zoning Commission shall then forward a recommendation to the Board of County Commissioners.
- (7) The Board of County Commissioners shall consider the application at a meeting scheduled within fourteen (14) working days of the receipt of this recommendation from the Planning and Zoning Commission.

Section 4e. Approval of Application and Granting of Conditional Use Permits.

Upon rendering a decision to grant a Conditional Use Permit, the Board of County Commissioners shall notify the applicant of their decision, and the Board shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the Planning and Development Office.

Section 4f. Termination and Transferability.

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

- (1) Run with the lot, building, structure, or use and shall not be affected by change of ownership.
- (2) Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:
 - (a) Unless otherwise specified in the conditions of approval, or
 - (b) Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

Section 4g. Denial of Application.

In the event an application is denied by the Board of County Commissioners, no resubmittal of an application for a Conditional Use Permit may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him/her that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated

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as a new application.

Section 4h. Criteria Required for Consideration of a Conditional Use Permit.

1) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

(a) Site Suitability.

That the site is suitable for the use. This includes:

- (i) adequate usable space,
- (ii) adequate access, and
- (iii) absence of environmental constraints.

(b) Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

- (i) parking scheme,
- (ii) traffic circulation,
- (iii) open space,
- (iv) fencing, screening,
- (v) landscaping,
- (vi) signage, and
- (vii) lighting

(c) Availability of Public Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (i) sewer,
- (ii) water,
- (iii) storm water drainage,
- (iv) fire protection,
- (v) police protection, and
- (vi) streets.

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(d) Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

- (i) excessive traffic generation,
- (ii) noise or vibration,
- (iii) dust, glare, or heat,
- (iv) smoke, fumes, gas, or odors, and
- (v) inappropriate hours of operations.

Section 4i. Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of County Commissioners and a refusal is not the denial of a right, conditional or otherwise.

Section 4j. Board of County Commissioners Decision Based on Findings.

Every decision of the Board of County Commissioners pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every Finding of Fact shall be supported in the records of its proceedings. The conditions in Section 4h as they relate to matters, which the Board of County Commissioners is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of County Commissioners to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

ARTICLE 8. Pre-existing, Non-conforming Uses and Structures

If a use of a building, structure or parcel of land exists at the effective date of adoption or amendment of regulations for Special Zoning District #33, and such use is not permitted in the District, the use may be continued so long as it otherwise remains lawful, subject to the following provisions:

A pre-existing, non-conforming use or structure may be continued, including reasonable maintenance and repair. A pre-existing, non-conforming use or structure may be altered, provided that such alterations are not substantial and do not change the general character of the use or structure to render it substantially more detrimental in it's non-conformity in the District.

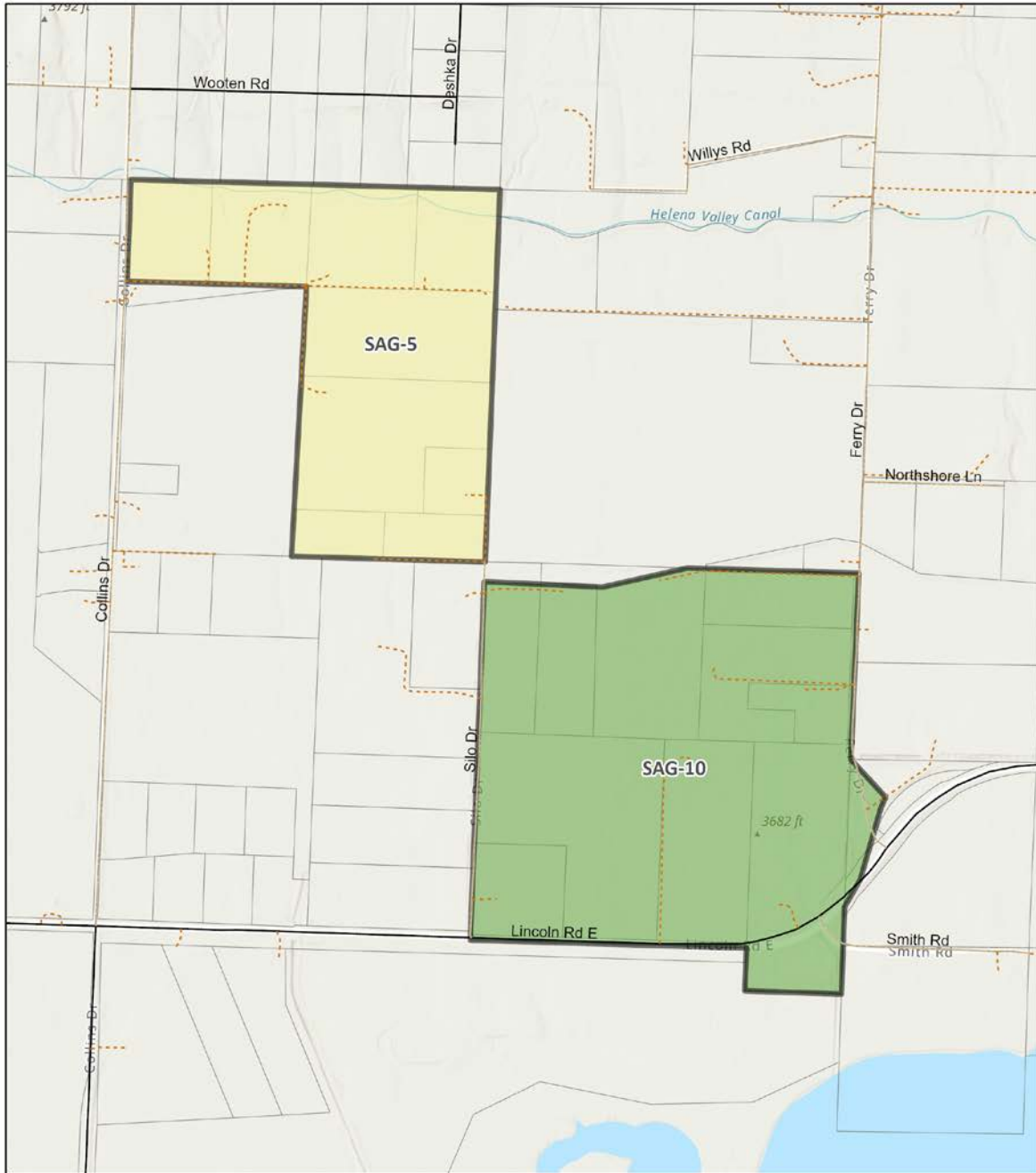
If any pre-existing, non-conforming use or structure is destroyed to any extent exceeding seventy-five percent (75%) of its fair market value, a future use or structure shall conform with the regulations of the District.

Special Zoning District No. 34: Lincoln Road East

SPECIAL ZONING DISTRICT NO. 34: LINCOLN ROAD EAST

Resolution No.	Purpose	Adopted	Filed
Res. 1979-51	Original adoption	November 28, 1979	M Book 3, Page 2639
Res. 2007-10	Amendment of text and map	January 23, 2007	M Book 39, Page 3215

Special Zoning District No. 34: Lincoln Road East



<p>Legend</p> <ul style="list-style-type: none"> District Boundary SAG-5 SAG-10	<p>Special Zoning District No. 34 Lincoln Road East</p>		<p>N</p>
	<p>Lewis and Clark County Community Development and Planning Map created August 2023</p>		<p>0 300 600 1,200 Feet</p>

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 34: Lincoln Road East

We, the undersigned freeholder, living and/or owning land lying within the area described below, hereby petition the County Commission of Lewis and Clark County to create a special zoning district as to the hereinafter described area as described in Chapter 41 of the Revised Codes of Montana 1947.

The proposed district is described to include the following land area.

A tract of land located in the SE 1/4 of Section 15 and a portion of the NE 1/4 of Section 22, T 11 N, R 3 W. P. M.M., more particularly described as follows:

Beginning at the Section corner common to Section 14, 15, 22, and 23, the TRUE POINT OF BEGINNING, thence run S 00°02'00"W 271.85 feet along the west boundary of Section 22 to a point; thence S 89°53'46"W 694.53 feet to a point; thence N 00°32'58"E 302.00 feet to a point on the northerly Right-of-Way line of Lincoln Road, a county read, thence S 89°54'28"W along Lincoln Rd. right-of-way 1973.93 feet to a point thence N 00°28'59"E 2499.47 feet to a point on the center line of an irrigation ditch; thence S 89°00'48"E along the center line of the ditch 856.34 feet to a point; thence continuing along said ditch centerline N 75°48'05"E 636.13 feet to a point; thence N 89°53'32"E 1169.71 feet to a point on the westerly Right-of-Way line of Ferry Drive, a county road; thence S 00°37'54"W along said Right-of-Way 1220.07 ft. to a point; thence S 44°21'57"E 42.44 feet to a point on the east boundary of Section 15; thence S 00°37'54"W along said boundary 1418.49 feet to the Point of Beginning. Described tract of land containing 161.66 Acres which includes 1.78 acres of County Road Right-of-Way.

And a tract of land located in the NW 1/4 of Section 15, T 11 N, R 3 W, P.M.M., more particularly described as follows:

Beginning at the Section corner common to Sections 9, 10, 15, and 16, run N 89°44'38"E 30.0 feet to a point on the easterly Right-of-Way line of Collins Road, a County Road, and being the True Point of Beginning, thence N 89°44'38"E 2632.84 feet along the North line of Section 15 to the North 1/4 corner of Section 15; thence S 00°27'13"W 2666.95 feet along the North-South mid-section line of Section 15 to the center of Section 15, thence N 89°58'07"W 1393.96 feet along the East-West mid-section line of Section 15 to a point; thence N 01°47'55"E 1917.65 feet to a point; thence S 89°53'32"W 1282.76 feet to a point on the easterly Right-of-Way of Collins Road; thence N 00°30'00"E 748.40 feet along said Right-of-Way line to the Point of Beginning. Described tract containing 105.646 Acres.

INTENT

It is the primary intent of this district to preserve and protect the uses of single-family dwelling units and promote a suburban agricultural character in the area.

PERMITTED USES:

1. Single family dwellings
2. Accessory uses

Special Zoning District No. 34: Lincoln Road East

3. Agricultural uses
4. Home occupations (restrictive)
5. Pre-existing non-conforming uses

LOT AND BULK REQUIREMENTS

SAG-10 - Minimum lot size of ten acres

SAG-5 - Minimum lot size of five acres

Maximum of one dwelling unit per lot

Minimum dwelling unit size of 1,000 sq. ft.

Yard setback of 30 ft.

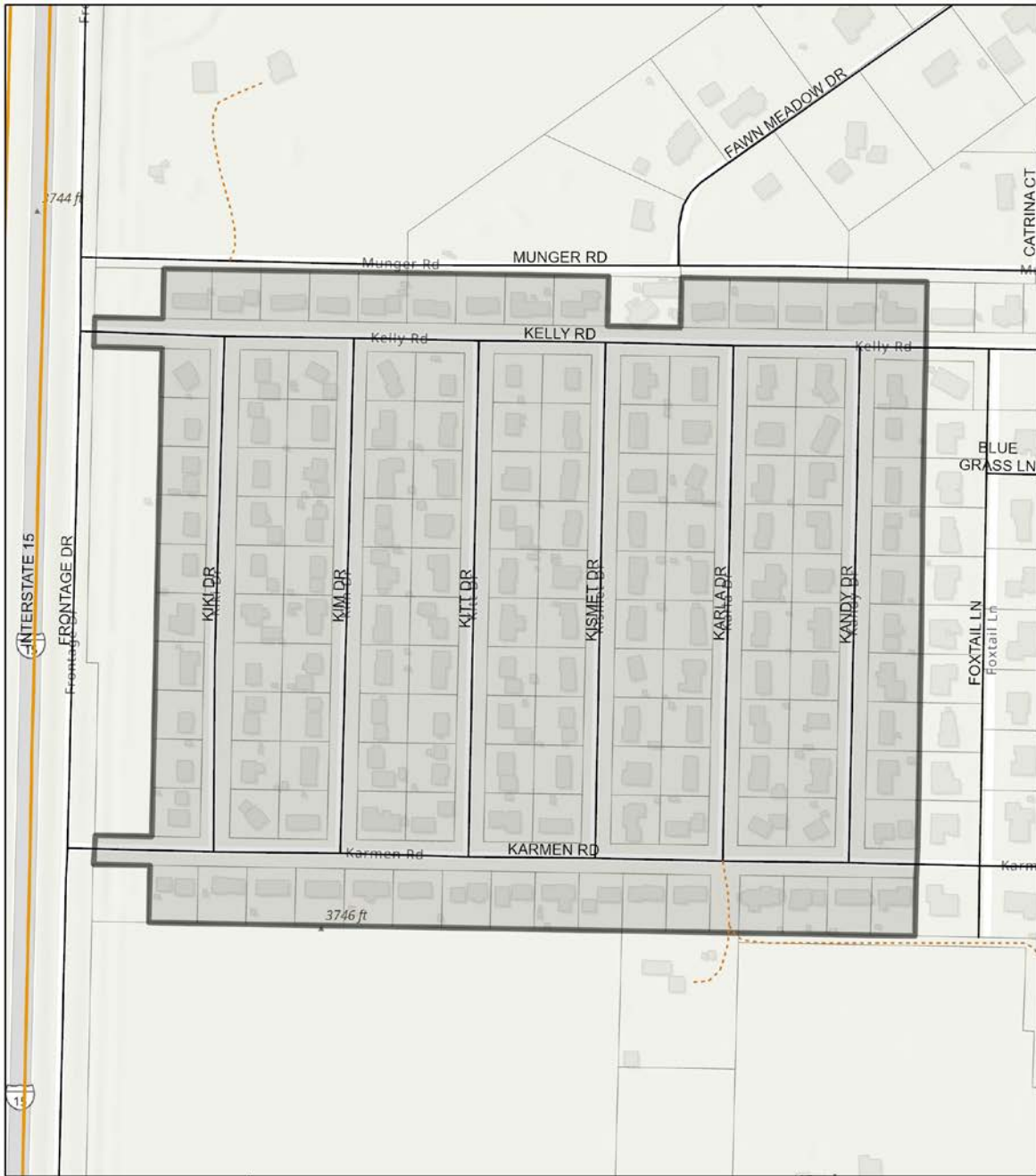
Special Zoning District No. 35: Pleasant Valley





SPECIAL ZONING DISTRICT NO. 35: PLEASANT VALLEY

Resolution No.	Purpose	Adopted	Filed
Res. 1981-11	Original adoption	February 23, 1981	M Book 1, Pg. 7864

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 35: Pleasant Valley



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 35 Pleasant Valley</p>	<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>	 <p>0 88 175 350 Feet</p> 

Special Zoning District No. 35: Pleasant Valley

ARTICLE 1. TITLE.

This resolution shall be known and cited as Special Zoning District and Regulation #35.

ARTICLE 2. DEFINITIONS.

Section 1. General Construction. For the purposes of this ordinance, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; and the word "shall" is mandatory and not directory. The words "used" or "occupied" shall include within their meaning "intended, arranged or designed to be used or occupied." The word "person" shall include a corporation, partnership, or other legal entity.

Section 2. Accessory or Auxiliary Use or Structure. A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use. Where an accessory building is attached to the main building in a substantial manner as by a wall or roof, such accessory building shall be considered part of the main building.

Section 3. Building. Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Section 4. Building Coverage. That percentage of the total lot area of a lot which is covered by the principal building.

Section 5. Building Height. The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs, and no pitched roof shall be higher from eaves to top than 40 feet.

Section 6. Building Line. The edge or side of a building nearest a lot line.

Section 7. Building Line, Front. The line of that part of the building nearest and parallel to the front lot line of the lot.

Section 8. Building Principal. A structure in which is conducted the main use of the lot on which the structure is located.

Section 9. Church. A building designed and used for public worship by any religious body.

Section 10. Dwelling. A building or portion thereof designed for occupancy by one or more families.

Section 11. Dwelling, Single-Family. A building designed for occupancy by one family and its resident domestic employees.

Section 12. Dwelling, Multiple-Family. A building or portion thereof designed for occupancy by three or more

Special Zoning District No. 35: Pleasant Valley

families.

Section 13. Dwelling, Modular. The term as herein used is defined as a dwelling with all of the following characteristics:

- a) Designed for a long term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attaching to outside systems.
- b) Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
- c) Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
- d) That the factory construction is able to meet or exceed the most recent Uniform Building Codes. (As published by International Conference of Building Officials).
- e) That the dwelling unit is eligible for long-term amortized mortgage financing.

Section 14. Dwelling Unit. A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family and its resident domestic employees.

Section 15. Family. An individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit.

Section 16. Lot. A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Section 17. Governing Body. The County Commission of Lewis and Clark County.

Section 18. Lot, Frontage. The front of a lot shall be that side which faces a street. If a lot faces more than one street, it shall conform to an established frontage where side exists or a common frontage shall be established. If it is a common lot and there are frontages already established on both of the streets that it faces, it may front on either street so long as it maintains yards conforming to both frontages.

Section 19. Lot Width. The mean width of the lot measured at right angles to its depth.

Section 20. Parking Space, Off Street. A space located off any public right-of-way which is at least 9' x 20' in size for parking of any automobile with room to get out on either side of the vehicle, with adequate maneuvering space and with access to public streets or alleys.

Section 21. Structure. Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

Section 22. Yard, Front. An open space extending across the full width of the lot between the front building line and the front lot line. No fence or foliage shall obstruct vision across such yard from one street to another.

Special Zoning District No. 35: Pleasant Valley

Section 23. Yard, Rear. An open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line.

Section 24. Yard, Side. An open space between the side building line and a side line of a lot, running from the front to the rear of the lot.

ARTICLE 3. SINGLE-FAMILY RESIDENTIAL DISTRICT.

Section 1. Intent. The intent of this District is to provide for newly constructed, low-density, single-family residential development, to conform to the system of services available, the slope of the land or other limiting factors, to provide for such community facilities and services as will serve the area's population while protecting the residential quality of the area.

Section 2. Permitted Uses. (1) Newly constructed single-family dwellings of conventional or modular construction; (2) temporary buildings for and during construction; (3) accessory uses; and (4) Churches of any denomination and accessory uses.

Section 3. Lot Area and Width. The lot area for any use in this District shall be not less than nine thousand five hundred (9,500) square feet, and no lot width shall be less than eighty five feet (85') wide.

Section 4. Building Coverage; Minimum Floor Area. No more than thirty percent (30%) of the lot shall be occupied by the principal and accessory buildings. Each residence shall have a minimum of nine hundred (900) square feet of floor area in its living quarters.

Section 5. Yards.

- (a) Front Yards: Every lot shall have a front yard of at least twenty feet (20').
- (b) Rear Yards: Every lot shall have a rear yard of at least twenty-five feet (25') in depth.
- (c) Side Yards: Every lot shall have two (2) side yards of at least ten feet (10') each.

Section 6. Building Height. No building shall be higher than twenty-four feet (24').

Section 7. Off street Parking. Two (2) off street parking spaces shall be provided for each dwelling unit.

Section 8. Boundaries. This District shall encompass the area described in Exhibit A.

ARTICLE 4. SPECIAL RESTRICTIONS.

Section 1. Prohibited Uses. No lot or part thereof may be used except for a permitted use.

Section 2. New Construction. Only building and structures constructed of new materials, together with the usual outbuildings, including a private garage and excluding an outside toilet, or modular dwellings, as defined herein, shall be permitted. No old buildings, whether intended for use in whole or in part as the principal building or for use as a garage or other outbuilding, shall be moved upon said premises. Mobile homes or house trailers either on wheels or on a permanent foundations, are prohibited.

Special Zoning District No. 35: Pleasant Valley

Section 3. Temporary Construction. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, nor shall any residential structure be occupied for residential purposes until completely finished.

Section 4. Impermissible Activities. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Agricultural uses, where permitted, shall not be considered noxious or offensive.

Section 5. Commercial Enterprises. Excepting only accessory uses permitted in Article 3, no manufacturing or commercial enterprise or enterprises of any kind, whether for profit or not, shall be maintained on, in front of, or in connection with the lots in this subdivision.

Section 6. Livestock. No horse, cow, hog, goat or similar animal shall be kept or maintained on any of the lots within Pleasant Valley Subdivision or any portion thereof, nor shall any chicken yard or other poultry yard be maintained thereon.

Section 7. Excavation. No excavation shall be made on any lot for the purpose of erecting or constructing a basement or cellar for the dwelling house or garage to be erected or constructed upon said lot, except at the lot owner's risk.

ARTICLE 5. VARIANCES. Any person, firm, or corporation owning property within the Special Zoning District may request relief from the provisions of this ordinance by requesting a change in the development plan (which includes these special zoning regulations) from the County Planning and Zoning Commission and, if such change is denied, by requesting a variance from the County Commissioners.

ARTICLE 6. SEVERABILITY CLAUSE.

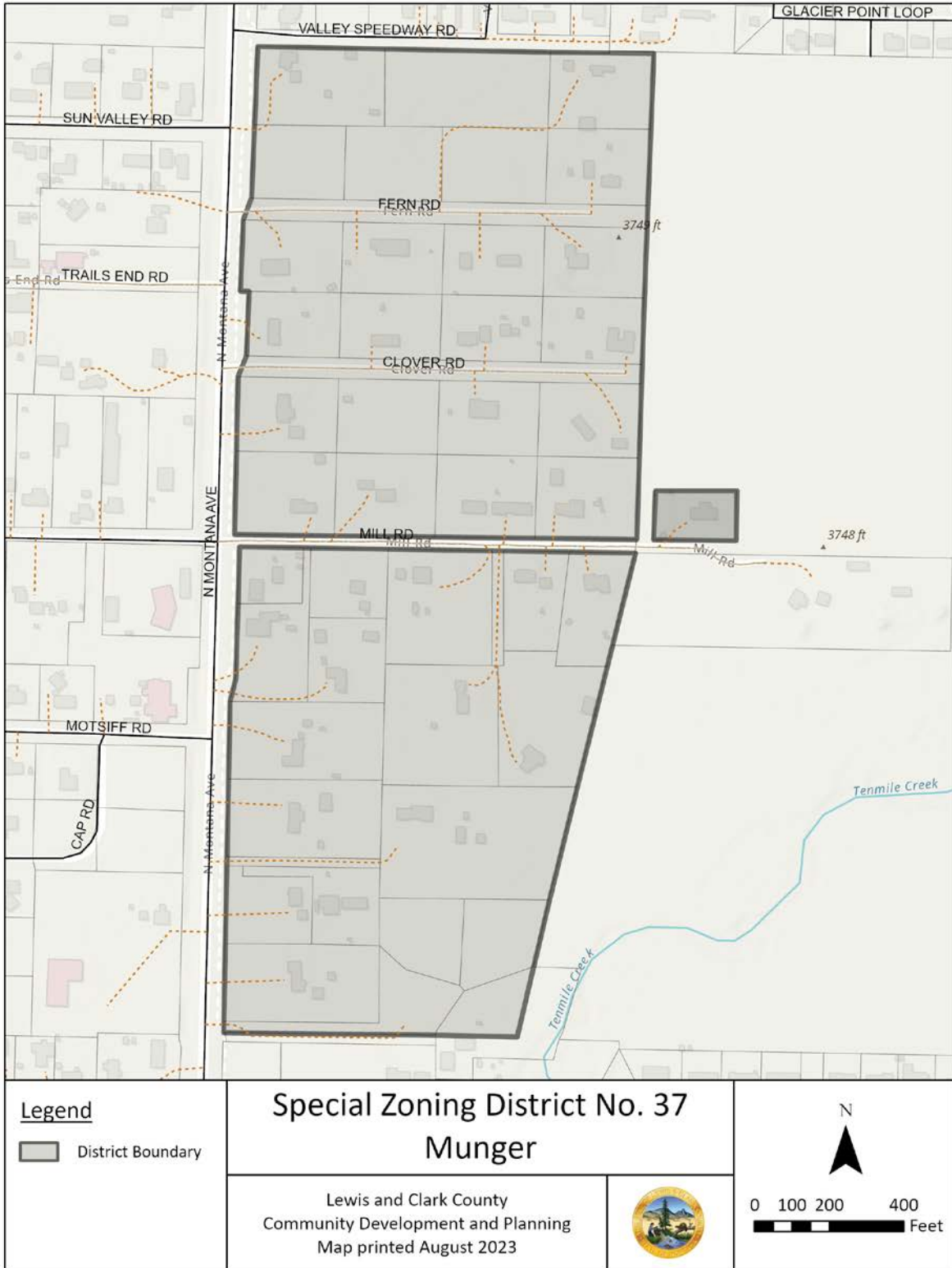
Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 37: Munger

SPECIAL ZONING DISTRICT NO. 37: MUNGER

Resolution No.	Purpose	Adopted	Filed
	Original Adoption	August 1, 1960	
Res. 1988-62	District Re-Adopted	August 18, 1988	M Book 9, Page 2048

Special Zoning District No. 37: Munger



Special Zoning District No. 37: Munger

SECTION 1 DISTRICTS

For the purpose of regulating, and classifying and restricting trades, industries, and the location of buildings designed, erected or altered for specified uses, and limiting the height and size of such buildings, and the use of lot areas, and regulating and limiting the density of population, and regulating and determining the areas of the yards and other open spaces surrounding buildings hereafter erected and preventing additions to, and alterations or remodeling of, existing buildings or structures in such manner as to avoid the restrictions and limitations in this article.

The area to be encompassed within the boundaries of said planning and zoning district shall be as follows: Tracts 13, 14, 15, 16, 17, 18, 19, 20A, 20B, 21A, 21B as said tracts are numbered, designated and described on the official plat of the Clara M. Munger Property, dated May 22, 1950, and tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 as said tracts are numbered, designated and described on the official amended plat of the Clara M. Munger Property dated February 10, 1958, containing 61.5 acres more or less; said plats are on file and of record in the office of the County Clerk and Recorder of Lewis and Clark County, Montana.

Except as hereinafter provided, no building shall be erected or structurally altered to exceed in height the limit herein established. No lot area shall be so reduced or diminished, that the yard or other open spaces, shall be smaller in conformity with the regulations hereby established. No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than that permitted in this district as set forth herein.

SECTION 2 REGULATIONS

- (a) Height: No building shall exceed twenty-five feet (25') or two stories in height from the natural ground level.
- (b) Sanitation: Each existing dwelling unit shall be equipped with an individual sewage disposal system which shall meet the objectives of the Federal Housing Administration regulations. All new dwellings now under construction or to be constructed in the future within the boundaries of this district shall be constructed and installed in full compliance with the general requirements of the Federal Housing Administration regulations as set forth in the minimum property standards in effect at the time of construction.
- (c) Residences including attached garages shall be constructed a minimum of thirty feet (30') from front, rear, or side lot lines.
- (d) Lot Area: Every building hereafter erected, structurally altered or maintained, shall provide a lot area of not less than forty thousand (40,000) square feet.
- (e) House Area: The minimum area of residence shall be not less than one thousand (1,000) square feet of living space on the ground floor level exclusive of porches and garages.
- (f) Use: No building, structure or premises shall be used, and no buildings or structures shall be erected, structurally altered or maintained, unless otherwise provided in the article, except for one or more of the following uses:
 - 1. One-family dwellings.

Special Zoning District No. 37: Munger

2. Two-family dwellings.
3. Churches.
4. Libraries.
5. Schools and colleges.
6. Parks and playgrounds.
7. Any public fire station, telephone exchange where no public business office and no repair or storage facilities are maintained.
8. Accessory building incidental to the above uses and located on the same lot (not involving the conduct of a business) including one private garage, private stable when located not less than seventy feet (70') from the front lot line of said lot and thirty feet (30') from the side line of said lot.
9. Accessory uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business; and including also, home occupations, engaged in by the occupants of a dwelling, not involving the conduct of a retail business on the premises, and including the office of a physician, dentist, musician, or artist, when situated in the same dwelling used by such person as his, or her, private dwelling; provided that no name plat exceeding one square foot in area, nor signs exceeding eight square feet in area pertaining to the lease, hire, or sale of a building or premises, nor advertising sign of any other character, shall be permitted in this district, except that, bulletin boards not exceeding 12 square feet in area, may be permitted on premises occupied by churches, temples, libraries, schools, colleges, and playgrounds.
10. All premises encompassed within this District shall be kept in a neat and orderly manner. Any condition permitted to exist which is considered by sixty percent (60%) of the freeholders to be obnoxious and as such to be detrimental to the district may be abated as a nuisance.

SECTION 3 NON-CONFORMING USES

- (a) The lawful use of land, existing at the time of the adoption of these regulations, although such use does not conform to the provisions hereof, may be continued, but, if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this article.
- (b) If a non-conforming use of a building is discontinued, any future use of such structure shall be in conformity with the provisions of this article.
- (c) The effective date of these regulations is considered to be August 26, 1986, the date when interim zoning was enacted. Subsequent amendments will have different effective dates.

SECTION 4 EXCEPTIONS TO REGULATIONS

- (a) Churches, public or semi-public buildings, schools, and colleges may exceed the height restrictions of the district.

SECTION 5 DEFINITIONS

That, for the purpose of these regulations, certain terms and words are hereby defined as follows: Words used in the present tense include the future; words in the singular number include the plural; words in the plural

Special Zoning District No. 37: Munger

include the singular; and the word "building" includes the word "structure"; the word "person" includes a corporation, or other organization; the term "used", includes the terms "arranged" or "intended to be used" or "designated"; and the word "shall" is mandatory not directory.

ACCESSORY USE OR BUILDING: An accessory use or building is a use or building customarily incidental to, and accessory to the principal and ordinary use of a building, or premises, located on the same premises with such principal use or building.

BUILDING: A structure having a roof supported by walls, and when separated by walls, and when separated by a party wall without openings, it shall be deemed a separate building.

DWELLING, ONE-FAMILY: A detached building designed for, or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A detached, or semi-detached building designed for, or occupied exclusively by two families living independently of each other.

FAMILY: One or more persons, living, sleeping, and usually cooking and eating on the premises as a single housekeeping unit.

HEIGHT OF BUILDING: The vertical distance from the natural ground level in front of the building to the highest point of the building.

LOT: The land bounded by definite lines, and occupied by a building and its accessory buildings and including the open spaces required under these regulations.

NON-CONFORMING USE: A use of a building or premises that does not conform with the regulations of the district.

PRIVATE GARAGE: A garage with capacity of not more than four motor-driven vehicles, and having no public shop or service in connection therewith.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; excepting such alterations as may be required for the safety of the building.

SECTION 6 SEVERABILITY CLAUSE

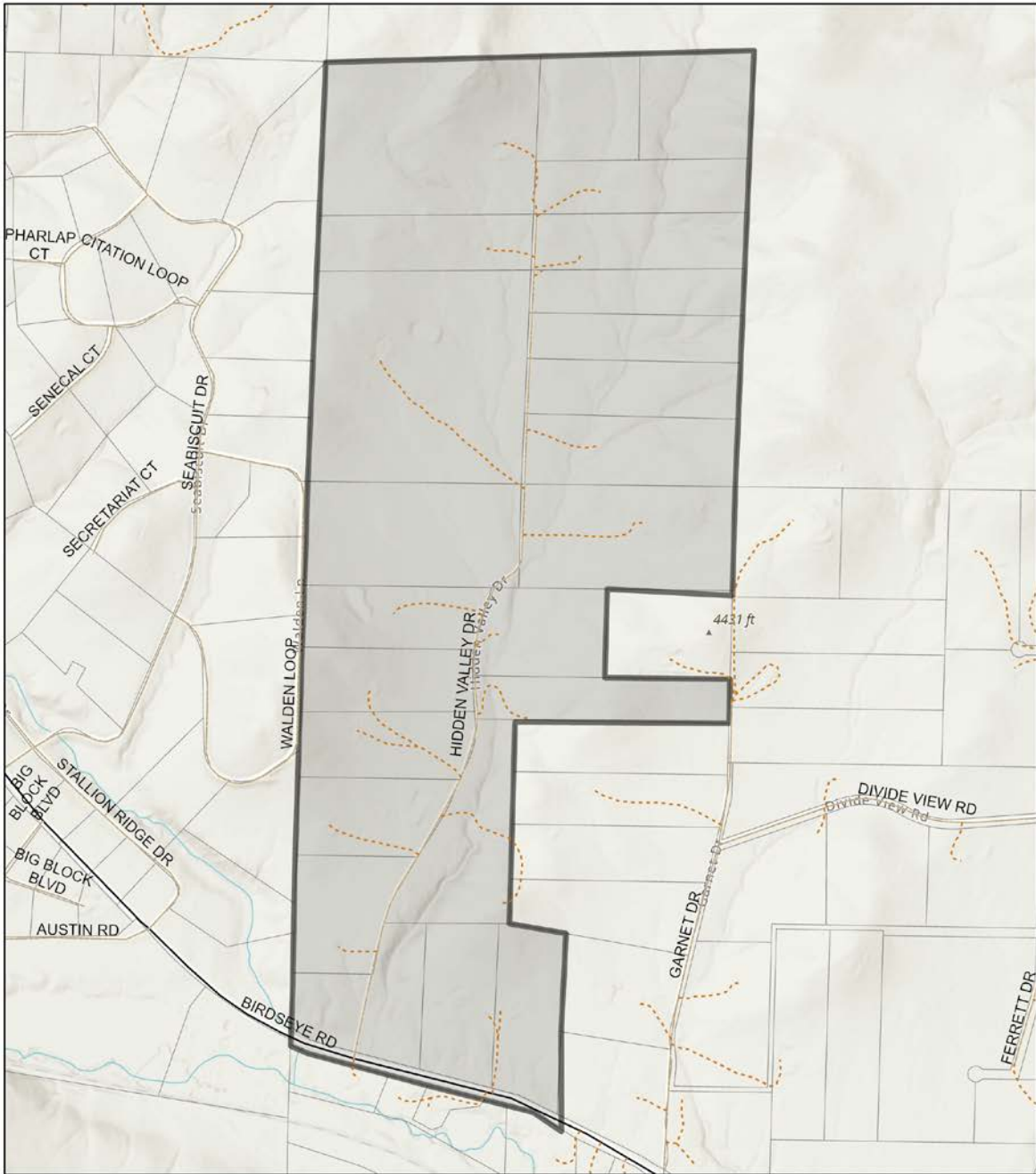
Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.



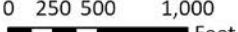

Special Zoning District No. 38: Hidden Valley

SPECIAL ZONING DISTRICT NO. 38: HIDDEN VALLEY

Resolution No.	Purpose	Adopted	Filed
Res. 1989-38	Original adoption	June 13, 1989	M Book 9, Page 9217

Special Zoning District No. 38: Hidden Valley



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 38 Hidden Valley</p>	<p>N</p>  <p>0 250 500 1,000 Feet</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p> 	

Special Zoning District No. 38: Hidden Valley

SECTION A R-1 Single-Family Residential District

Intent: It is the primary intent of this district to accommodate and protect the uses of single family dwelling units and also preserve and promote the rural/residential character of the area, while prohibiting commercial activities.

Permitted Uses: The following types of residential and related uses are the only uses which are permitted within this district:

1. Conventional detached single-family dwellings constructed, assembled, and erected on the land which they occupy.
2. Modular homes meeting the following criteria:
 - a. That the modular home is placed on a permanent foundation.
 - b. That the modular home is connected to a sewer and water system.
 - c. That the modular home qualifies for permanent Farmers Home Administration or Veterans Administration home financing.
 - d. That the modular home comply with the Uniform Building Code.
 - e. That the modular home meets the other area requirements of these regulations.
3. Accessory buildings, not to exceed one (1) garage building and two (2) additional buildings per dwelling. If the garage is constructed separate from the dwelling, it is to be constructed of a similar material and design as the house.
4. Agricultural activities.

Minimum Lot Area: The lot area for any use in this district shall not be less than ten (10) acres, with a maximum of one (1) dwelling per lot.

Minimum Floor Area: The floor area of any dwelling in this district shall be not less than one thousand (1,000) square feet, exclusive of porches and garage.

SECTION B NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

Intent Within the district established by these regulations or amendments thereto, there may exist lots, structures, and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these non-conforming situations and uses to continue.

It is further the intent of these regulations that such non-conformities shall not be enlarged, expanded, extended, or increased in non-conformity, or used as grounds for adding other prohibited uses.

If any non-conforming use or activity ceases or is not in operation for a period of one (1) year, any subsequent use of land shall conform to the district regulations. Further, if any non-conforming structures or situations are destroyed or eliminated, any subsequent development of the property shall conform to the district regulations.

Special Zoning District No. 38: Hidden Valley

SECTION C VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

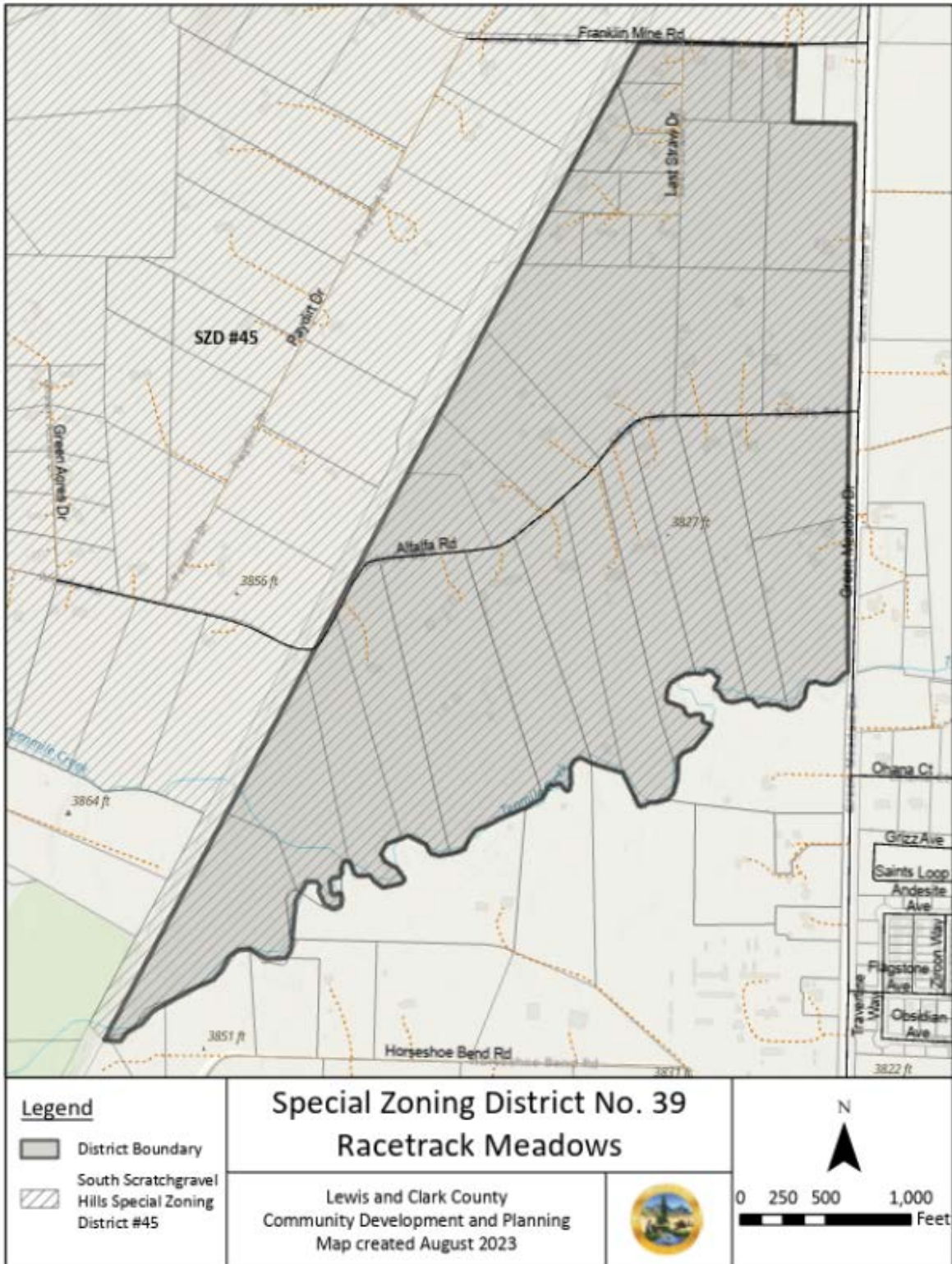
SECTION D SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SPECIAL ZONING DISTRICT NO. 39: RACETRACK MEADOWS

Resolution No.	Purpose	Adopted	Filed
Res. 1990-69	Original adoption	July 3, 1990	M Book 10, Page 9425

Special Zoning District No. 39: Racetrack Meadows



Special Zoning District No. 39: Racetrack Meadows

SECTION A R-1 Single-Family Residential District

Intent: It is the primary intent of this district to accommodate and protect the use of single-family dwelling units and agricultural land uses while promoting and preserving the rural-residential atmosphere of the area.

Permitted Uses: The following types of residential and related uses are the only uses which are permitted within this district:

1. Only one single-family dwelling may be constructed or placed on each lot.
2. Dwellings will be of conventional construction or modular construction. Modular dwellings shall be placed on a permanent foundation and meet the following criteria:
 - a. Multi-sectional and a minimum of twenty feet (20') wide at its narrowest point;
 - b. Designed to be transported to its installation site on a removable and reusable chassis system (such a temporary wheels or a flatbed trailer);
 - c. Designed without a permanent frame or undercarriage so that it must be placed on a permanent foundation prior to occupancy;
 - d. Meets or exceeds the requirements of the uniform building code;
 - e. Eligible for long term amortized mortgage financing;
 - f. Erected on the land which it occupies.
3. Agricultural pursuits.
4. Accessory uses necessary to the use, operation and maintenance of the above permitted uses, such as, but not limited to the following:
 - a. Private garages
 - b. Barns
 - c. Stables
 - d. Corrals
 - e. Other necessary structures
5. Home occupations which meet all of the following criteria:
 - a. The home occupation shall not change the character or appearance of the dwelling, or otherwise interfere with its primary use as a residence.
 - b. No external characteristics of a business (such as noise or increased traffic activity) shall result from the presence of the home occupation.
 - c. The home occupation shall occupy a lesser percentage of the use of the property than the principal use of the property, a single-family dwelling.
 - d. The home occupation shall in no way affect the residential character of the neighborhood, or present any external evidence of its existence.

Lewis and Clark County Part 1 Zoning District

Special Zoning District No. 39: Racetrack Meadows

- e. The use of the property must comply with all other requirements of the regulations (bulk requirements, off-street parking, etc.).
- f. The home occupation shall be conducted only by inhabitants of the dwelling.

Other Provisions No manufacturing, commercial or industrial enterprise, or any other activity of any kind conducted for profit, except agriculture, shall be carried on, upon, in front of, or in connection with the lots and parcels in the above described area. No tract shall be used for any purpose other than those permitted uses listed above.

Bulk Requirements

1. No building shall be constructed nearer than twenty feet (20') to the lot lines on the side or rear of any property nor less than twenty-five feet (25') from the front property line.
2. No tract may be replatted or divided into an area of less than ten (10) acres.

Signs No signs, billboards, or advertising displays or other devices of any kind or character shall be displayed on any of said lots except traffic signs, school signs, directional street or road signs, real estate promotion signs, mailboxes or house numbers to identify the occupancy of a residence.

SECTION B NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

The lawful use of land or a structure existing at the time of the adoption of this resolution may be continued even though such use does not conform with the district regulations thereof.

The non-conforming use of land or structure shall not in any way be expanded either on the same or adjoining property.

If the non-conforming use of land or structures, existing at the time this resolution became effective, is discontinued for a period of six (6) months or changed, then that use shall conform to the uses permitted in the district in which it is located.

Those numbered lots presently containing less than ten (10) acres may not be replatted or divided into a lesser area, but may be transferred or developed as a pre-existing non-conforming lot, subject to all other provisions of these regulations. Specifically, these are Lots 1, 2, 3, and 4 of Lot 10, Racetrack Meadows Minor; Lots 1, 2, 3, 4, 5, Young Minor; and the tracts shown on Certificates of Survey No. 282198, 297558, 314920 and 322608.

SECTION C VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

SECTION D SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid,

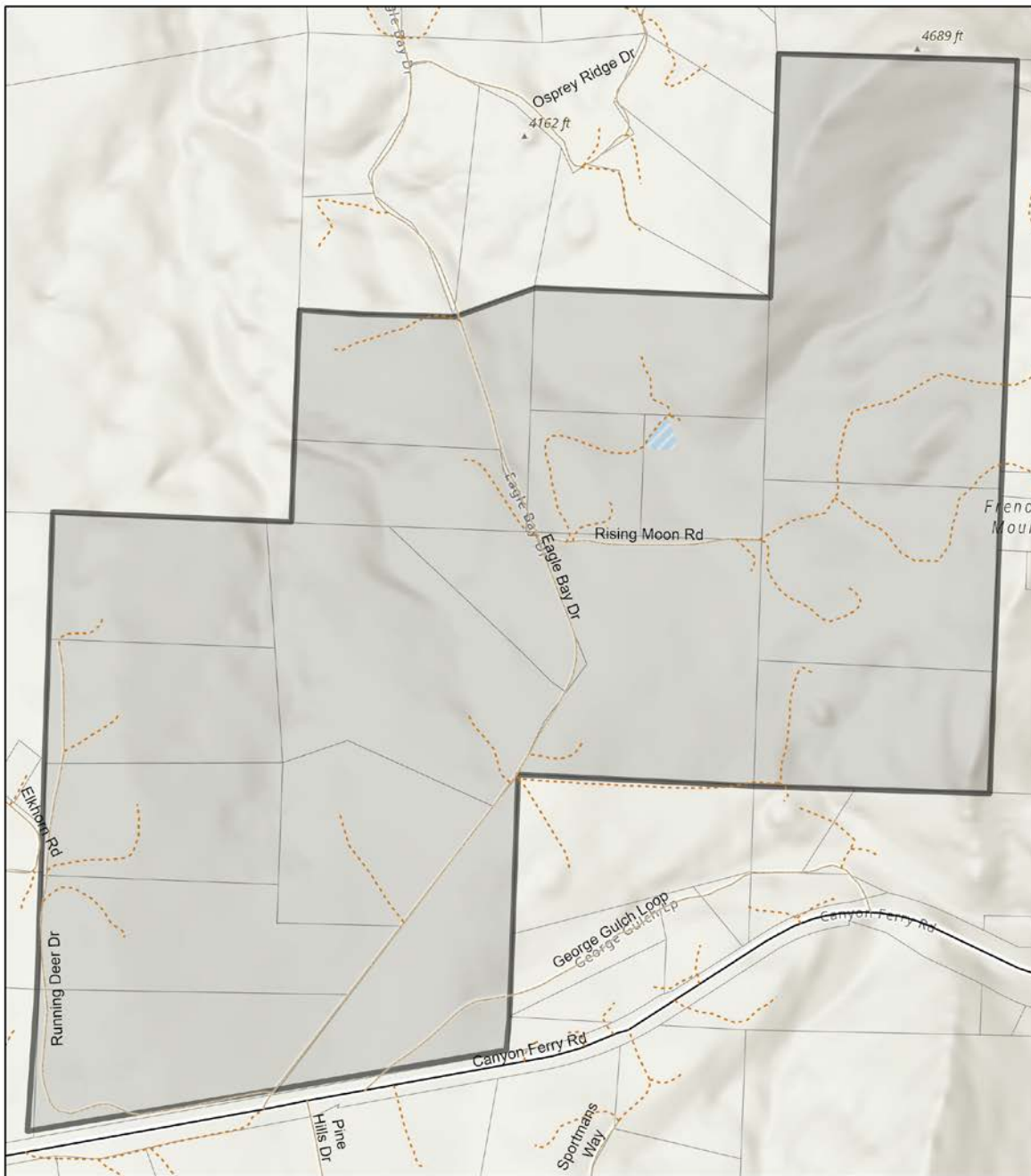
Special Zoning District No. 39: Racetrack Meadows





such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SPECIAL ZONING DISTRICT NO. 40: NORTH SPOKANE HILLS

Resolution No.	Purpose	Adopted	Filed
Res. 1991-73	Original adoption	May 21, 1991	M Book 11, Page 9447
Res. 2010-252	Amendment to Section J	August 12, 2010	M Book 42, Page 4004

Special Zoning District No. 40: North Spokane Hills



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 40 North Spokane Hills</p>	<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>	 <p>0 238 475 950 Feet</p> 

Special Zoning District No. 40: North Spokane Hills

SECTION A INTENT

The North Spokane Hills Zoning District is intended to provide for lower density single-family residential development and country estates where considerable commitment to such use has generally been established through previous development patterns and subdivision, and where such activity has caused the area to be irrevocably lost to large-scale farming and forestry. The provisions contained within the District are designed to:

1. Maintain the aesthetic, environmental, and recreational integrity of the Canyon Ferry recreational corridor which receives over 600,000 recreation man days annually. The area encompassed by said district is the immediate recreational gateway to the Canyon Ferry recreational complex, and has a direct impact on the character and quality of the recreational experience associated with the area resource. The area serves as a major and increasingly important recreational and economic resource for the greater Montana region. The area also contains a variety of important wildlife resources including a significant Bald Eagle migration feeding roost and world class fishery which require land-use considerations.
2. Reduce the potential for expanding public service needs within the rural area associated with public water, sewer, schools, and road development which will create a financial burden on local government, and encourage development in the district which would be primarily self-supporting and of a rural density.
3. Enhance and maintain the natural beauty and environmental integrity of the area for the benefit of the recreating public and area landowners, and prevent any future impairment thereof, prevent nuisances, provide long-term predictability for area land owners as to the character and setting of the rural residential community, and protect the financial investments which area citizens have in the establishment of their individual residences in the area.

SECTION B DEFINITIONS

For the purpose of this ordinance, the following words and terms have the meaning indicated herein:

Words used in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.

The words "uses for" shall include the meaning "designed for".

The word "lot" shall include the words "plot", "parcel", or "tract".

The word "shall" is always mandatory and not merely directory.

1. **ACCESSORY USE OR STRUCTURE:** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. Such uses may include private garages, barns, stables, corrals, and other necessary structures which are subordinate to and consistent with the main use of the property.

Special Zoning District No. 40: North Spokane Hills

2. **AGRICULTURE:** The use of land for farming, dairies, grazing, agriculture, horticulture, floriculture, silviculture, temporary seasonal produce sales, and animal and poultry husbandry, including necessary accessory uses for packing, treating, or storing the produce; provided that the operation does not include commercial feedlots or commercial facilities for slaughtering, dressing, and packing of animal products.
3. **BUILDING:** A structure, of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.
4. **BUILDING LINE:** A line parallel to the nearest lot line that intersects the edge, side, or corner of a building nearest the lot line.
5. **BUILDING OR STRUCTURE HEIGHT:** The vertical distance from the mean elevation of the finished grade along the front of the building or structure to the highest point of the building or structure.
6. **COUNTY:** Lewis and Clark County, Montana.
7. **DWELLING--SINGLE-FAMILY:** A detached residential, dwelling unit as defined under the Uniform Building Code other than a modular home, designed for and occupied by one family only.
8. **HOME OCCUPATION:** A lawful activity carried on within a dwelling by members of the family occupying the dwelling with no employee or other person being engaged, provided that the residential character of the dwelling is maintained and the activity is conducted in such a manner as not to give outward appearance nor manifest any characteristic of a business.
9. **LOT:** A parcel or tract of land.
10. **LOT AREA:** The total horizontal area within the boundary lines of a lot.
11. **LOT LINE, FRONT:** The lot line which is adjacent to the street right-of-way or within the street easement, other than an alley. In the case of corner lots located at the intersection of streets, the front lot line shall be the shortest lot line having street frontage.
12. **LOT LINE, REAR:** The lot line which is opposite and most distant from the front lot line.
13. **LOT LINE, SIDE:** Any lot line not a front or rear lot line.
14. **MODULAR HOME:** A manufactured home, modular units or transportable structure designed for long-term residential occupancy to be used with or without a permanent foundation as a dwelling unit. Modular home includes a manufactured building which is produced in a factory and designed and constructed for transportation to a site for installation and use when connected to required utilities.
15. **STRUCTURE:** Anything constructed or erected to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the land surface.
16. **VARIANCE:** A variance is a relaxation of the physical requirements associated with this ordinance due to practical difficulties and unnecessary physical hardships which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a

Special Zoning District No. 40: North Spokane Hills

site or the location of existing structures thereon. A variance shall not be granted as a substitute for, or in lieu of, a change in zone.

17. YARD, FRONT - An open space extending across the full width of the lot between the front building line and the front lot line or access easement line. No fence or foliage shall obstruct vision across such yard from one street to another.
18. YARD, REAR - An open space extending across the full width of the lot between the rear building line and the rear lot line or access easement line.
19. YARD, SIDE - An open space between the side building line and a side lot line or access easement line, extending from the front yard to the rear yard.

SECTION C PERMITTED USES

1. One single-family dwelling constructed on a single lot.
2. One modular home located on a single lot subject to the following provisions:
 - a. Multi-sectional and a minimum of twenty feet (20') wide at its narrowest point;
 - b. Designed to be transported to its installation site on a removable and reusable chassis system (such as temporary wheels or a flatbed trailer);
 - c. Designed without a permanent frame or undercarriage so that it must be placed on a permanent foundation prior to occupancy;
 - d. Meets or exceeds the requirements of the uniform building code;
 - e. Eligible for long term amortized mortgage financing;
 - f. Erected on the land which it occupies.
3. Home Occupations.
4. Agriculture.
5. Churches.
6. Day care centers.
7. Parks.
8. Accessory uses or buildings which are ordinarily appurtenant to any of the above uses.

SECTION D BULK REQUIREMENTS

1. Minimum lot size: Ten (10) acres.
2. Front Yard Building Setback from Right-of-way: Twenty feet (20').
3. Rear Yard Building Setback: Twenty feet (20').
4. Side Yard Building Setback: Ten feet (10').
5. Maximum Structure or Building Height: Thirty-five feet (35').

Special Zoning District No. 40: North Spokane Hills

SECTION E PARKING

Off street parking spaces required as set forth in the following, shall be no less than nine feet by twenty feet (9' x 20') in size.

1. Single-family residential: Minimum of two (2) off street for each dwelling.
2. Churches: One (1) for every four (4) fixed seats or every eight feet (8') of bench length.
3. Day Care Centers: One for each employee and a minimum of three (3) visitor spaces per ten (10) children.

SECTION F SIGNING

No signs, billboards, posters or advertising displays of any kind or character shall be displayed on any part of a parcel except:

1. Development entrance signs which may be maintained by a Homeowners Association;
2. Church entrance signs;
3. Day care business signs not to exceed twenty (20) square feet in size;
4. Parcel entrance signs indicating the street number, owner or parcel name not to exceed eight (8) square feet;
5. Customary real estate sale signs for individual parcels which do not exceed eight (8) square feet;
6. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
7. Temporary political signs which may be displayed during election campaign time periods.

SECTION G NUISANCE CONSIDERATIONS

No activity shall be carried on or permitted on any parcel which may endanger the health or safety of the community.

Noise emanating from any use may not be of such volume, frequency, or duration as to be unreasonably offensive at or beyond the property line. Unreasonable offensive noises due to volume, intermittence, duration, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

SECTION H ESTABLISHED COVENANTS

Nothing within this ordinance shall negate the requirements or prohibitions which may be established in any recorded deed restrictions or subdivision covenants, or any subsequent amendments, for properties or developments within the North Spokane Hills Zoning District.

SECTION I EXPRESSED PROHIBITIONS

All uses not specifically recognized as "permitted uses" in Section C of this ordinance, are explicitly prohibited. This prohibition includes but is not limited to all manufacturing, commercial or industrial enterprise, or any other activity of any kind conducted for profit which cannot qualify as a "home occupation" or permitted agricultural pursuit. No tract shall be used for any purpose other than those permitted uses listed above.

Special Zoning District No. 40: North Spokane Hills

SECTION J NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

Intent

Within the district established by these regulations or amendments thereto, there may exist lots, structures, and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these non-conforming situations and uses to continue until they are removed, destroyed, or not utilized, but not to encourage their survival.

It is further the intent of these regulations that such non-conformities shall not be enlarged, expanded, extended, or increased in non-conformity or used as grounds for adding other prohibited uses.

If any non-conforming use or activity ceases or is not in operation for a period of one (1) year, any subsequent use of land shall conform to the district regulations. Further, if any non-conforming structures or uses are destroyed or eliminated, any subsequent development of the property shall conform to the district regulations.

Non-Conforming Lots of Record

Lots or tracts of record filed with the Clerk and Recorders Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

Non-Conforming Uses and Structures

If a use of a building, structure, or land exists at the effective date of adoption or amendment of this district and such a use is not allowed in the district, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A non-conforming use or structure may be continued, including reasonable maintenance and repair. An existing non-conforming use or structure may be altered, provided that such alterations are not substantial and do not change the general character of the use or structure to render it substantially more detrimental in its non-conformity in the district.

Where a landowner wishes to make a substantial change or alteration from an existing prior non-conforming situation to another non-conforming situation, the landowner may request a change in non-conforming status. Such requests will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize changes in non-conforming status which are not contrary to the public interest and which are consistent with the intents and purposes of this ordinance.

If a non-conforming use is destroyed by any cause to an extent exceeding 75 percent (75%) of its fair market value, a future use on the site shall conform to the regulations of this district.

Special Zoning District No. 40: North Spokane Hills

SECTION K VARIANCES

Where owing to special conditions not a result of the actions of the applicant, a literal enforcement of the requirements of this ordinance would result in an unnecessary hardship to a landowner, the landowner may request a variance from the requirements. A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance from the terms of this district shall not be granted unless and until all of the following findings can be made:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
2. That literal interpretation of the provisions of this district would deprive the applicant of rights commonly enjoyed by other properties in the district.
3. That the special conditions and circumstances do not result from the action of the applicant;
4. That granting the variance requested will not create measurable and substantial adverse effects on nearby properties or their occupants.

The non-conforming status of neighboring lands, lots, uses, or structures, in the district are not grounds for the issuance of a variance.

Such requests will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest and which comply with all of the above requirements.

SECTION L AMENDMENT

Whenever the public interest may require or upon petition of sixty percent (60%) of the District's freeholders, the Lewis and Clark County Planning and Zoning Commission and the Board of County Commissioners are hereby authorized and empowered to consider and may adopt amendments to said district. If the Planning and Zoning Commission receives a petition, the following procedures in the revision or amendment of the District's boundaries or provisions shall be followed:

1. After receiving and certifying a petition of 60% of the District's freeholders for a potential amendment, notice of a public hearing shall be published once a week for two weeks in a newspaper of general circulation within the County, and a notification sign for the public hearing shall also be displayed in the District, in accordance with Section 76-2-106, MCA.
2. At the public hearing, the public shall be granted an opportunity to be heard regarding the proposed amendments.
3. After the public hearing, the Commissioners shall review the proposed amendments and shall make such revisions or amendments as they may deem proper.
4. The Planning and Zoning Commission will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to ~~may~~ reject, modify, or accept the proposed amendments.

Special Zoning District No. 40: North Spokane Hills

SECTION M INTERPRETATIONS

Where uncertainty exists as to the location of any boundary of the district, the appropriate classification of a particular use within the intent of this ordinance, or the application of any of the regulations, the zoning administrator shall ascertain all pertinent facts and shall make an interpretation. Such interpretations shall be consistent with the intents and purposes of this ordinance.

If any affected person disagrees with an interpretation by the zoning administrator, he/she may request, in writing, a hearing before the Board of County Commissioners. Such request must be made within fifteen (15) days of the issuance of the interpretation.

The Board of County Commissioners shall hold a public hearing in order to obtain facts and information from all affected parties and the zoning administrator. Notice of the time, place and purpose of the hearing shall be provided in accordance with the provisions of Section 76-2-106, MCA. Upon consideration of all pertinent facts and testimony presented at the hearing, the Board of County Commissioners may approve, deny, or change the interpretation of the zoning administrator.

SECTION N SEVERABILITY

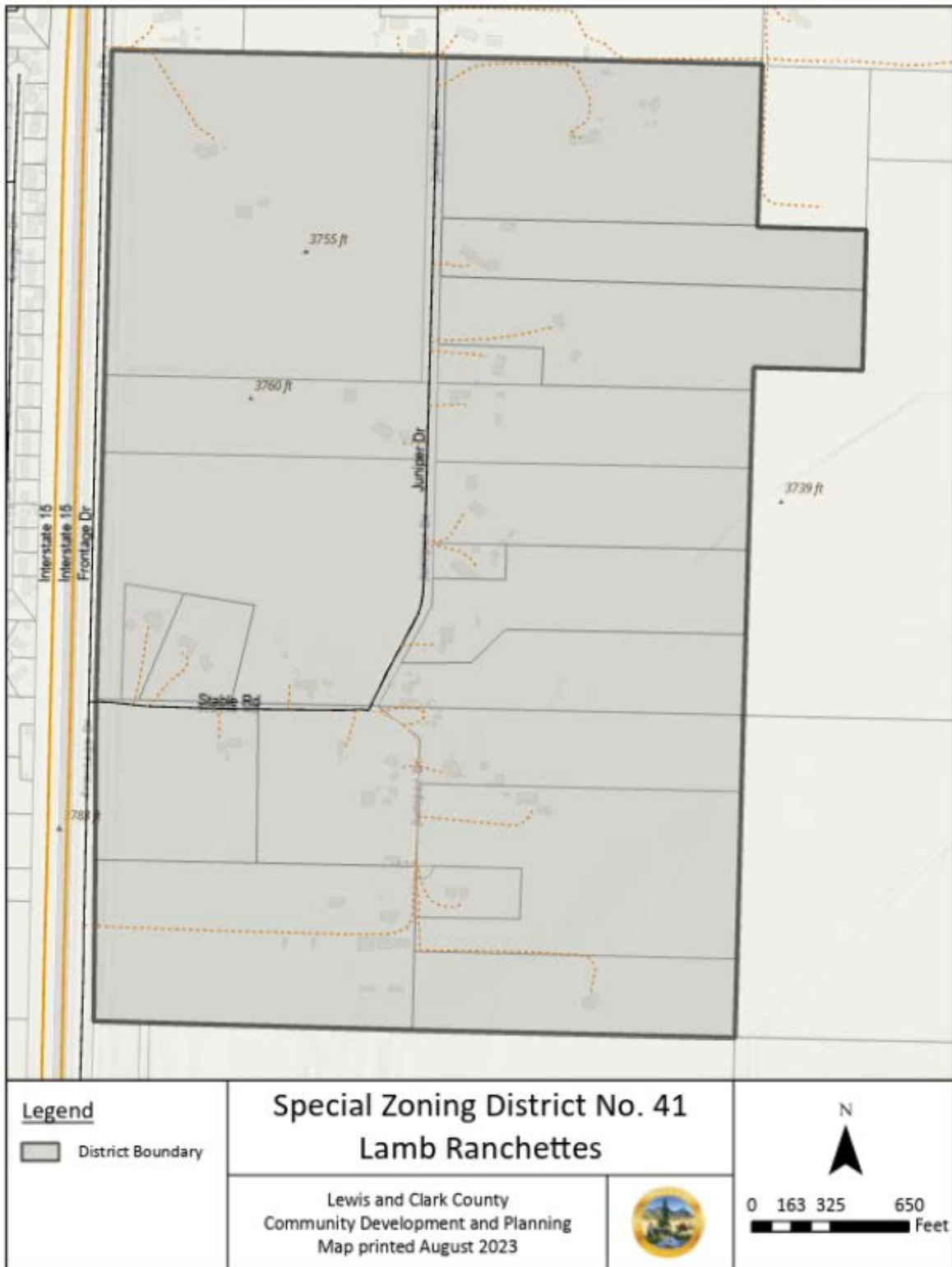
Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Special Zoning District No. 41: Lamb Ranchettes

SPECIAL ZONING DISTRICT NO. 41: LAMB RANCHETTES

Resolution No.	Purpose	Adopted	Filed
Res. 1992-150	Original adoption	December 15, 1992	M Book 13, Page 7261
Res. 2010-323	Amendment to Section D	October 19, 2010	M Book 42, Page 7078

Special Zoning District No. 41: Lamb Ranchettes



Special Zoning District No. 41: Lamb Ranchettes

SECTION A INTENT

The primary intent of this district is to accommodate and protect the use of single-family dwelling units and associated agricultural land uses while promoting and preserving the rural-residential atmosphere of the area and enhancing the aesthetic character and property values of the area. Secondly the district should reduce the potential for expanding public service needs which create a financial burden on local government.

SECTION B PERMITTED USES

No use other than the following residential and related uses are permitted within the district:

1. One single-family dwelling per lot of conventional construction, conforming with provisions of the Uniform Building Code for Seismic Zone 3, constructed on the site which it will occupy. A mobile home may be used as a temporary dwelling during construction of a permanent dwelling, but not to exceed a period of two (2) years.
2. Agricultural activities, including boarding stables for livestock, and livestock breeding farms. Agriculture is defined as the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man.
3. Accessory uses necessary to the use, operation and maintenance of the above permitted uses, such as but not limited to the following:
 - a. Private garages
 - b. Barns
 - c. Stables
 - d. Corrals
4. Home occupations which meet the following criteria:
 - a. Does not change the character or appearance of the dwelling, or otherwise interfere with its primary use as a residence.
 - b. Has no external characteristic of a business (such as noise, signs, or significant traffic activity).
 - c. Occupies a lesser percentage of the use of the property than the principal use of the property, a single-family dwelling.
 - d. Does not affect the residential character of the neighborhood, or present any external evidence of its existence.
 - e. Complies with all other requirements of the regulations (bulk requirements, etc.).
 - f. Conducted by inhabitants of the dwelling only.

SECTION C BULK REQUIREMENTS

1. Buildings shall be constructed more than twenty-five feet (25') from any lot line.
2. The minimum lot size is ten (10) acres.
3. All utility lines shall be installed underground.

Special Zoning District No. 41: Lamb Ranchettes

SECTION D NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

The lawful use of land or of a structure existing at the time of the adoption of this resolution may be continued even though such use does not conform with the district regulations thereof. However, no expansion of a non-conforming use of land or of a structure is permitted.

If the non-conforming use of land or of a structure existing at the time of adoption of this resolution, is discontinued for a period of six (6) months or changed, then any subsequent use of land or of a structure shall conform to the regulations of the district.

If a non-conforming use is destroyed by any cause to an extent exceeding 75 percent (75%) of its fair market value, a future use on the site shall conform to the regulations of this district.

Lots or tracts of record filed with the Clerk and Records Office on or before the effective date of these regulations that do not meet the lot area requirements of the district are non-conforming lots. A non-conforming lot may be used for any of the uses permitted by these regulations. The use and/or placement of buildings on a non-conforming lot shall comply with the other provisions of these regulations.

A boundary line relocation or retracement of a non-conforming lot that does not bring the lot into compliance with the lot area requirements of the district does not affect the status of the lot as a non-conforming lot. However, the boundaries of any lot shall not be relocated in such a way that violates these regulations to a greater extent than before the relocation. Any boundary change that aggregates multiple lots into a single lot, the new lot shall not, thereafter, be divided in violation of these regulations.

No non-conforming, existing lot containing less than ten (10) acres may be divided.

SECTION E VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

SECTION F INTERPRETATIONS

The zoning administrator shall interpret these regulations consistent with its intent and purpose.

An interpretation by the zoning administrator, may be appealed by requesting a hearing before the Board of County Commissioners. Such request must be made within fifteen (15) days of the issuance of the interpretation.

The Board of County Commissioners shall hold a public hearing on the appeal request. Notice of the time, place and purpose of the hearing shall be provided in accordance with the provisions of Section 76-2-106, MCA. Upon consideration of the testimony and other evidence presented at the hearing, the Board of County Commissioners may approve or change the interpretation of the zoning administrator.

Special Zoning District No. 41: Lamb Ranchettes

SECTION G SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid, shall remain in effect.

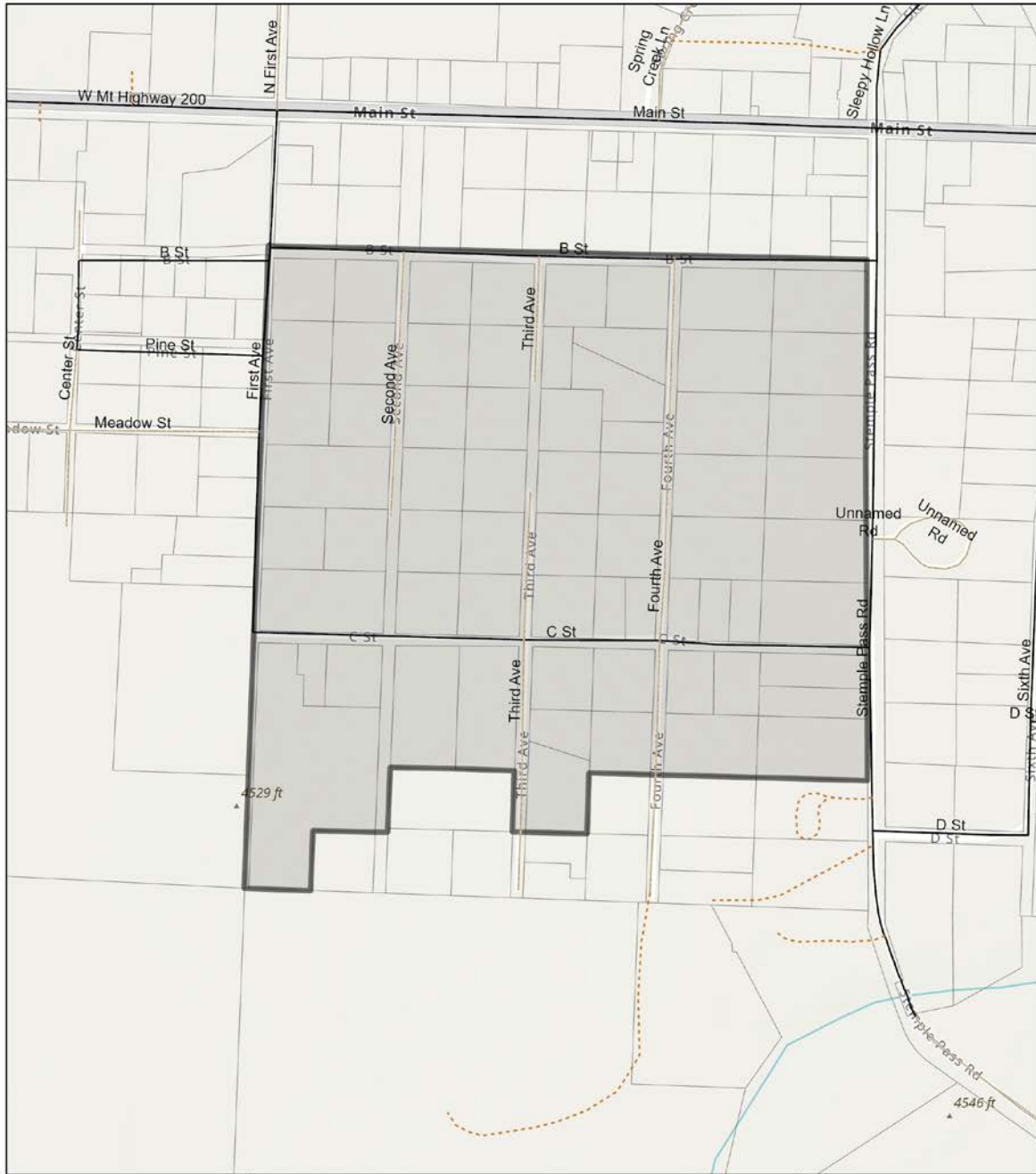
Special Zoning District No. 42: Lincoln Villa Acres





SPECIAL ZONING DISTRICT NO. 42: LINCOLN VILLA ACRES

Resolution No.	Purpose	Adopted	Filed
Res. 2006-24	Original adoption	February 21, 2006	M Book 34, Page 781

Lewis and Clark Part 1 Zoning Districts

Special Zoning District No. 42: Lincoln Villa Acres



<p><u>Legend</u></p> <p> District Boundary</p>	<p>Special Zoning District No. 42</p> <p>Lincoln Villa Acres</p>		<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>		<p>0 140 280 560</p>  Feet

Special Zoning District No. 42: Lincoln Villa Acres

Section A Intent

The primary intent of this district is to prevent further subdivision in the District, thereby preserving the aesthetic character and property values of the District.

Section B Prohibition Against Re-subdivision of Lots

No lot shall be further divided.

Section C Development Density

A lot in the District shall not have more than one (1) single-family dwelling. Guest houses that meet the standards set forth in the County Subdivision Regulations are a permitted use.

Section D Non-conforming Lots, Dwellings and Uses

Lawful uses of land, structure, or lot existing at the time of the adoption of this resolution may be continued even though such use does not conform with the district regulations thereof. The non-conforming use or structure shall not in any way be expanded either on the same or adjoining property. If the non-conforming use of land or structures, existing at the time of this resolution became effective, is discontinued for a period of six (6) months or changed, then that use shall conform to the uses permitted in the district in which it is located.

Section E Interpretations

The zoning administrator (County Planning Director or designee) shall interpret these regulations consistent with its intents and purposes.

An interpretation by the zoning administrator may be appealed by requesting a hearing before the Board of County Commissioners. Such a request must be made within fifteen (15) days of the issuance of the interpretation.

The Board of County Commissioners shall hold a public hearing on the appeal request. Notice of the time, place, and purpose of the hearing shall be provided in accordance with the provisions of Section 76-2-106, MCA. Upon consideration of the testimony and other evidence presented at the hearing, the Board of County Commissioners may approve or change the interpretation of the zoning administrator.

Section F Amendments

Variations from these regulations cannot be granted, but the regulations can be amended. If sixty (60) percent or more of the District's freeholders petition to amend the regulations, the Planning and Zoning Commission and the Board of County Commissioners are authorized and empowered to consider and may amend the regulations of the District. The procedure shall be the process established by the County for the amendment of zoning regulations and/or the zoning map, with the exception that the petition shall require the signature of sixty (60) percent of the District's freeholders.

Section G Severability Clause

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid, shall remain in effect.

Special Zoning District No. 42: Lincoln Villa Acres

Section H Enforcement

Penalties. A person who violates these requirements is subject to a fine of \$25.00 for each violation. Each day of violation constitutes a separate violation.

Property to be included in Special Zoning District No. 42

Block 5, Lots 55-66; Block 4, Lots 43-54; Block 3, Lots 31-42; Block 2, Lots 19-30; Block 6, Lots 67 and 74; Block 7, Lots 75, 76, 81 and 82; Block 8, Lots 83, 84, 89, and 90; and Block 9, Lots 91, 92, 97 and 98 of the Lincoln Villa Sites subdivision.

Development Pattern for County Special Zoning District No. 42 Lincoln Villa Acres

S1/2 of the NW 1/4 and the N 1/2 of the SW 1/4 of Section 24,
T14N, R9W, Lewis and Clark County, Montana

For the purpose of furthering the health, safety, and welfare of the property owners within the zoning district, the petitioners propose a development pattern for the physical and economic development of the zoning district, as provided for in Section 76-2-104, MCA.

Minimum parcel size within the zoning district shall be compatible with the development patterns of the area.

Uses and site development standards within the zoning district shall promote a rural residential character and preservation of rural residential property values. Residential use shall be designated in a manner that provides for service by existing local roads, access to emergency service providers, and efficient provision of services.

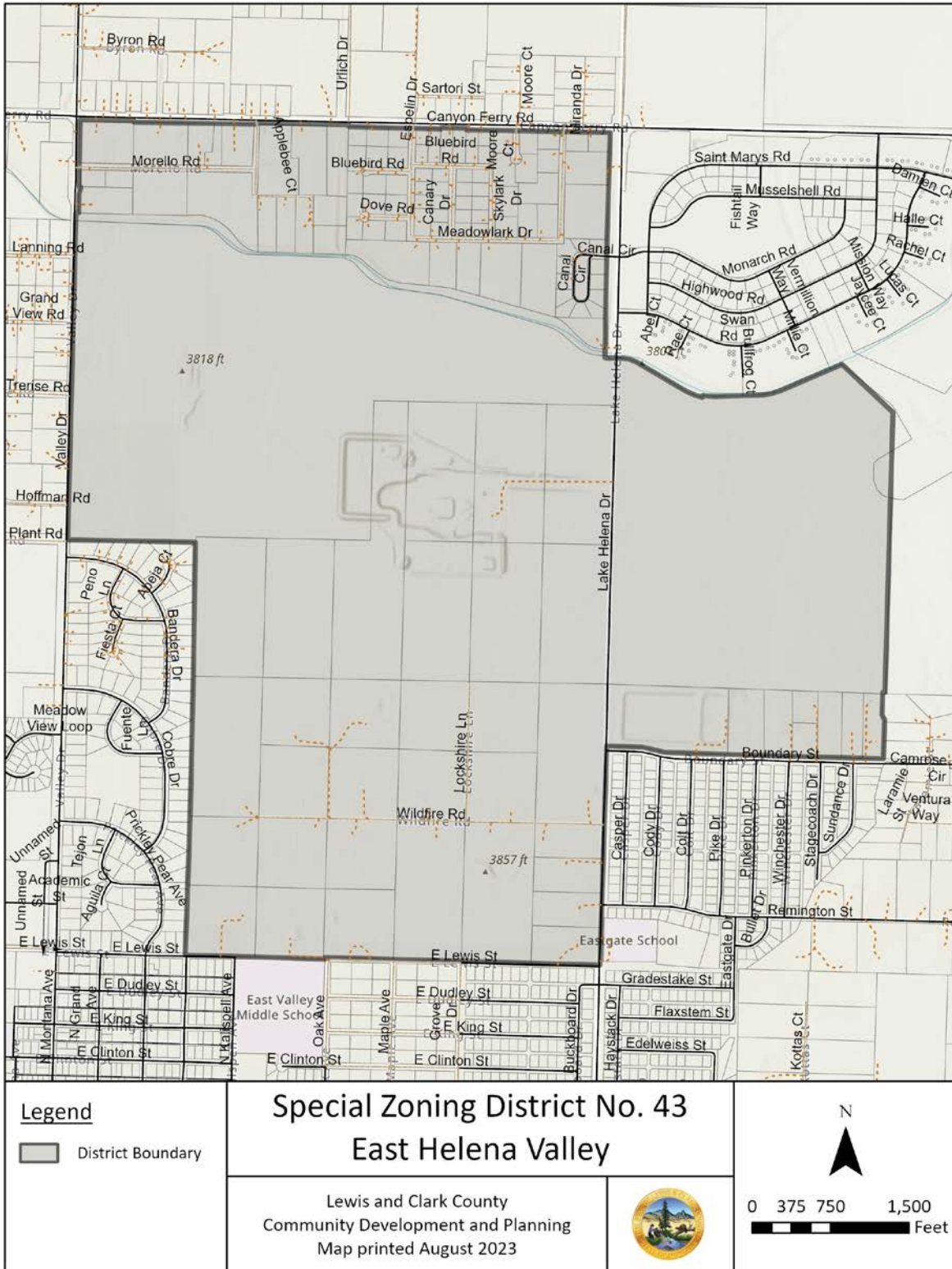
The map identified in Exhibit "A" and the description in Exhibit "B" delineates the exterior boundary of the district reflecting the development pattern described above. The regulations of Exhibit "C" define the permitted residential density in accordance with the development pattern.

SPECIAL ZONING DISTRICT NO. 43: EAST HELENA VALLEY

Resolution No.	Purpose	Adopted	Filed
Res. 2008-86	Original adoption	July 10, 2008	M Book 38, Page 6644

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 43: East Helena Valley



Special Zoning District No. 43: East Helena Valley

STATEMENT OF INTENT (PURPOSE)

The purpose of this district is to accommodate and protect the use of single-family dwelling units and associated agricultural land uses while promoting and preserving the rural-residential atmosphere of the area and enhancing the aesthetic character and property values of the area.

PERMITTED USES

- Agricultural/Horticultural/Silvicultural uses*
- Day care facilities*
- Dwellings, duplex*
- Dwellings, single-family*
- Educational Facilities, Primary and Secondary *
- Guest houses*
- Home occupations*
- Livestock
- Manufactured/Modular detached single-family dwellings on permanent foundations*
- Nurseries, landscaping materials
- Parks and publicly owned recreational facilities
- Water storage and treatment facilities
- Wastewater treatment facilities*

CONDITIONAL USES

- Bed and Breakfast establishments*
- Cafes (deli, coffee shop, bagel shop, etc.)*
- Churches and other places of worship*
- Community center buildings operated by a non-profit agency
- Dwellings, family hardship*
- Golf courses
- Golf driving ranges
- Professional and business offices*

SPECIAL RESTRICTIONS

- Casinos*
- Hazardous substance disposal/storage*

Special Zoning District No. 43: East Helena Valley

- Hazardous waste disposal*
- Industrial uses*
- Landfills*
- Large scale commercial*
- Large scale retail*
- Machinery storage*
- Mining activities*
- Mobile home courts/parks*
- Salvage/Junk yards*
- Truck storage*

* Indicates definition

BULK REQUIREMENTS

MINIMUM LOT AREA:

One acre with individual water and individual wastewater

One-half acre with public water and/or public wastewater

MINIMUM LOT WIDTH: 100 feet

SETBACKS:

MINIMUM REQUIREMENTS FOR PRINCIPAL STRUCTURE:

FRONT: 10 feet

SIDE: 10 feet

SIDE CORNER: 10 feet

REAR: 10 feet

FROM ACCESS EASEMENT: 10 feet

MINIMUM REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES:

FRONT: 10 feet

SIDE: 10 feet

SIDE CORNER: 10 feet

REAR: 5 feet

FROM ACCESS EASEMENT: 10 feet

MAXIMUM BUILDING HEIGHT: 30 feet

PERMITTED LOT COVERAGE: 40%

Special Zoning District No. 43: East Helena Valley

MAXIMUM FENCE HEIGHT:

FRONT:	6 feet
SIDE:	6 feet
REAR:	6 feet

NON-CONFORMING LOTS

These lots of record filed with the Clerk and Recorder's Office on the effective date of this resolution, that do not meet the lot area and width requirements of the district in which it is located are defined as non-conforming lots. Notwithstanding other limitations imposed by this resolution, structures permitted in this district may be erected on any single lot of record on the effective date of this resolution.

NON-CONFORMING USES

These are the uses of structures or land lawfully used or occupied prior to the effective date of this resolution which do not conform to the use regulations for this district:

- The lawful use of land or a structure existing at time of the adoption of this resolution may be continued even though such use does not conform to the district provisions thereof.
- The non-conforming use of land or structures shall not be expanded either on the same or adjoining property.
- If the non-conforming use of land or structures, existing at the time of this resolution became effective, is discontinued for a period of six (6) months, then that use shall conform to the uses allowed in the district in which it is located.
- Changes Permitted to Non-Conforming Uses:
 1. Routine maintenance and repair or those modifications required by applicable permit requirements for health and safety and/or health and safety codes shall be permitted.
 2. A non-conforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform with these regulations.
 3. A building or structure conforming with respect to use but non-conforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.
 4. Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.

VALIDITY/SEVERABILITY CLAUSE

Should any section, subsection, sentence, or clause of this resolution be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution. The Board of County Commissioner hereby declares that it would have adopted such section, subsection, sentence or clause irrespective of the fact that one or more of such portions may be declared invalid.

Special Zoning District No. 43: East Helena Valley

ENFORCEMENT

PENALTY FOR VIOLATION:

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, is subject to a fine of \$25.00 for each violation. Each day of continued violation after notification shall constitute a separate, additional violation.

USE OF AVAILABLE REMEDIES AUTHORIZED:

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land. At a minimum, violators will be required to restore property to original condition.

OTHER

LIGHTING:

Any exterior lighting shall be arranged and shielded so that the light source can not be seen from adjacent roads or property and so that no direct beam illuminates other private property or public roads, and shall not be visible from beyond the property lines.

PARKING REQUIREMENTS

Bed and Breakfast establishments	2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift
Cafes	1 space per 4 seats plus 1 space per food and beverage employee on maximum shift. Drive through windows must be provided with 5 stacking spaces per window
Churches and other places of worship	1 space per 5 seats or 40 square feet of churches or other places gross floor area used for assembly of assembly purposes, whichever is greater
Community center buildings (non-profit)	1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater
Day Care Facilities	1 space per 10 supervised children or adults plus 1 for every employee per maximum shift

Special Zoning District No. 43: East Helena Valley

Educational Facilities

Kindergarten through junior high schools	1 space per employee and faculty member, but not less than assembly facility area requirements of 1 space per 4 seats
High schools	1 space for every 4 students plus 1 space per staff member
Colleges and technical schools	1 space for every 2 students plus 1 space for each Staff member
Golf courses	3 spaces per hole of main course
Professional and business offices	1 space per 400 square feet of gross floor area (Note: Offices not providing customer services: 1 space per 4 employees, but not less than 1 per 400 square feet of gross floor area)

VARIANCE PROCESS

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such request will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest and which are not detrimental to neighboring properties.

PROCEDURE FOR CONDITIONAL USE PERMIT

- A.) No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized and issued by the Board of County Commissioners.
- B.) Structures or buildings devoted to any use, which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.
- C.) Application
 - 1) Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the County Planning and Development Office.
 - 2) The completed application and fee as set by the Lewis and Clark County Board of Commissioners shall be submitted to the County Planning and Development Office. Said fee is not refundable.
- D.) Procedures for Consideration

Special Zoning District No. 43: East Helena Valley

- 1) After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning and Development Office for their review and evaluation.
- 2) The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Planning and Zoning Commission at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Planning and Zoning Commission at which the application is to be considered.
- 3) The Zoning Administrator shall also mail written notice to all adjacent property owners within the zoning district not less than 15 days prior to the date of formal review by the Planning and Zoning Commission.
- 4) Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.
- 5) The Planning and Zoning Commission shall consider the application at its next regular meeting following the public notice process.
- 6) The Planning and Zoning Commission shall then forward a recommendation to the Board of County Commissioners.
- 7) The Board of County Commissioners shall consider the application at a meeting scheduled.

E.) Approval of Application and Granting of Conditional Use Permits

Upon rendering a decision to grant a Conditional Use Permit, the Board of County Commissioners shall notify the applicant of their decision, and the Board shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the Planning and Development Office.

F.) Termination and Transferability

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

- 1) Run with the lot, building, structure, or use and shall not be affected by change of ownership.
- 2) Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:
 - (a) Unless otherwise specified in the conditions of approval, or
 - (b) Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

G.) Denial of Application

In the event an application is denied by the Board of County Commissioners, no re-submittal of an application for a Conditional Use Permit may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him/her that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the

Special Zoning District No. 43: East Helena Valley

original, and shall be treated as a new application.

H.) Criteria Required for Consideration of a Conditional Use Permit.

1) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

(a) Site Suitability.

That the site is suitable for the use. This includes:

- (i) Adequate usable space,
- (ii) Adequate access, and
- (iii) Absence of environmental constraints.

(b) Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot with regard to the intent of the regulations. Consideration of design should include:

- (i) Parking scheme,
- (ii) Traffic circulation,
- (iii) Open space,
- (iv) Fencing, screening,
- (v) Landscaping,
- (vi) Signage, and
- (vii) Lighting.

(c) Availability of Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (i) Sewer,
- (ii) Water,
- (iii) Storm water drainage,
- (iv) Fire protection,
- (v) Police protection, and
- (vi) Streets.

(d) Immediate Neighborhood Impact.

Special Zoning District No. 43: East Helena Valley

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts that extend beyond the proposed site include:

- (i) Excessive traffic generation,
- (ii) Noise or vibration,
- (iii) Dust, glare, or heat,
- (iv) Smoke, fumes, gas, or odors, and
- (v) Inappropriate hours of operations.

I.) Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of County Commissioners and a refusal is not the denial of a right, conditional or otherwise.

J.) Board of County Commissioners Decision Based on Findings.

Every decision of the Board of County Commissioners pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every Finding of Fact shall be supported in the records of its proceedings. The conditions in Section H as they relate to matters, which the Board of County Commissioners is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of County Commissioners to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

DEFINITIONS

Agriculture: The science and art of farming; work or business of cultivating the soil, producing crops, and raising livestock.

Bed and Breakfast Establishment: A single-family detached dwelling containing, in addition to living accommodations for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.

Cafes (deli, coffee shop, bagel shop, etc.): A building designed to be used for public services, licensed with the State of Montana, not to exceed 5,000 square feet.

Casino: A room or rooms in which legal gaming is conducted, or an establishment, whose use or activity includes gaming, either in the form of gaming machines, (video poker, keno, etc.) card games, or other licensed gaming activity.

Church: A building designed and used for public worship by any religious body.

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Conditional Use: A use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.

Conditional Use Permit: The documented evidence of authority granted by the Board of Adjustment to locate a conditional use at a particular location.

Day Care Facilities: A specialized program or facility that provides care for children from infants through preschool age, usually within a group framework, either as a substitute for or an extension of home care, being licensed with the State of Montana; or a specialized program or facility that provides care for handicapped or dependent children or adults as a substitute for or an extension of home care, being licensed with the State of Montana.

Dwelling, duplex: A building designed for occupancy by two families under one roof with a common wall separation.

Dwelling, family hardship (family declaration): A family declaration is a contract between the County and a property owner that temporarily permits an additional non-permanent dwelling for an immediate family member (parent, child, and grandparent) on a lot for reasons of hardship. The temporary occupancy cannot include any sale, rent, lease, other conveyance, or any compensation, consideration, or in kind service. The family declaration contract has a two-year term and must be renewed at the end of the two years if the hardship continues. When the contract or the hardship ends, the family declaration is voided and the non-permanent structure must be removed. The temporary use is not transferable to another family member or any other person. The procedure for creating a family declaration is as follows:

- Applicant makes an appointment with the Permit Coordinator to set up a pre-application conference.
- Applicant provides documents to support the family declaration request. Such documentation may include: deed of the property, certificate of survey, covenants, birth certificates, or marriage licenses.
- Pre-application conference: Applicant explains the hardship that warrants the request and discusses proposal with the County Planning and Environmental Health staff.
- If the hardship is deemed valid, Planning staff will prepare a family declaration contract for the Applicant. The Planning Department may require the contract contain conditions for approval.
- The contract must be notarized and returned to the Permit Coordinator.
- The family declaration and any other required documents (such as DEQ approvals) shall be filed with the Clerk and Recorder's Office.

Special Zoning District No. 43: East Helena Valley

- Upon permitting the temporary use, the applicant may place one additional non-permanent dwelling on the property.
- When the hardship for which the family declaration ends, the family declaration is void and the non-permanent structure must be removed.
- The non-permanent structure may be permitted to remain, provided the additional development right is approved by the governing body through the complete subdivision process, as outlined in Chapter IV.

Dwelling, single-family: A building designed for occupancy by one family and its resident domestic employees.

Educational Facility, Primary or Secondary: A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, high school, college or technical school.

Guest house: A detached structure, which is accessory to a one family dwelling, which shall be used and/or designed for use primarily by guests and/or servants. One guesthouse is allowed per tract of record. The following criteria must be met:

- serves as a secondary use that is clearly subordinate to the principal dwelling on the same lot;
- has under 1,000 square feet of living space;
- is occupied no more than 90 total days in any given calendar year;
- has no permanent kitchen or cooking facilities (such as a stove, refrigerator, or sink or water line located outside of a bathroom);
- has no more than two bedrooms;
- has the same address as the principal dwelling;
- the above restrictions are placed on the deed;
- the subject lot is one acre or more in size; and
- there is sufficient area on the lot for an additional principal drain field and replacement area as required by DEQ and the Environmental Health Department.

Hazardous Substance Disposal/Storage: Defined in M.C.A. 50-30-201

Hazardous Waste Disposal: Defined in M.C.A. 75-10-403

Home Occupation: Any occupation or activity carried on as an accessory use by a member of the immediate family who resides within a dwelling unit. The occupation or activities shall not be detrimental to the use, peaceful enjoyment, economic value of the surrounding properties or general area. Nor shall such activities

Special Zoning District No. 43: East Helena Valley

cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity. The following criteria must be met:

- is conducted entirely within the dwelling or an accessory building;
- is clearly incidental and secondary to the use of the dwelling for residential purposes;
- does not use more than one-third of the total square footage of the dwelling (the total allowable square footage of the dwelling will also apply to an accessory building);
- does not employ more than one non-resident of the dwelling; and
- vehicle trips directly associated with the use shall not exceed an average of ten per day on a weekly basis, including deliveries.

Horticulture: The cultivation of a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables, or ornamental plants.

Industrial uses: Any particular branch of production, esp. manufacturing, any large-scale business activity manufacturing productive enterprises collectively, esp. as distinguished from agriculture, silviculture, or horticulture.

Landfill: The disposal of garbage, rubbish, etc. by burying it under soil or earth or on earth.

Large scale commercial: Any building designed for commercial use with a total area larger than 5,000 square feet.

Large scale retail: Any building designed for retail with a total area larger than 5,000 square feet.

Machinery storage: Any machinery not in use and stored for a period longer than one week.

Mining activity: The extraction and or processing of material extracted from the ground.

Mobile Home Court/Park: A tract of land which is specifically designed, intended and maintained for locating mobile homes and/or travel trailers, and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes, or mobile homes and travel trailers, upon one (1) tract constitutes a mobile home court/park.

Manufactured/Modular Dwelling: Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as “mobile home” or “modular home”. The term as herein used is defined as a dwelling with all of the following characteristics:

- Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

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- Designed to be transportable on temporary wheels, a flat bed, or some other type of trailer, but not on its own chassis.
- Designed without a permanent frame or undercarriage so that it can be placed on a permanent foundation prior to occupancy.
- Eligible for long term amortized mortgage financing.
- That the factory construction is able to meet or exceed the uniform building codes.
- That the dwelling unit, when completed, shall not be less than twenty (20) feet in width and contain a minimum of 800 sq. ft. (ground floor) exclusive of porches, patios and garages.

Permitted Use: A use permitted, provided it conforms to all requirements and regulations in the said zoning district.

Professional and business offices: A building designed and used for private and public services not exceeding 5000 square feet in size.

Salvage/Junk Yard: Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

Setback: The horizontal distance required between the right-of-way or property line, whichever is closest, and the building line.

Front: A yard extending between side lot lines across the front of a lot.

Rear: A yard extending between side lot lines across the rear of a lot.

Side: A yard extending from the front yard to the rear yard across the side of a lot.

Side Corner: Side yard setback used when side yard lies adjacent to public access easement or right-of-way for a road

Silviculture: The care and cultivation of forest trees; forestry.

Special Restrictions: A use expressly prohibited in said zoning regulations.

Truck storage: Any semi truck, dump truck, water truck, chemical truck, etc. not in use and stored for a period longer than one week.

Wastewater Treatment Facility: The process of removing contaminants from waste water, both runoff (effluents) and domestic. It includes physical, chemical and biological processes to remove physical, chemical and biological contaminants. Its objective is to produce a waste stream (or treated effluent) and a solid waste or sludge suitable for discharge or reuse back into the environment.




Special Zoning District No. 44: Priest Pass

SPECIAL ZONING DISTRICT NO. 44: PRIEST PASS

Resolution No.	Purpose	Adopted	Filed
Res. 2009-40	Original adoption	April 14, 2009	M Book 39, Page 9205

Special Zoning District No. 44: Priest Pass



<p><u>Legend</u></p> <p> District Boundary</p>	<p>Special Zoning District No. 44 Priest Pass</p>	<p>N</p>  <p>0 105 210 420 Feet</p>
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>	

Special Zoning District No. 44: Priest Pass

STATEMENT OF INTENT (PURPOSE)

The purpose of this special zoning district is to protect and enhance the natural habitat and characteristics of this forested area.

PERMITTED USES* (* see Definitions)

- Accessory Uses *
- Agricultural*/Horticultural*/Silvicultural uses*
- Class A Manufactured Homes*
- Day Care Homes*
- Dwellings, single-family*
- Guest houses*
- Home occupations*

CONDITIONAL USES*

- Churches and other places of worship*
- Dwellings, family hardship*

SPECIAL RESTRICTIONS*

No lot shall be used for any purpose other than those permitted or conditional uses listed above. Only one such single-family dwelling shall be constructed or placed on each lot.

BULK REQUIREMENTS

MINIMUM LOT AREA: 20 acres

MINIMUM LOT WIDTH*: 50 feet

SETBACKS*:

MINIMUM YARD REQUIREMENTS FOR PRINCIPAL STRUCTURE:

FRONT: 25 feet

SIDE: 25 feet

REAR: 25 feet

MINIMUM YARD REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES:

FRONT: 25 feet

SIDE: 25 feet

REAR: 10 feet

MAXIMUM HEIGHT:

PRINCIPAL STRUCTURE: 40 feet

ACCESSORY STRUCTURE: 30 feet

Special Zoning District No. 44: Priest Pass

PERMITTED LOT COVERAGE: 10 %

MAXIMUM FENCE HEIGHT (Excludes necessary fencing for gardens, compost bins, and/or pet and livestock enclosures):

FRONT: 5 feet

SIDE: 5 feet

REAR: 5 feet

LIGHTING

Any exterior lighting shall be directed downward, shielded, and arranged so that the light source only illuminates walkways and doorway access areas, and is not intrusive to neighboring properties or to the adjacent national forest.

PARKING REQUIREMENTS

Churches and other places of worship

1 space per 5 seats or 40 square feet of churches or other places gross floor area used for assembly purposes, whichever is greater

Day Care

1 space per 10 supervised children or adults plus 1 for every employee per maximum shift

Parking Space Dimensions:

- Standard vehicle – 9 feet by 20 feet.

LIVESTOCK

4-H animals, such as cattle, horses, sheep, goats, swine, and poultry, are permitted so long as they are kept in suitable enclosures. Commercial kennels*, breeding, boarding, and/or feed lots are prohibited.

SIGNING

The sign face is restricted to a maximum of 5 square feet in area, and the height of the sign shall be no greater than 10 feet, as measured from the ground.

STORAGE OF BOATS/RECREATIONAL VEHICLES/TRAILERS

There shall be no commercial storage of boats, Recreational Vehicles, or trailers.

NON-CONFORMING LOTS

The lots of record filed with the Clerk and Recorder's Office on the effective date of this resolution, that do not meet the lot area and width requirements of the district in which it is located are defined as non-conforming lots. Notwithstanding other limitations imposed by this resolution, structures permitted in this district may be erected on any single lot of record on the effective date of this resolution.

NON-CONFORMING USES

These are the uses of structures or land lawfully used or occupied prior to the effective date of this resolution which do not conform to the use regulations for this district:

Special Zoning District No. 44: Priest Pass

- The lawful use of land or a structure existing at time of the adoption of this resolution may be continued even though such use does not conform to the district provisions thereof.
- The non-conforming use of land or structures shall not be expanded either on the same or adjoining property.
- If the non-conforming use of land or structures, existing at the time of this resolution became effective, is discontinued for a period of six (6) months, then that use shall conform to the uses allowed in the district in which it is located.
- Changes Permitted to Non-Conforming Uses:
 - (1) Routine maintenance and repair or those modifications required by applicable permit requirements for health and safety and/or health and safety codes shall be permitted.
 - (2) A non-conforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform to these regulations.
 - (3) A building or structure conforming with respect to use, but non-conforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.
 - (4) Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.

VALIDITY/SEVERABILITY CLAUSE

Should any section, subsection, sentence, or clause of this resolution be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution. The Board of County Commissioner hereby declares that it would have adopted such section, subsection, sentence or clause irrespective of the fact that one or more of such portions may be declared invalid.

ENFORCEMENT

PENALTY FOR VIOLATION:

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, is subject to a fine of \$25.00 for each violation. Each day of continued violation after notification shall constitute a separate, additional violation.

USE OF AVAILABLE REMEDIES AUTHORIZED:

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land. At a minimum, violators will be required to restore property to original condition.

Special Zoning District No. 44: Priest Pass

VARIANCE PROCESS

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such request will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest and which are not detrimental to neighboring properties. A variance that would allow a use that is not allowed under the zoning will not be considered nor granted (an approved text amendment would be required).

PROCEDURE FOR CONDITIONAL USE PERMIT

- A.) No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized and issued by the Board of County Commissioners.
- B.) Structures or buildings devoted to any use, which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.
- C.) Application.
 - 1) Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the County Planning and Development Office.
 - 2) The completed application and fee as set by the Lewis and Clark County Board of Commissioners shall be submitted to the County Planning and Development Office. Said fee is not refundable.
- D.) Procedures for Consideration.
 - 1) After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning and Development Office for their review and evaluation.
 - 2) The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Planning and Zoning Commission at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Planning and Zoning Commission at which the application is to be considered.
 - 3) The Zoning Administrator shall also mail written notice to all adjacent property owners within the zoning district not less than 15 days prior to the date of formal review by the Planning and Zoning Commission.
 - 4) Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.
 - 5) The Planning and Zoning Commission shall consider the application at its next regular meeting following the public notice process.
 - 6) The Planning and Zoning Commission shall then forward a recommendation to the Board of County Commissioners.
 - 7) The Board of County Commissioners shall consider the application at a meeting scheduled.

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Upon rendering a decision to grant a Conditional Use Permit, the Board of County Commissioners shall notify the applicant of their decision, and the Board shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the Planning and Development Office.

F.) Termination and Transferability.

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

- 1) Run with the lot, building, structure, or use and shall not be affected by change of ownership.
- 2) Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:
 - (a) Unless otherwise specified in the conditions of approval, or
 - (b) Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

G.) Denial of Application.

In the event an application is denied by the Board of County Commissioners, no re-submittal of an application for a Conditional Use Permit may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him/her that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.

H.) Criteria Required for Consideration of a Conditional Use Permit.

- (1) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

(a) Site Suitability.

That the site is suitable for the use. This includes:

- (i) Adequate usable space,
- (ii) Adequate access, and
- (iii) Absence of environmental constraints.

(b) Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot with regard to the intent of the regulations. Consideration of design should include:

- (i) Parking scheme,

Special Zoning District No. 44: Priest Pass

- (ii) Traffic circulation,
- (iii) Open space,
- (iv) Fencing, screening,
- (v) Landscaping,
- (vi) Signage, and
- (vii) Lighting.

(c) Availability of Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- (i) sewer,
- (ii) water,
- (iii) storm water drainage,
- (iv) fire protection,
- (v) police protection, and
- (vi) streets.

(d) Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts that extend beyond the proposed site include:

- (i) Excessive traffic generation,
- (ii) Noise or vibration,
- (iii) Dust, glare, or heat,
- (iv) Smoke, fumes, gas, or odors, and
- (v) Inappropriate hours of operations.

I.) Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of County Commissioners and a refusal is not the denial of a right, conditional or otherwise.

J.) Board of County Commissioners Decision Based on Findings.

Every decision of the Board of County Commissioners pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every Finding of Fact

Special Zoning District No. 44: Priest Pass

shall be supported in the records of its proceedings. The conditions in Section H as they relate to matters, which the Board of County Commissioners is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of County Commissioners to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

DEFINITIONS

Accessory use: A use, building, or structure, or part of a building or structure which is subordinate to and the use of which is incidental to that of the principal building, structure, or use of the same lot, and is necessary to the use, operation, and maintenance of the above permitted uses, such as, but not limited to, the following: private garages, shops, corrals, stables, barns, storage buildings, artist studio, green house, and/or other necessary structures. The storage of personal boats/recreational vehicles/trailers is also permitted as an accessory use.

Agriculture: The science and art of farming; work or business of cultivating the soil, producing crops, and raising livestock.

Church and other place of worship: A building designed and used for worship by any religious body.

Conditional Use: A use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.

Conditional Use Permit: The documented evidence of authority granted by the Board of County Commissioners to locate a conditional use at a particular location.

Day Care: A facility which provides daily care and supervision of five or more children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. Homes (5-12 individuals) must be registered with the appropriate State agency. Centers (13 or more individuals) must be licensed with the appropriate State agency.

Dwelling, family hardship (family declaration): A family declaration is a contract between the County and a property owner that temporarily permits an additional non-permanent dwelling for an immediate family member (parent, child, and grandparent) on a lot for reasons of hardship. The temporary occupancy cannot include any sale, rent, lease, other conveyance, or any compensation, consideration, or in kind service. The family declaration contract has a two-year term and must be renewed at the end of the two years if the hardship continues. When the contract or the hardship ends, the family declaration is voided and the non-permanent structure must be removed. The temporary use is not transferable to another family member or any other person.

Dwelling, single-family: A building designed for occupancy for one family and its resident domestic

Special Zoning District No. 44: Priest Pass

employees.

Guest house: A detached structure, which is accessory to a single-family dwelling, which shall be used and/or designed for use primarily by guests and/or servants. One guest house is allowed per tract of record. The following criteria must be met:

- serves as a secondary use that is clearly subordinate to the principal dwelling on the same lot;
- has under 1,000 square feet of living space;
- is occupied no more than 90 total days in any given calendar year;
- has no permanent kitchen or cooking facilities (such as a stove, refrigerator, or sink or water line located outside of a bathroom);
- has no more than two bedrooms;
- has the same address as the principal dwelling;
- the above restrictions are placed on the deed;
- the subject lot is one acre or more in size; and
- all requirements of the Montana Department of Environmental Quality (DEQ) and the City-County Health Department (Environmental Division) have been met.

Home Occupation: Any occupation or activity carried on as an accessory use by a member of the immediate family who resides within a dwelling unit. The occupation or activities shall not be detrimental to the use, peaceful enjoyment, and/or economic value of the surrounding properties or general area. Nor shall such activities cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity. The following criteria must be met:

- is conducted entirely within the dwelling or an accessory building;
- is clearly incidental and secondary to the use of the dwelling for residential purposes;
- does not use more than one-third of the total square footage of the dwelling (the total allowable square footage of the dwelling will also apply to an accessory building);
- does not employ more than one non-resident of the dwelling; and
- vehicle trips directly associated with the use shall not exceed an average of ten per day on a weekly basis, including deliveries.

Horticulture: The cultivation of a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables, or ornamental plants.

Kennel: Breeding, and/or boarding of animals.

Kennel, Commercial: Any lot or building where four or more adult dogs and/or cats are kept, boarded, trained, or propagated as a commercial activity whether in special structures on runways or not.

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Lot width: The average horizontal distance between the side lot lines. When a lot is only three-sided, the lot width is the average horizontal distance between the two lot lines, neither of which is the front lot line. The front lot line is the lot line abutting a public or private street.

Manufactured Home: Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as “mobile home” or “modular home”.

- Class A Manufactured Home: Also known as a “double-wide” manufactured home and meeting the following standards:
 - Constructed after June 15, 1976, and certified as meeting the mobile home construction safety standards of the Department of Housing and Urban Development.
 - At least twenty (20.0) feet wide at the narrowest point.
 - A roof pitch of not less than a three (3) foot rise for each 12 feet of horizontal run (3:12) and shall be constructed of conventional roofing material. A freestanding canopy pitch roof is qualified as meeting these standards.
 - Use of siding material, which has the appearance of wood, masonry or vinyl, or other type of conventional siding material.
 - Has perimeter skirting which has the appearance of wood, masonry, delta rib colored steel or other type of conventional foundation material. Manufactured homes must be set to manufacturer’s specifications as outlined in the set-up and installation manual or placed on a properly engineered foundation which is in compliance with state and local building regulations.
 - Hitch or tongue of manufactured home shall be removed.

Permitted Use: A use permitted, provided it conforms to all requirements and regulations in the said zoning district.

Setback: The horizontal distance required between the right-of-way or property line, whichever is closest, and the building line.

- Front: A yard extending between side lot lines across the front of a lot.
- Rear: A yard extending between side lot lines across the rear of a lot.
- Side: A yard extending from the front yard to the rear yard across the side of a lot.

Silviculture: The care and cultivation of forest trees; forestry.

Width, lot: See Lot width.

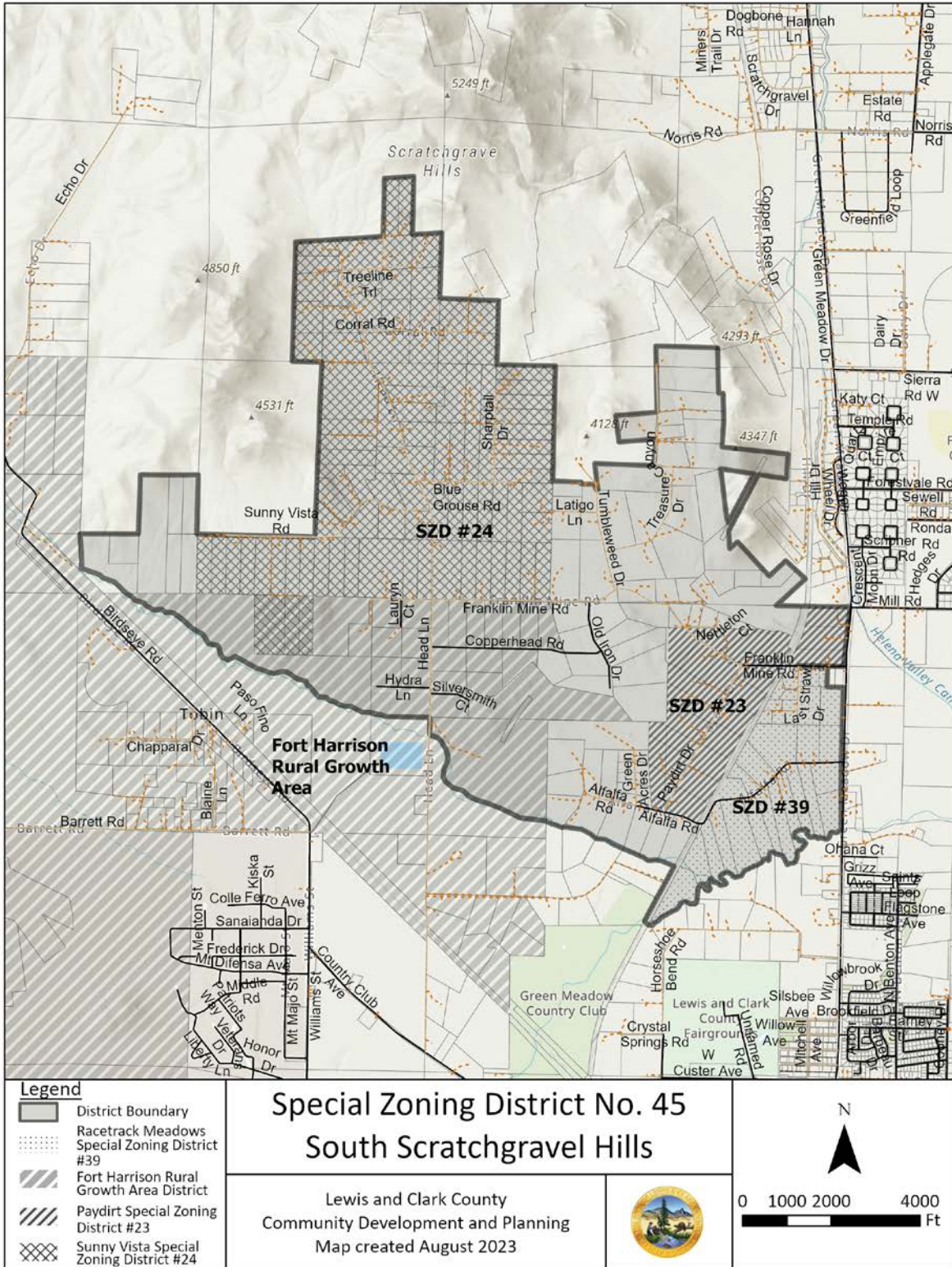
Special Zoning District No. 45: South Scratchgravel Hills

SPECIAL ZONING DISTRICT NO. 45: SOUTH SCRATCHGRAVEL HILLS

Resolution No.	Purpose	Adopted	Filed
Res. 2009-21	Original adoption	February 5, 2009	M Book 39, Page 5702

Lewis and Clark County Part 1 Zoning Districts

Special Zoning District No. 45: South Scratchgravel Hills



Special Zoning District No. 45: South Scratchgravel Hills

STATEMENT OF INTENT (PURPOSE)

The purposes of this district are to accommodate and protect the use of low density, single-family dwelling units and associated agricultural land uses, to promote groundwater protection and conservation, and to preserve the rural-residential atmosphere of the area, while enhancing the aesthetic character, public health, safety, and welfare, and property values of the area.

PERMITTED USES

- Accessory uses*
- Agricultural/Horticultural/Silvicultural Uses*
- Day care homes*
- Dwelling, single-family* of new or modular construction*
- Home Occupations*

CONDITIONAL USES

- Churches and other places of worship*
- Dwelling, family hardship*
- Educational Facilities, Primary and Secondary*

* Indicates definition

RESTRICTIONS

No lot shall be used for any purpose other than those permitted or conditional uses listed above. Only one such single-family dwelling shall be constructed or placed on each lot.

BULK REQUIREMENTS

MINIMUM LOT AREA: 10 Acres

STRUCTURE SETBACKS:

MINIMUM SETBACK REQUIREMENT FROM PUBLIC RIGHT-OF-WAY and PROPERTY BOUNDARIES: 25 Feet

MINIMUM SETBACK REQUIREMENTS FROM STREAMS:

200 Feet from Type II Watercourses (Tenmile Creek)

100 Feet from Type III Watercourses (Sevenmile Creek)

50 Feet from Type IV Watercourses (Helena Valley Irrigation Canals)

** For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For nonconforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

Special Zoning District No. 45: South Scratchgravel Hills

MAXIMUM BUILDING HEIGHT: 30 feet

MAXIMUM PERMITTED LOT COVERAGE: 20%

NON-CONFORMING LOTS

A non-conforming lot is defined as a lot that does not meet the minimum lot area requirements of the district in which it is located. Notwithstanding other limitations imposed by this resolution, structures permitted in this district may be erected on: (1) lots created as a result of an application for a proposed division of land that was deemed complete and sufficient prior to the adoption of this resolution and that application is granted both preliminary approval and final approval within the required time frame, (2) lots created as a result of a proposed division of land that has received preliminary approval prior to the adoption of this resolution and is granted final approval within the required time frame, and/or (3) lots of record filed with the Clerk and Recorder’s Office prior to the adoption of this resolution.

NON-CONFORMING USES

These are the uses of structures or land lawfully used or occupied prior to the effective date of this resolution which do not conform to the use regulations for this district:

- The lawful use of the land or structures existing at the time of the adoption of this resolution may be continued even though such use does not conform to the district provisions thereof.
- The non-conforming use of land or structures shall not in any way be expanded either on the same or adjoining property.
- If the non-conforming use of land or structures existing at the time this resolution became effective is discontinued for a period of 6 months or is changed, then that use shall conform to the uses permitted in the district in which it is located thereafter.
- Changes permitted to non-conforming uses:
 1. Routine maintenance and repair or those modifications required by applicable permit requirements for health and safety and/or health and safety codes shall be permitted.
 2. A non-conforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform with these regulations.
 3. A building or structure conforming with respect to use but non-conforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.
 4. Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.

VALIDITY/SEVERABILITY CLAUSE

Should any section, subsection, sentence, or clause of this resolution be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the remaining portions of this resolution. The Board of County Commissioners hereby declare that it would have adopted such section, subsection, sentence, or clause of this resolution irrespective of the fact that one or more of such portions

Special Zoning District No. 45: South Scratchgravel Hills

may be declared invalid.

ENFORCEMENT

PENALTY FOR VIOLATION:

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, is subject to a fine of \$25.00 for each violation. Each day of continued violation after notification shall constitute a separate, additional violation.

USE OF AVAILABLE REMEDIES AUTHORIZED:

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land. At a minimum, violators will be required to restore property to original condition.

PARKING REQUIREMENTS

Churches and other places of worship	1 space per 5 seats or 1 space per 40 square feet of gross floor area used for assembly purposes, whichever is greater
Educational Facilities	
Kindergarten through junior high schools	1 space per employee and faculty member, but not less than assembly facility area requirements of 1 space per 4 seats
High schools	1 space for every 4 students plus 1 space per staff member
Colleges and technical schools	1 space for every 2 students plus 1 space for each Staff member

VARIANCE PROCESS

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary and extreme hardship to a landowner, the landowner may request a variance from the regulations. Such request will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest and which are not detrimental to neighboring properties. A variance that would allow a use that is not allowed under the zoning will not be considered nor granted (an approved text amendment would be required).

Special Zoning District No. 45: South Scratchgravel Hills

PROCEDURE FOR CONDITIONAL USE PERMIT

- A.) No structure, building, or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized and issued by the Board of County Commissioners.
- B.) Structures or buildings devoted to any use, which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.
- C.) Application
 - (1) Application for a Conditional Use Permit shall be made by the owner of the affected property or by his designated agent on a form that shall be obtained from the County Community Development and Planning Office.
 - (2) The completed application and fee as set by the Lewis and Clark County Board of Commissioners shall be submitted to the County Community Development and Planning Office. Said fee is not refundable.
- D.) Procedures for Consideration
 - (1) After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Community Development and Planning Office for their review and evaluation.
 - (2) The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Planning and Zoning Commission at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Planning and Zoning Commission at which the application is to be considered.
 - (3) The Zoning Administrator shall also mail written notice to all adjacent property owners within the zoning district not less than 15 days prior to the date of formal review by the Planning and Zoning Commission.
 - (4) Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.
 - (5) The Planning and Zoning Commission shall consider the application at its next regular meeting following the public notice process.
 - (6) The Planning and Zoning Commission shall then forward a recommendation to the Board of County Commissioners.
 - (7) The Board of County Commissioners shall consider the application at a meeting scheduled.
- E.) Approval of Application and Granting of Conditional Use Permits

Upon rendering a decision to grant a Conditional Use Permit, the Board of County Commissioners shall notify the applicant of their decision, and the Board shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on

Special Zoning District No. 45: South Scratchgravel Hills

permanent file in the Community Development and Planning Office.

F.) Termination and Transferability

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

(1) Run with the lot, building, structure, or use and shall not be affected by change of ownership.

(2) Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:

(a) Unless otherwise specified in the conditions of approval, or

(b) Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

G.) Denial of Application

In the event an application is denied by the Board of County Commissioners, no re-submittal of an application for a Conditional Use Permit may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him/her that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.

H.) Criteria Required for Consideration of a Conditional Use Permit.

(1) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

(a) Site Suitability.

That the site is suitable for the use. This includes:

(i) Adequate usable space,

(ii) Adequate access, and

(iii) Absence of environmental constraints.

(b) Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot with regard to the intent of the regulations. Consideration of design should include:

(i) Parking scheme,

(ii) Traffic circulation,

(iii) Open space,

(iv) Fencing, screening,

Special Zoning District No. 45: South Scratchgravel Hills

(v) Landscaping,

(vi) Signage, and

(vii) Lighting.

(c) Availability of Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(i) Sewer,

(ii) Water,

(iii) Storm water drainage,

(iv) Fire protection,

(v) Police protection, and

(vi) Streets.

(d) Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts that extend beyond the proposed site include:

(i) Excessive traffic generation,

(ii) Noise or vibration,

(iii) Dust, glare, or heat,

(iv) Smoke, fumes, gas, or odors, and

(v) Inappropriate hours of operations.

I.) Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of County Commissioners and a refusal is not the denial of a right, conditional or otherwise.

J.) Board of County Commissioners Decision Based on Findings.

Every decision of the Board of County Commissioners pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every Finding of Fact shall be supported in the records of its proceedings. The conditions in Section H as they relate to matters, which the Board of County Commissioners is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of County Commissioners to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be

Special Zoning District No. 45: South Scratchgravel Hills

deemed in compliance with these regulations.

DEFINITIONS

Accessory use: A use, building, or structure, or part of a building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use of the same lot, and is necessary to the use, operation, and maintenance of the above permitted uses, such as, but not limited to, the following: private garages, corrals, stables, barns, and/or other necessary structures.

Agriculture: The science and art of farming; work or business of cultivating the soil, producing crops and raising livestock.

Church: A building designed and used for public worship by any religious body.

Conditional Use: A use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.

Conditional Use Permit: The documented evidence of authority granted by the Board of County Commissioners to locate a conditional use at a particular location.

Day Care Home: A facility which provides daily care and supervision of five or more children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. Homes (5-12 individuals) must be registered with the appropriate state agency.

Dwelling, Family Hardship (family declaration): A family declaration is a contract between the County and a property owner that temporarily permits an additional non-permanent dwelling for an immediate family member (parent, child, and grandparent) on a lot for reasons of hardship. The temporary occupancy cannot include any sale, rent, lease, other conveyance, or any compensation, consideration, or in kind service. The family declaration contract has a two-year term and must be renewed at the end of the two years if the hardship continues. When the contract or the hardship ends, the family declaration is voided and the non-permanent structure must be removed. The temporary use is not transferable to another family member or any other person.

Dwelling, Single-family: A building designed for occupancy for one family and its resident domestic employees.

Educational Facility, Primary or Secondary: A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, high school, college or technical school.

Home Occupation: Any occupation or activity carried on as an accessory use by a member of the immediate family who resides within a dwelling unit. The occupation or activities shall not be detrimental to the use, peaceful enjoyment, economic value of the surrounding properties or general area. Nor shall such activities cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity. The following criteria must be met:

- is conducted entirely within the dwelling or an allowed accessory building;

Special Zoning District No. 45: South Scratchgravel Hills

- is clearly incidental and secondary to the use of the dwelling for residential purposes;
- does not use more than one-third of the total square footage of the dwelling (the total allowable square footage of the dwelling will also apply to an accessory building);
- does not employ more than one non-resident of the dwelling; and
- vehicle trips directly associated with the use shall not exceed an average of ten per day on a weekly basis, including deliveries.

Horticulture: The cultivation of a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables, or ornamental plants.

Modular Construction: The term as herein used is defined as a dwelling with all of the following characteristics:

- Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- Designed to be transportable on temporary wheels, a flat bed, or some other type of trailer, but no on its own chassis.
- Designed without a permanent frame or undercarriage so that it can be placed on a permanent foundation prior to occupancy.
- Eligible for long-term amortized mortgage financing.
- That the factory construction is able to meet or exceed the uniform building codes.
- That the dwelling unit, when completed, shall not be less than twenty (20) feet in width and contain a minimum of 800 sq. ft. (ground floor) exclusive of porches, patios and garages.
- That the dwelling unit be set on a permanent foundation.

Permitted Use: A use permitted, provided it conforms to all requirements and regulations in the said zoning district.

Setback: The horizontal distance required between the right-of-way or property line, whichever is closest, and the building line.

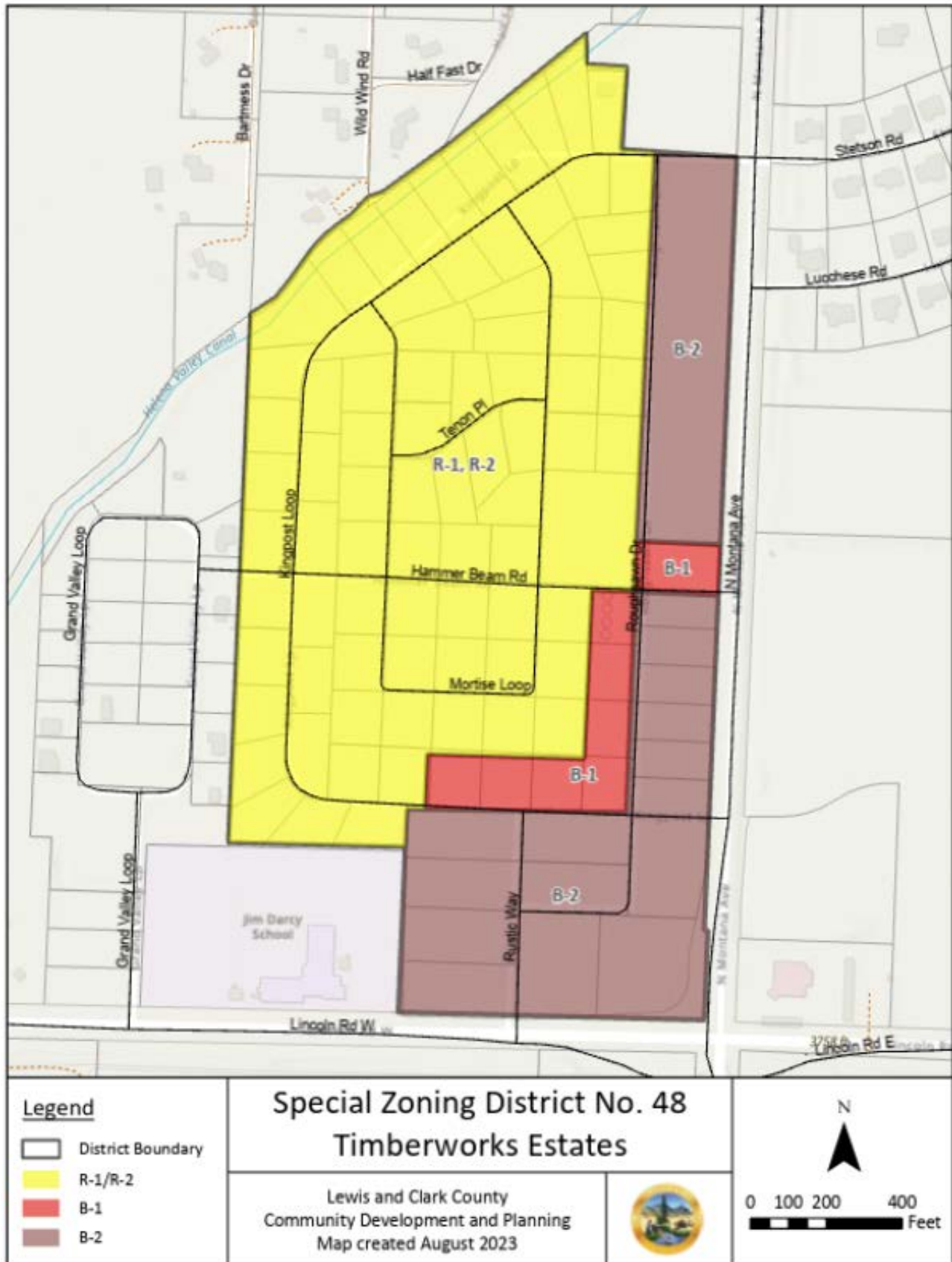
- Front: A yard extending between side lot lines across the front of a lot.
- Rear: A yard extending between side lot lines across the rear of a lot.
- Side: A yard extending from the front yard to the rear yard across the side of a lot.
- Side Corner: Side yard setback used when side yard lies adjacent to public access easement or right-of-way for a road

Silviculture: The care and cultivation of forest trees; forestry.

SPECIAL ZONING DISTRICT NO. 48: TIMBERWORKS ESTATES

Resolution No.	Purpose	Adopted	Filed
Res. 2012-62	Original adoption	April 11, 2012	Book M45, Page 98

Special Zoning District No. 48: Timberworks Estates



Special Zoning District No. 48: Timberworks Estates

I: GENERAL PROVISIONS

1.01.1 TITLE

Special Zoning District No. 48

1.02 STATEMENT OF INTENT (PURPOSE)

The intent of these regulations is to implement and comply with the Lewis and Clark County Growth Policy while promoting the public health, safety, and general welfare within the District.

1.03 VALIDITY/SEVERABILITY

Should any court declare any part of these regulations unconstitutional or invalid, the regulations as a whole or any part thereof, other than that part so declared to be unconstitutional or invalid, shall remain in effect.

II: ADMINISTRATION

2.01 VARIANCE PROCESS

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary and extreme hardship to a landowner, the landowner may request a variance from the regulations. Such request will be considered at a noticed public hearing by the Planning and Zoning Commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest and which are not detrimental to neighboring properties. A variance that would allow a use that is not allowed under the zoning will not be considered nor granted (an approved text amendment would be required).

2.01.1 Application for a Variance.

1. Application for a variance may be filed by any property owner or their designated agent for the affected property.
2. Such application shall be made on a form provided by the Community Development and Planning Office. Multiple requests for variances for the same project may be filed on a single application. Each request will be charged a separate fee.
3. The completed application and fee, as set by the Board of County Commissioners, shall be submitted to the Community Development and Planning Office.

2.01.2 Procedure for Consideration of a Variance.

1. After acceptance by the Community Development and Planning Office, the completed application shall be reviewed and evaluated by the Zoning Administrator and/or his/her designee. The Zoning Administrator shall set a hearing date before the Planning and Zoning Commission and before the Board of County Commissioners, publish notice as provided for in these regulations, and notify all parties of interest. Public notice of the hearings shall be placed in a newspaper of general circulation in the community at least fifteen (15) days prior to the date of the hearings.
2. The Planning and Zoning Commission shall consider the application at its hearing following the public notice process. The Planning and Zoning Commission shall then make a recommendation to the Board of County Commissioners regarding the application. Findings are required to be made by the Planning and Zoning Commission for recommending approval of a variance. The Planning and Zoning Commission shall not recommend approval of a unless it finds that all of the following criteria have either been met or found to be not applicable to the particular case:

Special Zoning District No. 48: Timberworks Estates

- a. Strict compliance with the provisions of these regulations will:
 - i. Limit the reasonable use of the property; and
 - ii. Deprive the applicant of rights enjoyed by other properties similarly situated in the same District;
 - b. The hardship is the result of lot size, shape, topography, or other circumstances over which the applicant has no control;
 - c. The hardship is peculiar to the property;
 - d. Granting the variance will not adversely affect the neighboring properties or the public; and
 - e. Granting the variance will not confer a special privilege that is denied other similar properties in the same District.
3. Every recommendation of the Planning and Zoning Commission shall be made by a motion and shall be based upon "Findings of Fact" and every Finding of Fact shall be supported in the record of its proceedings. The aforementioned criteria required to grant a variance under these regulations shall be construed as a limitation on the power of the Planning and Zoning Commission to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with these regulations.
 4. In recommending approval of a variance, the Planning and Zoning Commission may recommend such conditions as are, in its judgment, necessary to promote the general provisions of these regulations.
 5. A hearing may be continued at the request of the applicant or upon motion of the Planning and Zoning Commission, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Commission, and a refusal to continue is not a denial of a right, conditional or otherwise. Decision on continuance of a hearing can be reached by a simple majority of the Planning and Zoning Commission, but must be made prior to voting on the application itself.
 6. Upon receipt of a recommendation from the Planning and Zoning Commission, the Board of County Commissioners shall consider the application at its hearing following the public notice process. Findings are required to be made by the Board of County Commissioners regarding the approval of a variance. No variance shall be granted unless the Board finds that all of the following criteria have either been met or found to be not applicable to the particular case:
 - a. Strict compliance with the provisions of these regulations will:
 - i. Limit the reasonable use of the property; and
 - ii. Deprive the applicant of rights enjoyed by other properties similarly situated in the same District;
 - b. The hardship is the result of lot size, shape, topography, or other circumstances over which the applicant has no control;
 - c. The hardship is peculiar to the property;
 - d. Granting the variance will not adversely affect the neighboring properties or the public; and

Special Zoning District No. 48: Timberworks Estates

- e. Granting the variance will not confer a special privilege that is denied other similar properties in the same District.
7. Every decision of the Board of County Commissioners shall be made by a motion and shall be based upon "Findings of Fact" and every Finding of Fact shall be supported in the record of its proceedings. The aforementioned criteria required to grant a variance under these regulations shall be construed as a limitation on the power of the Board of County Commissioners to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with these regulations.
8. In approving a variance, the Board of County Commissioners may impose such conditions as are, in its judgment, necessary to promote the general provisions of these regulations.
9. A hearing may be continued at the request of the applicant or upon motion of the Board of County Commissioners, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Board, and a refusal to continue is not a denial of a right, conditional or otherwise. Decision on continuance of a hearing can be reached by a simple majority of the Board, but must be made prior to voting on the application itself.
10. A variance must be exercised within one (1) year of the date of issuance, or as otherwise provided for by the Board of County Commissioners.
11. After a decision by the Board of County Commissioners, a variance request may only be re-heard when there has been an obvious error affecting the Board's decision or it appears that a substantial change in facts, evidence, or circumstances has occurred. Such determination shall be made by the Zoning Administrator within sixty (60) days of final action by the Planning and Zoning Commission, otherwise a new application is required.

2.02 CONDITIONAL USE PERMITS

2.02.1 No structure, building, or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized and issued by the Board of County Commissioners.

2.02.2 Structures or buildings devoted to any use, which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.

2.02.3 Application.

- (1) Application for a Conditional Use Permit shall be made by the owner of the affected property or by his designated agent on a form that shall be obtained from the County Community Development and Planning Office.
- (2) The completed application and fee as set by the Lewis and Clark County Board of Commissioners shall be submitted to the County Community Development and Planning Office. Said fee is not refundable.

2.02.4 Procedures for Consideration.

- (1) After acceptance by the Zoning Administrator and/or his/her designee, the completed application shall be transmitted to the staff of the Community Development and Planning Office

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for their review and evaluation.

- (2) The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Planning and Zoning Commission at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Planning and Zoning Commission at which the application is to be considered.
- (3) The Zoning Administrator shall also mail written notice to all adjacent property owners within the zoning district not less than 15 days prior to the date of formal review by the Planning and Zoning Commission.
- (4) Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.
- (5) The Planning and Zoning Commission shall consider the application at its next regular meeting following the public notice process.
- (6) The Planning and Zoning Commission shall then forward a recommendation to the Board of County Commissioners.
- (7) The Board of County Commissioners shall consider the application at a meeting scheduled.

2.02.5 Approval of Application and Granting of Conditional Use Permits.

Upon rendering a decision to grant a Conditional Use Permit, the Board of County Commissioners shall notify the applicant of their decision, and the Board shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the Community Development and Planning Office.

2.02.6 Termination and Transferability.

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

- (1) Run with the lot, building, structure, or use and shall not be affected by change of ownership.
- (2) Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:
 - (a) Unless otherwise specified in the conditions of approval, or
 - (b) Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

2.02.7 Denial of Application.

In the event an application is denied by the Board of County Commissioners, no re-submittal of an application for a Conditional Use Permit may be made for one (1) year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him/her that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.

2.02.8 Criteria Required for Consideration of a Conditional Use Permit.

- (1) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of

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the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

(a) Site Suitability.

That the site is suitable for the use. This includes:

- i. Adequate usable space,
- ii. Adequate access, and
- iii. Absence of environmental constraints.

(b) Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot with regard to the intent of the regulations. Consideration of design should include:

- i. Parking scheme,
- ii. Traffic circulation,
- iii. Open space,
- iv. Fencing, screening,
- v. Landscaping,
- vi. Signage, and
- vii. Lighting.

(c) Availability of Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

- i. Sewer,
- ii. Water,
- iii. Storm water drainage,
- iv. Fire protection,
- v. Police protection, and
- vi. Streets.

(d) Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts that extend beyond the proposed site include:

- i. excessive traffic generation,
- ii. noise or vibration,
- iii. dust, glare, or heat,
- iv. smoke, fumes, gas, or odors, and
- v. inappropriate hours of operations.

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2.02.9 Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of County Commissioners and a refusal is not the denial of a right, conditional or otherwise.

2.02.10 Board of County Commissioners Decision Based on Findings.

Every decision of the Board of County Commissioners pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every Finding of Fact shall be supported in the records of its proceedings. The conditions in Section H as they relate to matters, which the Board of County Commissioners is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of County Commissioners to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

2.03 LEGAL NON-CONFORMING STRUCTURES AND USES

If, at the time of any amendments to these regulations, or at the time of any amendments to the boundaries of this District and/or its zoning classification(s) to which these regulations are applied, any structure located or erected in an otherwise lawful manner that does not conform to the provisions of these regulations shall be deemed a legal, non-conforming structure, and any lot or structure being used in an otherwise lawful manner that does not conform to the use provisions of these regulations shall be deemed a legal, non-conforming use. Both legal non-conforming structures and/or uses may continue in the manner and to the extent that each existed or was being used at the time of the adoption of the amendments to these regulations. Such non-conforming status will run with the lot and shall not be affected by changes in ownership.

Any structure in which on-site construction has begun prior to the amendment of these regulations, or amendment of the zoning district and/or its zoning classification(s) to which these regulations apply, and the erection of which is in conformity with all current regulations in effect, but does not conform to the provisions of these regulations, is a non-conforming structure.

Any non-conforming structure and/or use may be continued, except if the non-conforming structure and/or use is abandoned or deserted, or voluntarily or by legal action caused to be discontinued for a period of 180 days. If the non-conforming structure and/or use is abandoned, deserted, or caused to be discontinued for a period of 180 days or longer, any subsequent use of the lot or structure shall be required to conform to the provisions of these regulations.

The following are the only changes permitted to non-conforming structures and/or uses:

1. Routine maintenance and repair, or those modifications required by applicable health and safety codes.
2. Enlarging, extending, reconstructing, or structurally altering a non-conforming structure if said structure is changed to completely conform to these regulations.
3. Altering or extending a structure conforming with respect to use, but non-conforming with respect to height, setback, or lot coverage if the alteration or extension does not further deviate from these regulations.

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4. Expanding a non-conforming structure and/or use within the confines of the lot or parcel of land upon which it is located, subject to the issuance of a Conditional Use Permit.
5. Changing to another non-conforming use of the same or more restricted use classification if no structural alterations are made to a structure, and upon approval and issuance of a Conditional Use Permit, provided that the new non-conforming use is no more deleterious to the neighborhood (considering all factors) than was the previous non-conforming use.
6. Expanding an existing, non-conforming structure and/or use that is located entirely within a setback area, so long as the structure and/or use is expanded away from the setback line.

2.03.1 Reconstruction of Damaged Non-Conforming Structures and Uses.

A non-conforming structure and/or use that is damaged or destroyed by fire, explosion, or unforeseeable natural act (flood, wind storm, lightning strike, etc.) shall be allowed to be rebuilt by a person with an interest in the structure and/or use, in such a fashion that the structure and/or use is no larger and is equally or more in conformance with these regulations than it was prior to the disaster. This provision shall not exempt the structure and/or use from other applicable regulations nor does it allow the replacement of structures and/or uses that were willfully demolished, destroyed, or removed. All applicable permits shall be obtained within twelve (12) months of the damage or destruction.

2.04 ENFORCEMENT

2.04.1 Penalty for Violation.

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, is subject to a fine of \$50.00 for each violation. Each day of continued violation after notification shall constitute a separate, additional violation.

2.04.2 Use of Available Remedies Authorized.

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

III: ESTABLISHMENT AND DEFINITION OF ZONING CLASSIFICATIONS

The intent of this Chapter is to divide this District into the following zoning classifications: R-1/R-2: Residential, B-1: Neighborhood Business, and B-2: General Commercial. These classifications are intended to provide guidance for appropriately planned development and compatible land uses within the District. (See also Appendix B)

3.01 R-1/R-2: RESIDENTIAL

The R-1/R-2 classifications provide for residential dwellings and limited non-residential development that protects and enhances the residential nature of the area.

3.01.1 Permitted Uses.

- Community residential facility, Type I (up to 12 residents)

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- Day care, adult (up to 12 adults)
- Day care, family (up to 6 children)
- Day care, group (7 to 12 children)
- Home occupation
- On-site construction office
- Open space
- Outbuilding
- Parks/playgrounds
- Residence, single-dwelling unit
- Trails
- Worship facility

3.01.2 Conditional Uses.

- Boarding/rooming house (1-3 residents)
- Community center
- Community cultural facility
- Community residential facility, Type II (13 or more residents)
- Day care center (13 or more individuals)
- General/professional services
- Outdoor concerts and theatrical performances
- Outdoor entertainment, sports and recreation
- Parking lot
- Public safety facility

3.01.3 Bulk Requirements.

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 60 feet

Setbacks:

Minimum Yard Requirements For A Structure(s):

Front: 25 feet

Side: 15 feet

Rear: 15 feet

Minimum Yard Requirements From Waterbody (Irrigation Canal): 50 feet

*Buffer: 30 feet

Maximum Height of a Structure(s): 32 feet

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Permitted Lot Coverage: 40%

Maximum Fence Height:

- Front: None
- Side: 6 feet
- Rear: 6 feet

3.01.4 Wastewater Limitations.

It is anticipated that wastewater generated within the zoning district will be “domestic strength”. Any Lot Owner, commercial or residential, engaging in a use producing wastewater exceeding the concentration limitations listed below will be required to provide pre-treatment to a degree which would produce parameter concentrations less than limitations described below. Operator shall be responsible for documenting deficiencies to be used for enforcement actions in this section. The Lot Owner would be required to bear the burden of any changes required to the MDEQ Discharge Permit for Timberworks Estates and MDEQ Certificate of Subdivision Approval for Timberworks Estates as a result of the addition of pre-treatment.

Parameter	Concentration (mg/L)
Total Solids	880
Volatile Solids	375
TSS	330
Volatile Suspended Solids	265
BOD ₅	286
Chemical Oxygen Demand	660
Total Nitrogen	75
Ammonia	13
N + N	<1
Total Phosphorous	12
Oil & Grease	105
VOC's	0.3
Surfactants	18
Total Coliforms	10 ¹⁰ (organisms/100ml)
Fecal Coliforms	10 ⁸ (organisms/100ml)

3.01.5 Signing.

Signage in the R-1/R-2 classifications is prohibited with the exception of the following:

1. House numbers, resident's name, street names, and signs less than four (4) square feet in area warning against trespass or danger;
2. Home occupation signs, or window signs, unlighted, not exceeding two (2) square feet;
3. Special occasion lawn signs not exceeding twenty (20) square feet in area and seven (7) feet in overall height, constructed into creative and artistic shapes, such as clowns and animals, used to announce personal, noncommercial events such as a new baby, birthday, wedding or anniversary. Said signs shall be unlighted, securely erected on the property for not more than three (3) days with not more than one such sign permitted on any one property at any one time. Such signs shall not be installed in the Clear Sight Distance Triangle of intersections or driveways;

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4. Advertise real estate for sale or lease, community, civic or other public interest oriented activities sponsored by religious, civic, charitable or fraternal organizations, or provide information on construction projects occurring on the property; and/or
5. Political campaign signs, provided they are removed within five (5) days following the conclusion of the event or activity to which they relate.

3.01.6 Lighting.

Residential exterior lighting must be downward facing unless the fixture produces two thousand eight hundred fifty (2,850) average lumens (equivalent of a 150-watt incandescent bulb) or less. Residential exterior lighting may not result in light trespass on adjacent properties. The height of an exterior residential light fixture may not exceed the structure height permitted under the R-1/R-2 zoning classifications.

3.01.7 Garbage.

No lot or portion thereof shall be used or maintained as a dumping ground, or shall any rubbish, trash, garbage or other waste be allowed to accumulate, and all garbage and waste shall be kept in sanitary containers.

3.01.8 Parking.

On-street parking is prohibited. See Chapter IV: Off-street Parking.

3.02 B-1: NEIGHBORHOOD BUSINESS

The B-1 classification provides for a compatible mixture of residential, public, and small scale commercial uses that serve as transitions between zoning classifications.

3.02.1 Permitted Uses.

- Administrative government agency
- Administrative services
- Agriculture, horticulture, silviculture
- Artisan shop
- Bed and breakfast
- Community center
- Community cultural facility
- Community residential facility, Type I (up to 12 residents)
- Community residential facility, Type II (13 or more residents)
- Country inn, guest ranch
- Day care, adult (up to 12 adults)
- Day care center (13 or more individuals)
- Day care, family (up to 6 children)
- Day care, group (7 to 12 children)

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- Educational facility (Higher Education)
- Educational facility (K-12)
- Equipment rental, small
- Financial services
- Funeral home
- General/professional services
- General repair
- General retail sales
- Home occupation
- Indoor entertainment, sports and recreation
- Instructional facility
- On-site construction office
- Open space
- Outbuilding
- Outdoor concerts and theatrical performances
- Outdoor entertainment, sports and recreation
- Parking lot
- Parks/playgrounds
- Public safety facility
- Residence, single-dwelling unit
- Residence, two-dwelling unit
- Residence, multiple-dwelling unit (3 or more units)
- Restaurant
- Restaurant, drive-in
- Shopping center
- Specialized food production
- Trails
- Utility, minor
- Veterinary clinic, small animal
- Worship facility

3.02.2 Conditional Uses.

- Boarding/rooming house (1-3 residents)

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- Boarding/rooming house (4-20 residents)
- Bus terminal
- Commercial kennel, animal boarding, stables or other animal-related services
- Emergency shelter
- Health care center
- Hotel/motel, lodge, resort
- Industrial, light
- Itinerant outdoor sales
- Parking structure
- Vehicle repair
- Vehicle sales and rental

3.02.3 Bulk Requirements.

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 60 feet

Setbacks:

Minimum Yard Requirements For A Structure(s):

Front: None

Side: 8 feet

Rear: 8 feet

* North Montana Avenue Frontage: 50 feet

Maximum Height of a Structure(s): 38 feet

Permitted Lot Coverage: 95%

Maximum Fence Height:

Front: None

Side: 6 feet

Rear: 6 feet

3.02.4 Wastewater Limitations.

It is anticipated that wastewater generated within the zoning district will be “domestic strength”. Any Lot Owner, commercial or residential, engaging in a use producing wastewater exceeding the concentration limitations listed below will be required to provide pre-treatment to a degree which would produce parameter concentrations less than limitations described below. Operator shall be responsible for documenting deficiencies to be used for enforcement actions in this section. The Lot Owner would be required to bear the burden of any changes required to the MDEQ Discharge Permit for Timberworks Estates and MDEQ Certificate of Subdivision Approval for Timberworks Estates as a result of the addition of pre-treatment.

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Parameter	Concentration (mg/L)
Total Solids	880
Volatile Solids	375
TSS	330
Volatile Suspended Solids	265
BOD ₅	286
Chemical Oxygen Demand	660
Total Nitrogen	75
Ammonia	13
N + N	<1
Total Phosphorous	12
Oil & Grease	105
VOC's	0.3
Surfactants	18
Total Coliforms	10 ¹⁰ (organisms/100ml)
Fecal Coliforms	10 ⁸ (organisms/100ml)

3.02.5 Landscaping.

Landscaping shall consist of a continuous barrier of natural screening through the use of trees or shrubs around parking areas and lot line perimeters of all commercial lots that are adjacent to residential and agricultural operations.

3.02.6 Lighting.

Any exterior lighting shall be directed downward to minimize visibility beyond the property line.

3.02.7 Garbage/Hazardous Materials.

All commercial property owners are responsible for the regular collection of garbage from their property and shall maintain their property free from refuse, garbage, and other potential hazards to the public health, safety or welfare. Further, markets and all food service establishments producing putrescible waste and all business areas shall provide adequate and sufficient storage containers to hold all waste accumulated between collections, without creating a public hazard. Refuse and garbage from commercial lots shall be removed no less than once every two (2) weeks.

3.02.8 Parking.

All parking in the B-1 zoning classification shall be off-street. See Chapter IV: Off-street Parking.

3.03 B-2: GENERAL COMMERCIAL

The B-2 classification provides for compatible residential uses and a broad range of commercial and service uses that are normally required to sustain a community.

3.03.1 Permitted Uses.

- Administrative government agency
- Administrative services
- Agriculture, horticulture, silviculture
- Agriculture supply sales

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- Artisan shop
- Bed and breakfast
- Bus terminal
- Community center
- Community cultural facility
- Community residential facility, Type I (up to 12 residents)
- Community residential facility, Type II (13 or more residents)
- Construction material sales
- Country inn, guest ranch
- Day care, adult (up to 12 adults)
- Day care center (13 or more individuals)
- Day care, family (up to 6 children)
- Day care, group (7 to 12 children)
- Educational facility (Higher Education)
- Educational facility (K-12)
- Equipment rental, large
- Equipment rental, small
- Financial services
- Funeral home
- General/professional services
- General repair
- General retail sales
- Health care center
- Home occupation
- Hotel/motel, lodge, resort
- Indoor entertainment, sports and recreation
- Instructional facility
- On-site construction office
- Open space
- Outbuilding
- Outdoor concerts and theatrical performances
- Outdoor entertainment, sports and recreation

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- Parking lot
- Parks/playgrounds
- Public safety facility
- Residence, single-dwelling unit
- Residence, two-dwelling unit
- Residence, multiple-dwelling unit (3 or more units)
- Restaurant
- Restaurant, drive-in
- Shopping center
- Specialized food production
- Trails
- Utility, major
- Utility, minor
- Vehicle fuel sales
- Vehicle repair
- Vehicle sales and rental
- Vehicle services
- Veterinary clinic, small animal
- Worship facility

3.03.2 Conditional Uses.

- Auction sales
- Boarding/rooming house (1-3 residents)
- Boarding/rooming house (4-20 residents)
- Commercial kennel, animal boarding, stables or other animal-related services
- Contractor yard
- Crematorium
- Emergency shelter
- Industrial, light
- Itinerant outdoor sales
- Parking structure
- Utility, distributed power
- Veterinary clinic, large animal

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3.03.3 Bulk Requirements.

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 60 feet

Setbacks:

Minimum Yard Requirements For A Structure(s):

Front: None

Side: 8 feet

Rear: 8 feet

* North Montana Avenue Frontage: 50 feet

* Lincoln Road Frontage: 20 feet

Maximum Height of a Structure(s): 38 feet

Permitted Lot Coverage: 95%

Maximum Fence Height:

Front: None

Side: 6 feet

Rear: 6 feet

3.03.4 Wastewater Limitations.

It is anticipated that wastewater generated within the zoning district will be “domestic strength”. Any Lot Owner, commercial or residential, engaging in a use producing wastewater exceeding the concentration limitations listed below will be required to provide pre-treatment to a degree which would produce parameter concentrations less than limitations described below. Operator shall be responsible for documenting deficiencies to be used for enforcement actions in this section. The Lot Owner would be required to bear the burden of any changes required to the MDEQ Discharge Permit for Timberworks Estates and MDEQ Certificate of Subdivision Approval for Timberworks Estates as a result of the addition of pre-treatment.

Parameter	Concentration (mg/L)
Total Solids	880
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Volatile Suspended Solids	265
BOD ₅	286
Chemical Oxygen Demand	660
Total Nitrogen	75
Ammonia	13
N + N	<1
Total Phosphorous	12
Oil & Grease	105
VOC's	0.3
Surfactants	18
Total Coliforms	10 ¹⁰ (organisms/100ml)
Fecal Coliforms	10 ⁸ (organisms/100ml)

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3.03.5 Landscaping.

Landscaping shall consist of a continuous barrier of natural screening through the use of trees or shrubs around parking areas and lot line perimeters of all commercial lots that are adjacent to residential and agricultural operations.

3.03.6 Lighting.

Any exterior lighting shall be directed downward to minimize visibility beyond the property line.

3.03.7 Garbage/Hazardous Materials.

All commercial property owners are responsible for the regular collection of garbage from their property and shall maintain their property free from refuse, garbage, and other potential hazards to the public health, safety or welfare. Further, markets and all food service establishments producing putrescible waste and all business areas shall provide adequate and sufficient storage containers to hold all waste accumulated between collections, without creating a public hazard. Refuse and garbage from commercial lots shall be removed no less than once every two (2) weeks.

3.03.8 Parking.

All parking in the B-2 zoning classification shall be off-street. See Chapter IV: Off-street Parking.

CHAPTER IV: OFF-STREET PARKING

The intent this Chapter is to ensure that a reasonable amount of off-street parking is created for development; to protect access for emergency vehicles; to create safe access for pedestrians into buildings; to lessen hazardous conditions on streets and roads; and to encourage safe vehicle movements.

4.01 STANDARDS

All non-residential parking requirements shall be as established in the Institute of Transportation Engineers (ITE) parking standards established in that document entitled "Parking Generation, Second Edition, 1987, For Off-Street Parking Requirements" or as set forth herein. All calculations are rounded up to the nearest whole number. The following minimum number of off-street parking spaces shall be provided under all zoning classifications:

1. Community Residential Facility: 2 spaces for each 1,000 square feet of gross floor area.
2. Educational Facility (Elementary or Boarding School (K-8)): 1 space for each 3 employees, plus 5 spaces.
3. Educational Facility (High School); Instructional Facility: 0.19 spaces per student.
4. Day Care Facility: 1 space for every 2 employees, plus 2 additional parking spaces, plus 1 loading space for every 8 clients.
5. Community Center; Emergency Shelter: 4 spaces per 1,000 square feet of gross floor space.
6. Funeral Home; Worship Facility: 1 space for every 4 seats.
7. Vehicle Fuel Sales: 1 space for each 2 employees, excluding spaces to serve the gas pumps.
8. Financial Services (Walk-in Only): 0.63 spaces per 1,000 square feet of gross floor area.
9. Financial Services (Walk-in with Drive-up): 4.23 spaces per 1,000 square feet of gross floor area.
10. Health Care Center; Veterinary Clinic: 4.11 spaces per 1,000 square feet of gross floor area.

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11. Administrative Government Agency; Bus Terminal (if operated by a Government Agency); Public Safety Facility: 3.84 spaces per 1,000 square feet of gross floor area.
12. Restaurants, Cafeterias and other Eating and Drinking Places:
 - a. Fast Food Restaurants with less than 21 seats: 0.5 spaces per seat;
 - b. Fast Food Restaurants with 21 or more seats: 14.14 spaces per 1,000 square feet of gross floor area; and
 - c. Quality/Family Restaurants and Cafeterias: 15.89 spaces per 1,000 square feet of gross floor area.
13. Crematorium; General Repair; Light Industrial; Vehicle Repair; Vehicle Services: 1.59 spaces per 1,000 square feet of gross floor area.
14. Vehicle Sales and Rental: 2.1 spaces per 1,000 square feet of gross floor area.
15. Equipment Rental: 2.1 spaces per 1,000 square feet of gross floor area.
16. Hotel, Motel, Lodge, Resort: 0.89 spaces per room (restaurants figured separately).
17. Indoor/Outdoor Entertainment, Sports, and Recreation; Outdoor Concerts and Theatrical Performances: 0.26 spaces per seat.
18. Specialized Food Production; Artisan Shop (with Production and Manufacturing): 1.59 spaces per 1,000 square feet of gross floor area.
19. Community Residential Facility: 1 space for each 3 dwelling units.
20. Residence: 2 spaces for each residential dwelling unit.
21. Agricultural Supply Sales; Artisan Shop (without Production and Manufacturing); Auction Sales; Commercial Kennel, Animal Boarding, Stables, or Other Animal-Related Services; General/Professional Services; General Retail Sales; Itinerant Outdoor Sales; Shopping Center: 4.1 spaces per 1,000 square feet of gross floor area.
22. Bed and Breakfast; Boarding/Rooming House; Country Inn, Guest Ranch: 1 space for each room for rent, plus 2 additional spaces if a portion of the building is used as a single dwelling unit residence.
23. Other Uses: For any other use not specifically mentioned or provided for in this Chapter, the Director of the Community Development and Planning Office shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed.

V: DEFINITIONS

The intent of this Chapter is to define terms located throughout these regulations and to set criteria or limits, in which a particular structure and/or use may not exceed.

V – A

Accessory Structure: A structure located on the same lot with, and secondary or subordinate to, a permitted and/or conditional use.

The uses of structures and land allowed under each zoning classification are designated by a list of permitted and conditional uses. In addition to such permitted and conditional uses, the following

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provisions shall regulate those structures that are accessory to any permitted and/or conditional use(s):

General Provisions.

Each permitted accessory structure shall:

1. Be secondary and/or subordinate to the permitted and/or conditional use established on the same lot.
2. Be secondary and/or subordinate to and serve such permitted and/or conditional use.
3. Be secondary and/or subordinate in area, extent, and purpose to such permitted and/or conditional use.
4. Contribute to the comfort, convenience, or necessity of users of such permitted and/or conditional use.

Accessory Use: A use of the same lot with, and secondary or subordinate to, a permitted and/or conditional use.

The uses of structures and land allowed under each zoning classification are designated by a list of permitted and conditional uses. In addition to such permitted and conditional uses, the following provisions shall regulate those uses that are accessory to any permitted and/or conditional use(s):

General Provisions.

Each permitted accessory use shall:

1. Be secondary and/or subordinate to the permitted and/or conditional use established on the same lot.
2. Be secondary and/or subordinate to and serve such permitted and/or conditional use.
3. Be secondary and/or subordinate in area, extent, and purpose to such permitted and/or conditional use.
4. Contribute to the comfort, convenience, or necessity of users of such permitted and/or conditional use.

Administrative Government Agency: Any department, commission, independent agency, or instrumentality of the United States or of a state, county, city, or other governmental unit primarily engaged in overall management and supervisory functions, such as executive, personnel, finance, and legal activities, performed in a single location or building for other branches or divisions of the same agency.

Administrative Services: Services provided to businesses such as data processing centers, public relations, advertising, and customer service centers via telecommunications.

Agriculture/Agricultural: Montana Code Annotated contains definitions for the words “agriculture” and “agricultural” as follows:

Section 41-2-103, M.C.A. Definitions. As used in this part, the following definitions apply: (1) “Agriculture” means: (a) all aspects of farming, including the cultivation and tillage of the soil; (b)(i)

Special Zoning District No. 48: Timberworks Estates

dairying; and (ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act [12 U.S.C. 1141j(g)]; (c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

Section 81-8-701, M.C.A. Definitions. Unless the context requires otherwise, in this part the following definitions apply: (1) "Agricultural and food product" includes a horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.

Agricultural Supply Sales: The retail sale of goods and products unique to and directly related to farming and ranching operations, including agricultural supplies and equipment and machinery sales and repair.

Animal Boarding: See Commercial Kennel.

Applicant: Any person, firm or corporation, or other entity that proposes an application under these regulations.

Appropriate: An act, condition, or state that is considered suitable.

Artisan Shop: A place used or intended for creating works of art or small scale production of handmade craft items, including paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.

Auction Sales: Sales by auctioning consumer products, but excluding vehicle and livestock auctions.

V- B

Bed and Breakfast: A private residence other than a hotel, motel, or multiple-unit dwelling, with no more than eight (8) guestrooms used for temporary accommodation of guests for compensation, and that may serve meals to its guests.

Boarding/Rooming House: A building other than a hotel or motel that has individual sleeping rooms for up to twenty (20) persons and where utility facilities for meals and laundry are shared.

Boarding/Rooming House (1-3 residents): A building other than a hotel or motel that has individual sleeping rooms for one (1) to three (3) persons and where utility facilities for meals and laundry are shared.

Boarding/Rooming House (4-20 residents): A building other than a hotel or motel that has individual sleeping rooms for four (4) to twenty (20) persons and where utility facilities for meals and laundry are shared.

Buffer (Waterbody): Buffer zones are not additional setback distances, but rather the portion of the setback that is designated to remain undisturbed. Buffers are areas where all natural vegetation, rocks, soil, and topography shall be maintained in their original state, or enhanced by the additional planting of native plants.

The structures and uses listed below are not permitted:

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1. Any type of structure related to residential, commercial, and industrial uses;
2. Manufactured and prefabricated structures;
3. Septic tanks and septic tank drainfields;
4. Barns, feed lots, and corrals;
5. Communication towers; and
6. Road, road right-of-ways and driveways that are within the setback and buffer area and are parallel to the watercourse.

Buffer distances are measured on a horizontal plane.

Building: A structure, including its projections and extensions, constructed for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, the deck line of a mansard roof, and for a pitched or hipped roof, the average height of the highest gable. The reference datum is either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Subsection 1 of this definition is more than ten (10) feet above lowest grade.

Building Line: An imaginary line establishing the minimum distance that a structure(s) may be located from lot lines, street right-of-ways, waterbodies, natural drainages, and/or other physical or legal boundaries.

Bulk Requirements: The standards that regulate the minimum area of a lot, the setback from lot lines for all structures, the maximum height of all structures, and the cumulative permitted lot coverage for all structures.

Bus Terminal: A place used for the service and storage of buses, loading and unloading of bus passengers and freight, and includes facilities for ticket sales and food service that are primarily intended for bus passengers.

V - C

Church: See Worship Facility.

Clear Sight Distance Triangle: A clear sight distance triangle shall be determined by the current version of the Policy of Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO).

Commercial Kennel: A place housing any combination of three (3) or more dogs, cats, or other domesticated animals over six (6) months of age for the purpose of boarding, breeding, training, or sale, including dog training centers, but excluding animal hospitals, animal grooming parlors, and pet shops.

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Commercial Use: Any business, retail trade, or service activity.

Community Center: A building, or portion thereof, used for short term and intermittent meetings or gatherings of individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, socializing, or similar activities, and includes fraternal, social or civic clubs, lodges, and union halls.

Community Cultural Facility: A place used for studying, reading, personal education, or for viewing the visual arts such as libraries, museums, art galleries, and observatories, but not the performing arts.

Community Residential Facility:

Community Residential Facility (Type I): A community residential facility serving twelve (12) or fewer individuals.

Community Residential Facility (Type II): A community residential facility serving thirteen (13) or more individuals.

Includes the following:

1. A facility licensed by a governmental agency and providing care on a twenty four (24) hour a day basis and as defined by State law:
 - a. A community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care.
 - b. A youth care facility in which substitute care is provided to youth, including youth foster homes, kinship foster homes, youth group homes, youth shelter care facilities, childcare agencies, and transitional living programs, but excluding youth assessment centers.
 - c. An adult foster family care home.
 - d. A halfway house operated in accordance with regulations of the Montana department of public health and human services for the rehabilitation of alcoholics or drug dependent persons.
 - e. An assisted living facility.
2. A maternity home, including administrative offices, services for childcare, counseling, classroom training, independent living training, and support groups.

Conditional Use: A use that is allowed under a specified zoning classification if the use meets certain requirements in order to maintain and assure the health and safety of the community and to maintain the character of the area. Such a use may be permitted under one or more zoning classifications as defined in these regulations, but because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and/or existing improvements, or because of demands upon public facilities, said use has the potential to create significant land use conflict and negatively affect the values of nearby properties if not developed appropriately. Such a use requires a special degree of control to make it consistent with and compatible to other existing and/or permitted uses under the same zoning classification. The intent of the conditional use process is to provide a detailed and comprehensive review of such developments and an opportunity for the public to

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comment on such uses so their concerns are adequately addressed. Requirements may be imposed upon the conditional use as a condition of approval. All conditional uses require the issuance of a Conditional Use Permit prior to a lot being used and/or a structure(s) and/or part(s) of a structure(s) being erected, constructed, reconstructed, altered, repaired, converted, maintained, and/or used.

Conditional Use Permit: The documented evidence of authority granted by the Board

of County Commissioners to locate a conditional use at a particular location.

Condominium: A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

Construction Material Sales: The wholesale or retail sale of bulk construction materials such as roofing, lumber, bricks, and component building parts. This term does not include on-site manufacturing of construction material.

Contractor Yard: A place used for the storage of construction materials, machinery, or repair, including trucks and heavy equipment, shops, and office space.

Country Inn: A private residence other than a hotel, motel, or multiple-unit dwelling, having nine (9) to fifteen (15) guestrooms, that may serve meals to its guests, and may provide space for group functions and events.

County: Lewis and Clark County, Montana.

Crematorium: A place other than part of a funeral home used for the cremation of human dead.

V - D

Day Care Facility: A facility which provides daily care and supervision of children or handicapped, disabled, or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. A day care facility shall be in compliance with State regulations and, if required by the State, must be registered or licensed.

Adult Day Care: A place that provides supplemental care for up to twelve (12) adults on a regular basis, operated by a public or private entity.

Day Care Center: A place that provides supplemental care for thirteen (13) or more individuals on a regular basis.

Family Day Care: A private residence or other structure in which supplemental care is provided on a regular basis for six (6) or fewer children.

Group Day Care: A private residence or other structure in which supplemental parental care is provided on a regular basis for seven (7) to twelve (12) children.

Dwelling Unit: Any building, or portion thereof, providing complete, independent, and permanent living facilities for one family.

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V - E

Easement: A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land. For public access easements, see also Right-of-way.

Educational Facility (Higher Education): A place for colleges or universities.

Educational Facility (K-12): A place for pre-schools, elementary, middle/junior high, or high schools, colleges, and vocational schools.

Emergency Shelter: Temporary housing and ancillary services for primarily indigent, needy, homeless, or transient individuals, including crisis intervention centers.

Equipment Rental:

Large Equipment Rental: Rental of large equipment and supplies, including trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings.

Small Equipment Rental: Rental of small equipment and supplies, including hand tools, party equipment, lawn care, and yard equipment.

V - F

Family: One or more persons related by blood, marriage, or adoption, and/or a group of persons, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Financial Services: Banking and financial services such as banks, savings and loan institutions, lending institutions, and check cashing facilities, but not including automated teller machines that are an accessory use to other commercial enterprises.

Funeral Home: A place for the care and preparation of human dead for burial, including mortuaries.

V - G

Garage: See Outbuilding.

General Repair: Fixing or mending of consumer goods, including apparel and individual personal property, but excluding repair of vehicles or industrial equipment.

General Retail Sales: The retail sale of a diverse product line of consumer goods and products.

General/Professional Services: Professional and personal care services where customers come to the property for the service, including engineering, accounting, legal, architectural, real estate, insurance, photography, fitness, weight loss, postal, hairstyling, pet grooming, copying and printing, and laundry and dry cleaning services.

Growth Policy: As defined in Section 76-1-103, M.C.A., a Growth Policy means and is synonymous with a comprehensive development plan, master plan, or comprehensive plan that meets the requirements of Section 76-1-601, M.C.A.

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V - H

Health Care Center: A place providing medical services for prevention, diagnosis, treatment, or rehabilitation, including dental clinics, doctors' offices, and outpatient medical facilities.

Home Occupation: Any business or activity conducted on the property that is clearly accessory to the use of the residence for residential purposes. A residential use includes a home occupation(s), which is permitted as an accessory use under all zoning classifications. A home occupation must comply with the following provisions:

1. A home occupation must not involve more than the equivalent of two (2) persons who do not live in the residence working on-site;
2. Business deliveries and customers and/or clients are only allowed on the property between the hours of 6:00 a.m. and 9:00 p.m.;
3. A home occupation must not create noticeable glare, noise, odor, vibration, smoke, dust, or heat at or beyond the property line(s);
4. A home occupation must not generate more than an average of twenty (20) additional vehicle trips per day on a weekly basis, including deliveries; and
5. A home occupation conducted within the residence, or in an accessory structure(s), must not involve a combined total of more than one-half of the total square footage of the residence.

Agricultural activities are exempt from these requirements.

Horticulture: The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants.

Hotel/Motel: A building or group of attached or detached buildings containing individual sleeping or living units, designed or used for temporary accommodation of guests for compensation.

V - I

Impact: The effect of any direct man-made actions or indirect repercussions of man-made actions on existing social, environmental, or economic conditions.

Indoor Entertainment, Sports, and Recreation: A place for indoor activities such as movie theaters, dance halls, theaters for performing arts, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, courts and training centers, and gyms.

Industrial Uses: The activities predominantly connected with manufacturing, assembling, processing, or storing of products.

Industrial, Heavy: The processing or manufacturing of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage of or manufacturing processes that potentially involve hazardous or offensive conditions. This term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, and primary metal processing.

Industrial, Light: The manufacturing of finished products or parts, predominantly from previously prepared materials, including assembly, processing, fabrication, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Typical uses include assembly of computers and electronics, testing and production laboratories, packaging

Special Zoning District No. 48: Timberworks Estates

of premade goods, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Instructional Facility: A place that prepares students for jobs in trades or professions, including vocational schools, or offers training, instruction, or tutelage in areas such as performing arts and sciences.

Itinerant Outdoor Sales: Retail sales of limited duration, including seasonal sales, flea markets, tools, rugs, and lawn ornaments, but not including private yard or garage sales or the sale of agricultural products produced on the premises.

V - J

V - K

Kennel, Commercial: See Commercial Kennel.

V - L

Laundromat: An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for laundering or dry cleaning purposes.

Livestock: Cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

Lodge (overnight accommodations): A resort hotel.

Lot: A single parcel of land, shown as an individual unit of ownership on the most recent plat of record, or a group of such parcels which are held in single or common ownership or control, and upon which a particular land use is carried on or conducted.

Lot, Corner: A lot located at the intersection of two (2) streets.

Lot Coverage: The portion of a lot, stated in terms of percentage, that is covered by all structures located on the lot, but does not include uncovered decks, fences, walls, or pools, or the first two (2) feet of roof eave extensions as measured from the outside wall of a building(s).

Lot Lines: The lines bounding a lot as defined herein.

Front Lot Line: Any lot line bounding a lot that is adjacent to any street.

Rear Lot Line: The line bounding a lot that is the farthest and opposite from the front lot line.

Side Lot Line: The line bounding a lot that is not a front or rear lot line.

V - M

Manufactured Home:

A single-dwelling unit residence, built off-site in a factory on or after January 1, 1990, that:

1. is placed on a permanent foundation;
2. is at least 1,000 square feet in size;

Special Zoning District No. 48: Timberworks Estates

3. has a pitched roof and siding and roofing materials that are used on site-built homes; and
4. is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.

A manufactured home does not include a mobile home.

M.C.A.: Montana Code Annotated (State of Montana statutes).

Mobile Home: A previously constructed, detached, single-dwelling unit that:

1. Either exceeds eight (8) feet in width or forty-five (45) feet in length;
2. was constructed on one or more chassis, designed to be transported or towed on its own wheels to the point of use after fabrication; and
3. may or may not be placed on a permanent foundation.

Modular Home: A sectional, pre-fabricated single-dwelling unit residence that consists of multiple modules or sections, which are manufactured in a remote facility. A modular home does not include a manufactured or mobile home.

Motel: See Hotel/Motel, Lodge, Resort.

V - N

Non-conforming structure: A legal violation of these regulations because the structure legally existed before the regulations were adopted/amended.

Non-conforming use: A legal violation of these regulations because the use of the land legally existed before the regulations were adopted/amended.

V - O

On-site Construction Office: A temporary building used by a contractor as a field office for and during construction, with no overnight occupancy, that is removed when construction is complete.

Open Space: Any parcel of land that is essentially unimproved. It may or may not be under a conservation easement or irrevocable covenant, and it may or may not be accessible to the public.

Ordinary High Water Mark: The line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line may include, but not be limited to, the deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural value. A flood plain adjacent to surface waters is not considered to lie within the surface water's high water marks.

Outbuilding: An accessory building or accessory portion of a permitted or conditionally permitted building(s) to be used only for the shelter or storage of vehicles or other personal property owned or operated only by the occupants of the permitted or conditionally permitted building(s).

Outdoor Concerts and Theatrical Performances: A public performance of music, plays, or dance given by one or more singers, instrumentalists, dancers, or actors.

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Outdoor Entertainment, Sports, and Recreation: Leisure activities, usually organized and enjoyed with a gathering of others that may use equipment and take place at prescribed places, sites, or fields for permanent outdoor, spectator type uses or events, including racetracks, motocross courses, sports arenas, concerts, and zoos.

V - P

Park: A place used for recreational activities or leisure time, such as playgrounds, baseball fields, tennis and basketball courts, swimming pools, and ice rinks.

Parking Lot: An open area, other than a public right-of-way, used for off-street parking of motor vehicles.

Parking Space, Off-Street: A space located off of any right-of-way that is available for parking a motor vehicle.

Parking Structure: A multi-level structure used for off-street parking of motor vehicles.

Permitted Use: Any use authorized alone or in conjunction with another use under a specified zoning classification and subject to the limitations of the regulations of such classification.

Playground: A piece of land used for, and usually equipped with, facilities for recreation especially by children.

Poultry: Chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food and feathers.

Public Hearing: A meeting or part of a meeting to solicit public testimony on an application or other action.

Public Safety Facility: A place used or intended to be used to house public safety services, including ambulance services, fire stations, police stations, emergency management, and courts.

V - Q

V - R

Regulation: That which is required, unless an explicit exception is made.

Residence:

Single-Dwelling Unit Residence: A single building situated on one lot that contains one dwelling unit for residential occupancy by one family. This includes a manufactured home, a modular home, a home built on-site, and a townhouse, but excludes a mobile home.

Two-Dwelling Unit Residence: A single building situated on one lot that contains two (2) dwelling units for occupancy by two (2) families living separately from each other, also known as a Duplex-Dwelling Unit Residence, or two buildings situated on one lot that each contain one dwelling unit for occupancy by one family. A Duplex-Dwelling Unit Residence may include a condominium.

Multiple-Dwelling Unit Residence: A single building containing three (3) or more dwelling units for

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occupancy by three (3) or more families living separately from each other, including condominiums.

Residential Use: Any land use that provides for living space.

Resort: A facility for transient guests where the primary attraction is generally recreational features or activities. Lodging and dining may also be provided.

Restaurant: A place for the preparation and sale of food and beverages for consumption on the premises, and where consumption of beer, wine, or other alcohol, if any, is complimentary and subordinate to the sale of food and that does not have a gambling license.

Restaurant, Drive-in: Any retail establishment preparing and serving food or drink that is not consumed solely within the confines of the building in which the food is prepared.

Right-of-way: A strip of land dedicated or acquired for use as a public way.

Road: See Street Types.

V - S

School: See Education Facility (Higher Education/K-12).

Screening: Provides mitigation, such as fencing, berms, shrubs, or trees, from the visual impacts of multiple-dwelling unit residences, commercial, and/or industrial uses.

Setback: The minimum horizontal distance required between the public right-of-way or lot line (whichever is closest to the building line) and the building line.

Setback (Waterbody): The distance from the ordinary high water mark within which the structures and uses listed below are not allowed.

1. Any type of structure related to residential, commercial, and industrial uses;
2. Manufactured and prefabricated structures;
3. Septic tanks and septic tank drainfields;
4. Barns, feed lots, and corrals;
5. Communication towers; and
6. Road, road right-of-ways and driveways that are within the setback and buffer area and are parallel to the watercourse.

Setback distances are measured on a horizontal plane.

Shelter Station: A shelter for the protection from the elements of the waiting customer of a public or private transportation system.

Shopping Center: Two (2) or more retail or wholesale uses or services conducted on a single parcel of at least five (5) acres that is planned, developed, owned, and managed as a coordinated business enterprise, and utilizes common parking and pedestrian access between the establishments, has common areas, common signs, common facilities, and common access and delivery routes.

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Sight Distance Triangle: See Clear Sight Distance Triangle.

Silviculture: The development and/or maintenance of a forest or wooded preserve.

Soundproof: To insulate, so as to obstruct the passage of sound.

Specialized Food Production: The production of food products for direct sale to consumers for on-site and off-site consumption including, but not limited to, roasting of coffee beans and the manufacture of coffee beverages, microbreweries manufacturing malt or liquor not exceeding the production of ten thousand (10,000) barrels annually, and bakeries.

Stable: A commercial operation in which horses or other animals, other than those animals that are owned by the occupant of the premises, are kept in a structure(s) for boarding purposes.

Standard: Something established for use as a rule or basis of comparison in measuring quantity, quality, value, etc.

State: The State of Montana.

Street Types: For purposes of these regulations, street types are defined as follows:

Alley: A street used primarily for vehicular access to the rear, or side in some cases, of properties that abut on, and are served by, a public street(s).

Arterial: A street which is intended to provide for high operating speeds, high levels of service and to serve longer trips through access management and the interconnection of major development areas.

Collector: A street that functions as a link between local streets and arterial streets and provides both traffic movement and access to adjacent lands.

Local Street: A street whose primary function is access and whose movement function is incidental and involves traveling to and from a collector. In addition, local streets are characterized by short trip lengths, low traffic volumes, slow speeds and deliberately discouraging through traffic.

Road: See Street..

Street: A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines, which includes areas acquired or prescribed through an easement.

Structural alteration: The modification of a structure that changes its exterior dimension(s) and/or its roof line(s).

Structure: A combination of materials constructed and erected on the ground or attached to something constructed and erected on the ground. Not included are residential fences less than six (6) feet in height, retaining walls, rockeries and similar improvements of a minor character less than three (3) feet in height.

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Supermarket: A self-service retail market selling foods and household merchandise.

Supplemental Care: The provision by an adult of food, shelter, care, supervision, and/or learning experiences for one or more persons on a supplemental basis outside of the care receiver's home, by an adult other than a parent, on a regular basis for daily periods of less than twenty four (24) hours.

V - T

Townhouse: A townhouse is a single-dwelling unit residence connected at the property line by a common wall to another single-dwelling unit residence, in which individuals own their own units and hold separate title to the land beneath the unit and their own lot.

Trail: A path physically separated from motor vehicle traffic by a space or barrier and within a road right-of-way or within an independent right-of-way.

V - U

Utility: Facilities, ancillary structures, distribution lines, and public services, whether publicly or privately owned or operated, used to produce or provide the conveyance, distribution, transmission, or control, through a community system, of any of the following: water, wastewater, storm water control, electricity, natural gas, telephone, television, electronic data, and telecommunications.

Distributed Power Utility: Facilities for the production of energy such as electricity or heat for use by properties other than the property wherein the energy is produced that uses distribution lines and not transmission lines to serve other properties and includes neighborhood or district heating facility and electricity generated by microturbines or photovoltaics.

Major Utility: Facilities for water and wastewater treatment and solid waste transfer stations.

Minor Utility: Facilities other than a major or distributed power utility.

V - V

Variance: A request to deviate from the requirements of these regulations.

Vehicle Fuel Sales: Retail sale of gasoline, kerosene, diesel, or other motor fuels, including accessory sale of convenience foods and goods, light maintenance activities, and minor repairs.

Vehicle Repair: A place for maintenance, service, and repair of vehicles, including tires, transmissions and brakes, bodywork and painting, upholstery, engine repair, and overhauls.

Vehicle Sales and Rental: Buying, selling, exchanging, selling on consignment, renting, or leasing of new or used vehicles, including snowmobiles, motorcycles, all-terrain vehicles, recreational vehicles, trailers, and watercraft.

Vehicle Services: Servicing of vehicles such as oil changes and lubrication, tire repair and replacement, detailing, washing, polishing, or similar activities for vehicles.

Veterinary Clinic: Provides medical care of animals, including office space, medical labs, appurtenant facilities, and enclosures or kennels for animals under the immediate medical care of a veterinarian, including pet clinics, dog and cat hospitals, and animal hospitals.

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Large Animal Veterinary Clinic: A large animal veterinary clinic specializes in the care and treatment of livestock such as cattle, hogs, sheep, goats, horses, llamas, ostriches and emus.

Small Animal Veterinary Clinic: A small animal veterinary clinic specializes in the care and treatment of small creatures such as poultry, fish, furbearing animals, rabbits, dogs, cats, snakes, lizards, birds, and other household pets.

V – W

Worship Facility: A building designed and used for public worship by a religious body, group, sect, or organization, but not including church residences and private schools.

V – X

V – Y

Yard: Area in front, rear, or side on the same lot with a structure(s) or proposed structure(s), unoccupied and unobstructed from the ground upward.

Front Yard: A required open space unoccupied by any structure or portion of a structure and extending across the full width of the lot between the front building line and front lot line or public road right-of-way (whichever is closest to the building line).

Rear Yard: A required open space unoccupied by any structure or portion of a structure and extending across the full width of the lot between the rear building line and the rear lot line.

Side Yard: A required open space unoccupied by any structure or portion of a structure and extending from the side building line to a side lot line running from the front to the rear of the lot.

V - Z

Zone: See Zoning Classification.

Zoning: The division of an area into a district(s) and the establishment of a classification(s) and regulations within that district that will govern the use, placement, spacing, and size of land and structures.

Zoning Administrator: A duly appointed officer of the County charged with the administration and enforcement of the provisions of these adopted regulations.

Zoning Classification: A specifically delineated area within a zoning district in which regulations uniformly govern the use, placement, spacing, and size of land and structures.

Zoning Map: The map(s), which is part of the zoning regulations, that delineates the boundaries of a zoning district(s) and/or zoning classification(s).

Zoning District: An area defined by boundaries established by a resolution of the Board of County Commissioners and within which area zoning classifications are established whereby only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in these regulations.

SPECIAL ZONING DISTRICT NO. 49: VALLEY VIEW HEIGHTS

Resolution No.	Purpose	Adopted	Filed
Res. 2016-94	Original adoption	November 3, 2016	M Book 52, Page 908

Special Zoning District No. 49: Valley View Heights



Legend

 District Boundary

**Special Zoning District No. 49
Valley View Heights**

Lewis and Clark County
Community Development and Planning
Map printed August 2023



N



0 250 500 1,000
Feet

Special Zoning District No. 49: Valley View Heights

1. General provisions

1.1. Title

These regulations are to be known as the Valley View Heights Zoning Regulations (Special Zoning District #49).

1.2. Authority

These regulations are adopted under the authority of Section 76-2-101, MCA and Section 76-2-107, MCA.

1.3. Purpose

The purpose of these regulations is to implement the development pattern for Valley View Heights consistent with the adopted Valley View Heights Neighborhood Plan and Development Pattern and the policy recommendations of the Lewis and Clark County Growth Policy and the Helena Valley Area Plan. Additionally, these regulations are intended to:

- a. Accommodate and protect the use of low-density, single family dwelling units and associated agricultural land uses;
- b. Promote groundwater protection and conservation;
- c. Limit increases in traffic on the road network to the capacity of those roads;
- d. Limit increases in the demand for rural fire protection services based on the limitations of those services;
- e. Preserve the rural-residential character of the area;
- f. Enhance the aesthetic character; and,
- g. Protect public health, safety, and welfare.

1.4. Applicability

These regulations apply to the creation of parcels of land and to uses of land and structures within the Valley View Heights Zoning District as established on the official Valley View Heights Zoning District Map attached as Exhibit A.

1.5. Compliance Required

No parcel of land shall be created and no uses of land or structures shall be conducted unless in conformance with these zoning regulations.

1.6. Conflict with Other Laws & Severability

Whenever the requirements of these regulations are in conflict with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing higher standards, shall govern. If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, the remaining regulations will remain in effect, and be construed as if the invalid portion was never a part of the regulations.

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1.7. Vested Rights

A vested right is the right to proceed with the creation of one or more new parcels of land in compliance with previous regulations or approvals. For subdivisions or exemptions from the Montana Subdivision and Platting Act and the Lewis and the Clark County Subdivision Regulations, a vested right to proceed with the creation of one or more new parcels of land shall be established by obtaining a letter of sufficiency for a subdivision application, or concept approval for the use of an exemption from subdivision review by the Survey Review Committee, prior to the date of adoption of these regulations. Vested rights terminate when a subdivision approval period expires without the applicant submitting a complete application for final approval or when the concept approval period expires for the proposed subdivision exemption.

1.8. Continuation of Nonconforming Parcels and Uses

All parcels and uses of land that exist at the time of adoption of these regulations continue in conformance with all local, state, or federal laws and regulations. Expansions of non-conforming uses are expressly prohibited.

1.9. Private Agreements

Adoption of these regulations does not nullify easements, covenants, and similar private agreements, but where any such agreement imposes requirements less restrictive than those adopted herein, the requirements of these regulations apply.

1.10. Interpretation

The language of these regulations must be read literally. These regulations are no more or less strict than stated. In the event a question arises concerning any provision or the application of any provision of these regulations, the Zoning Administrator shall be responsible for such interpretation and will look to the overall purpose of these regulations, the Lewis and Clark County Growth Policy, and the Helena Valley Area Plan for guidance. Any person who disputes the interpretation of the Zoning Administrator, may appeal the administrator's decision using the procedure in Section 3.2, Administrative Appeals.

1.11. Requirements Minimum

All requirements of these regulations shall be interpreted as the minimum necessary to protect the public health, safety, and general welfare. These regulations are designed for consistency with the Lewis and Clark County Growth Policy, the Helena Valley Area Plan, and the Valley View Heights Neighborhood Plan and Development Pattern, and should be interpreted to achieve their goals, objectives, policies and strategies.

2. ZONING DISTRICT AND MAP

2.1. Zoning District

The following zoning district and its boundaries, as shown on the official Valley View Heights Zoning District Map (Exhibit A), are established:

- a. Valley View Heights Zoning District.

Special Zoning District No. 49: Valley View Heights

2.2. Zoning District Map

The Valley View Heights Zoning District Map is adopted by reference as part of these regulations. The most recently adopted, official copy of that map shall be maintained for public inspection at the office of the Zoning Administrator.

2.3. Zoning District Boundaries

When definite distances or boundaries are not shown on the Valley View Heights Zoning District Map, the following rules apply:

- a. Boundaries indicated as approximately following the right-of-way or centerlines of roads, highways, trails, pathways, or alleys shall be construed to follow such rights-of-way or centerlines.
- b. Boundaries indicated as approximately following municipal limits shall be construed as following those boundaries.
- c. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- d. Boundaries indicated as approximately following centerlines of lakes, streams, rivers, canals, irrigation ditches or other bodies of water or other physical features shall be construed as following such centerlines.

Any person who disputes the location of a zoning district boundary, as interpreted by the Zoning Administrator, may appeal the administrator’s decision using the procedure in Section 3.2 a., Administrative appeals.

2.4. Zoning District Regulations

a. Minimum Parcel Size

- 1. The minimum size for new parcels of land in the Valley View Heights Zoning District is ten (10) acres, except as provided in Section 2.5., Cluster Development.
- 2. In the case where parcels of any size exist at the time of adoption of these regulations, the boundaries between parcels may be relocated to result in one or more parcels with less than the minimum parcel sizes stated in Section 2.5.a.1., provided that there is no net increase in the number of developable lots.

b. Land Uses

The following uses of land are expressly allowed in the Valley View Heights Zoning District:

- 1. Accessory uses;
- 2. Agriculture;
- 3. Single-family dwellings;
- 4. Group homes;

Special Zoning District No. 49: Valley View Heights

5. Home day cares; and,
6. Home occupations.

All other land uses are expressly prohibited. Only one (1) single-family dwelling or group home is allowed on each parcel.

c. Space and Bulk Standards

Minimum building setback from property lines and road right of way: Twenty-five (25 ft.) feet.

Maximum building height: Thirty-five (35 ft.) feet and also two and one-half (2.5) stories.

Maximum lot coverage: Twenty-five (25%) percent.

2.5. Cluster Development

The purpose of this section is to encourage alternative design techniques that efficiently make use of land and water resources, protect environmentally sensitive areas, natural features and soils of agricultural importance, and promote cost savings in infrastructure development and maintenance. Clustering development allows for the creation of lots smaller than the minimum lot sizes established in these regulations in order to minimize or eliminate the need to create new roads to provide physical and legal access.

- a. The minimum size of each new parcel to be developed in a cluster development is five (5) acres.
- b. The maximum number of lots in a cluster subdivision is determined by dividing the acreage of the parent parcel by the minimum lot size established in Section 2.4.a.1.
- c. Excess land beyond the amount needed to establish a new cluster lot may be retained with a reconfigured lot containing an existing house site, be preserved as open space, or be maintained for agricultural use as in Figure 1 below:

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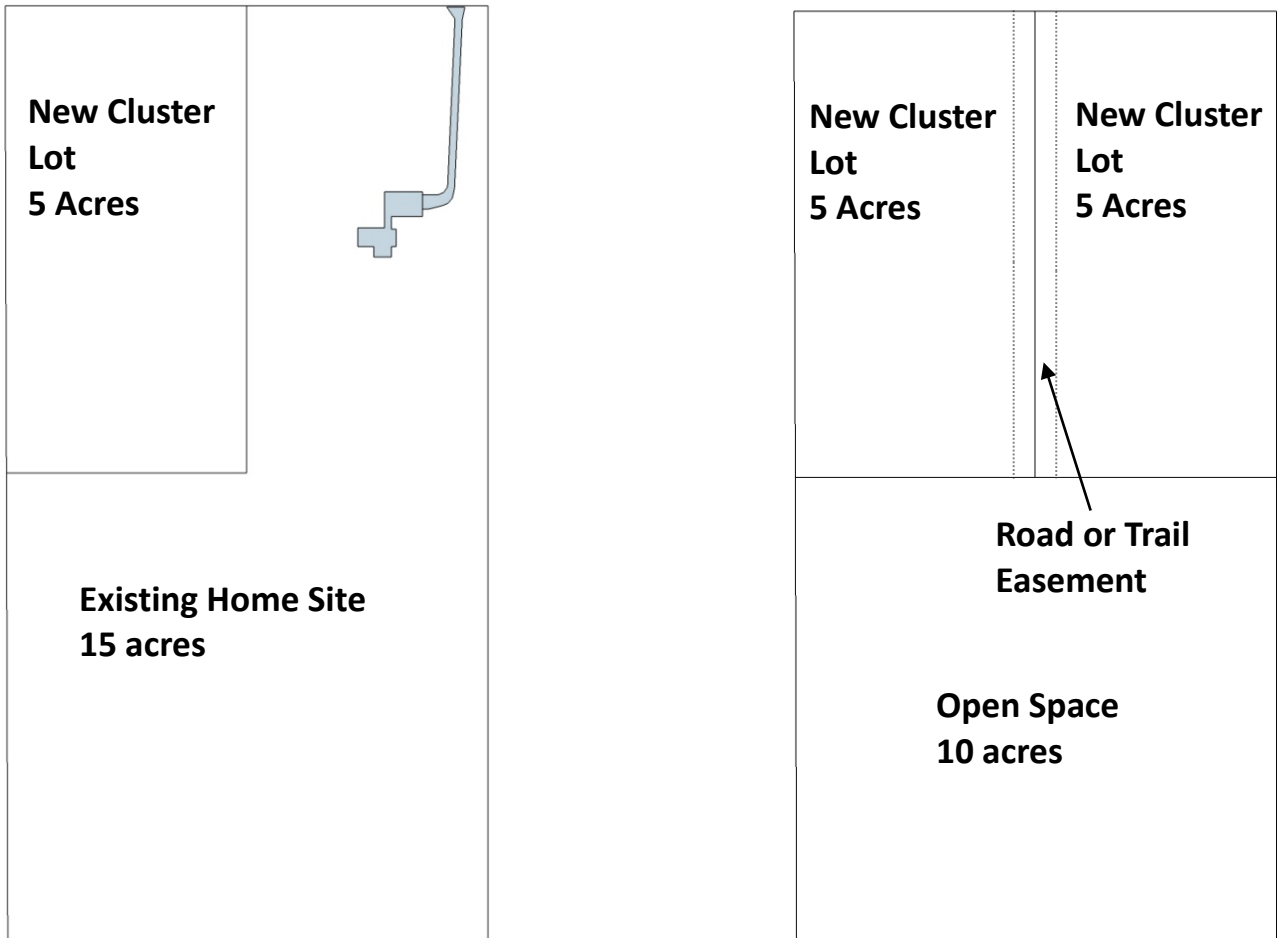


Figure 1 – Excess land in a cluster development may be retained with an existing house lot or placed in separate open space provided that an access easement is provided to the open space and the open space is limited against further development by a revocable covenant.

- d. The land preserved in open space must:
 1. Be maintained on a long-term basis through a revocable covenant prohibiting further subdivision, division, or development of the open space parcel. Revocation of said covenant requires approval by the Lewis and Clark County Board of County Commissioners (County Commission). Revocations may be considered if zoning and/or development constraint conditions no longer require density to be limited on the subject property;
 2. Be accessible via a road and/or trail easement filed with the Lewis and Clark County Clerk and Recorder;
 3. Be identified on a final subdivision plat or certificate of survey (for exemptions from subdivision), with the final subdivision plat or survey including a copy of or a recording reference to the revocable covenant;

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4. Include a plan for ongoing use and maintenance as open space, agriculture or other specified use(s) that includes provisions to manage vegetation and noxious weeds and that may be amended by the County Commission in consultation with parties owning title to the land;
5. When present, include environmentally sensitive areas such as wetlands, streams, floodplains or riparian areas, agricultural soils (prime farmland), wildlife habitat, rare, threatened or sensitive plants, or scenic resources such as hillsides or forested areas; and,
6. Be located adjacent to the one or more lots to be developed.

2.6. Park Dedication Requirement

Given the minimum lot size of ten (10) acres and the minimum lot size for cluster development lots of five (5) acres, no park land is required for development in the Valley View Heights Zoning District as provided in Section 76-3-621(2), MCA and Section XI. R. 2 of the Lewis and Clark County Subdivision Regulations.

2.7. Exemption from Requirements for Environmental Assessment and Review of Impacts

As provided in Section 76-3-609(2)(d), MCA and Section III. A. 2 of the Lewis and Clark County Subdivision Regulations, first minor subdivisions in the Valley View Heights Zoning District are exempt from the requirements for completion of an environmental assessment and for review for impacts on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

3. ADMINISTRATION

3.1. Variances

Variances provide relief for landowners who, due to some unique characteristic of their property, would suffer unnecessary hardship if these regulations were strictly enforced. Variances may be granted, but only as provided here.

- a. The applicant shall submit a complete and sufficient application form, the required supporting materials including a narrative evaluating the variance request under the review criteria (Section 3.1.f), and the required application fee with the Zoning Administrator.
- b. The Zoning Administrator shall determine whether the application form and supporting materials are complete and sufficient. When an application is determined incomplete or insufficient, the Zoning Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
- c. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public hearing on the agenda of next available meeting of the Lewis and Clark County Planning and Zoning Commission (Planning and Zoning Commission) for which notice requirements can be met and providing thirty-five (35) working days for processing of the application materials. Notice shall be published at least once in a newspaper of general circulation and mailed to all adjacent landowners at least fifteen (15) days prior to the public

Special Zoning District No. 49: Valley View Heights

- hearing. Notice shall, at a minimum, include the nature of the request and the time and place of the public hearing.
- d. The Zoning Administrator shall prepare a report that describes the proposed variance, its site, its context, and an evaluation of the request under the variance criteria in Section 3.1.f.
 - e. The Planning and Zoning Commission shall conduct a public hearing on the proposed variance. At that public hearing, the Planning and Zoning Commission shall review the particular facts and circumstances of the proposed variance and develop findings and conclusions in support of its decision.
 - f. Review Criteria. The Planning and Zoning Commission shall make a recommendation to approve a variance only upon finding that:
 1. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested;
 2. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;
 3. The alleged hardship has not been created by action of the owner or occupants;
 4. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public; and,
 5. Granting of the variance will observe the spirit of these regulations and provide substantial justice.
 - g. Conditions may be attached to the approval of any variances if:
 1. They are clearly designed to ensure compliance with one or more specific requirement of these or other adopted regulations;
 2. They are directly related to the anticipated impacts of the applicant's proposal; and
 3. They are roughly proportional to the anticipated impacts of the applicant's proposal.
 - h. The decision on a variance shall be referred by the Planning and Zoning Commission to the County Commission with its recommendation(s) for approval, approval with conditions, or denial.
 - i. The County Commission shall make its decision on the variance request following its standard procedures.
 - j. The Zoning Administrator shall notify the applicant of the decision by the Board of County Commissioners.

Special Zoning District No. 49: Valley View Heights

3.2. Administrative Appeals

A determination of the Zoning Administrator may be appealed to the Planning and Zoning Commission using the following procedure:

- a. The applicant shall submit a properly completed notice of appeal and supporting materials to the Zoning Administrator within thirty (30) working days after the determination was issued.
- b. The Zoning Administrator shall place a public hearing on the appeal on the agenda of the next Planning and Zoning Commission meeting for which these notice requirements can be met, and at which time will permit its proper consideration. Public notice shall be published at least once in a newspaper of general circulation and mailed to all adjacent landowners at least fifteen (15) working days prior to the public hearing. Notice shall, at a minimum, include the nature of the decision being appealed and the time and place of the public hearing.
- c. The Zoning Administrator shall prepare a summary report that includes the determination and the surrounding circumstances, and forward it to the Planning and Zoning Commission.
- d. The Planning and Zoning Commission shall conduct a public hearing on the appeal following the procedure established in the Commission's bylaws. At the conclusion of the hearing, the Planning and Zoning Commission shall decide whether the determination being appealed is in compliance with these regulations, and affirm, modify, or overturn that determination accordingly. The Planning and Zoning Commission's decision shall be in writing and contain a summary of the facts relied on as the basis for its decision.
- e. The Planning and Zoning Commission Chairperson shall notify the applicant of the Planning and Zoning Commission's decision within ten (10) working days after it is made.

3.3. Appeals to Court of Record

Any person aggrieved by any decision of the Planning and Zoning Commission or the Board of County Commissioners may, within thirty (30) working days after such decision or order, appeal to the district court as provided in Section 76-2-110, MCA.

3.4. Amendments

Any person may petition for the amendment of the Valley View Heights Zoning District Regulations. The amendment procedure shall be as provided here and in Section 76-2-107, MCA. Amendments may also be initiated by the Planning and Zoning Commission or the Zoning Administrator, in which case steps a.1, a.2, and a.3, are not required.

a. Amendment Process for Zoning Regulations

1. The applicant shall submit a complete and sufficient application form, the required supporting materials, including a narrative evaluating the amendment request under the review criteria (subsection 3.4. b.), and the required application fee with the Zoning Administrator.
2. The Zoning Administrator shall determine whether the application for and supporting materials is complete and sufficient. When an application is determined incomplete or

Special Zoning District No. 49: Valley View Heights

insufficient, the Zoning Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.

3. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public hearing on the application for a zoning text amendment on an agenda of the Planning and Zoning Commission meeting for which notice requirements can be met, and providing thirty-five (35) working days for processing of the application materials.
4. The Zoning Administrator shall publish notice of the hearing in a newspaper of general circulation at least fifteen (15) working days prior to the Planning and Zoning Commission's public hearing.
5. The Zoning Administrator shall prepare a report that describes the proposed amendment and how it complies, or fails to comply, with the amendment criteria contained in Section 3.4.b, Amendment Criteria.
6. The Planning and Zoning Commission shall conduct a public hearing on the proposed amendment. At the public hearing, the Planning and Zoning Commission shall determine whether the proposed amendment meets the amendment criteria. The Planning and Zoning Commission shall review the particular facts and circumstances of the proposed amendment and develop findings and conclusions that support its recommendation for approval, approval with modifications, or denial.
7. The Zoning Administrator shall convey the Planning and Zoning Commission's recommendation and public comments to the County Commission and place a public hearing on the agenda of the next regular meeting for which notice and posting requirements can be met, and at which time allows for its proper consideration.
8. The County Commission shall conduct a hearing on the proposed amendment. After the public hearing, the County Commission shall review the proposals of the Planning and Zoning Commission and make any revisions or amendments that it determines to be proper.
9. At the conclusion of the amendment process, the Zoning Administrator shall notify the applicant of the decision within ten (10) working days.

b. Amendment Criteria

Zoning amendments shall be made:

1. Consistent with the Valley View Heights Development Pattern;
2. In accordance with the Lewis and Clark County Growth Policy and the Helena Valley Area Plan;
3. To secure safety from fire and other danger;
4. To promote public health, safety, and general welfare; and

Special Zoning District No. 49: Valley View Heights

5. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

c. Amendment Process for Zoning Map Changes

The boundary of the Valley View Heights Zoning District shall not be amended except through the process outlined in Section 76-2-101, MCA.

4. DEFINITIONS

4.1. Accessory Use – A use, building, or structure that is incidental and subordinate to and customarily found with a principal use.

4.2. Agriculture – The science and art of farming, work or business of cultivating the soil, producing crops and raising livestock. Agriculture includes horticultural production of flowers, fruits, vegetables, and ornamental plants.

4.3. Cluster Development – Cluster development means a subdivision with lots clustered that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.

4.4. Creation of New Parcels of Land – The creation of new parcels includes but is not limited to lots or parcels created through court order (Section 76-3-201(1)(a), MCA); mortgage exemption (Section 76-3-201(1)(b), MCA); the reservation of a life estate (Section 76-3-201(1)(e), MCA); condominium declaration (Section 76-3-203, MCA); family transfer (Section 76-3-207(1)(b), MCA); agricultural exemption (Section 76-3-207(1)(c), MCA), and subdivision review (Section 76-3-101, MCA).

This term does not include cemetery lots, (Section 76-3-201(1)(d), MCA); lease or rental for farming and agricultural purposes (Section 76-3-201(1)(f), MCA); lots created in a location where the state does not have jurisdiction (Section 76-3-201(1)(g), MCA); or lots created for rights-of-way or utility sites (Section 76-3-201(1)(h), MCA). *Also see Parcel of land.*

4.5. Develop or Development – Commercial, industrial or residential use or any combination thereof. This term does not include land to be used for agricultural production or open space.

4.6. Group Home – A community residential facility housing eight (8) or fewer residents as provided for in Section 76-2-412, MCA, and licensed by or registered with the State of Montana, including a youth foster home, a kinship foster home, a youth shelter care facility, a youth group home, or a community residential facility as defined in Section 76-2-411, MCA.

4.7. Home day care – A facility which provides daily care and supervision of five (5) or more but not exceeding twelve (12) children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult(s) that is registered with an appropriate state agency.

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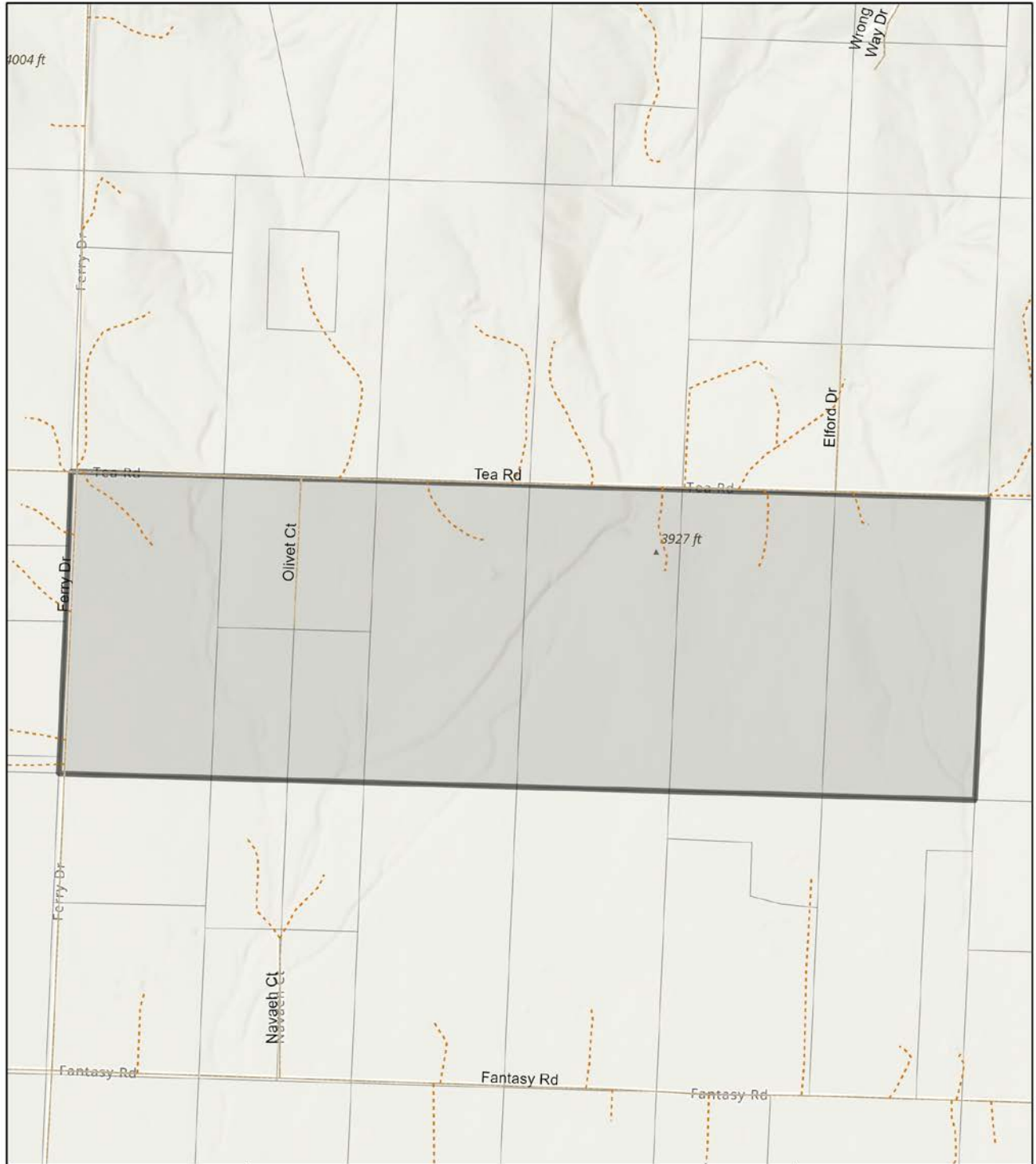
- 4.8. Home occupation** – Any use conducted entirely within a dwelling and carried on by the members of the family occupying the dwelling, which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character of the dwelling.
- 4.9. Lot coverage** – The percentage of a parcel of land that is covered with buildings.
- 4.10. MCA** – Montana Code Annotated, the laws of the State of Montana.
- 4.11. Parcel of land** – An individual tract of record, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the Lewis and Clark County Clerk and Recorder office. The terms parcel and lot are used interchangeably in these regulations.
- 4.12. Parent parcel** – The original tract or tracts of record from which new parcels are created.
- 4.13. Person** – Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- 4.14. Utility Sites** – Parcels of land specifically designed and used to provide a public or quasi-public service subject to special governmental regulations. Such services would typically include, but are not limited to, water tanks, electrical substations, and communications facilities.
- 4.15. Zoning Administrator** – The Director of the Lewis and Clark County Community Development and Planning Department, or designee, who is responsible for interpreting and carrying out the provisions of these regulations.





Special Zoning District No. 50: East North Hills

SPECIAL ZONING DISTRICT NO. 50: EAST NORTH HILLS

Resolution No.	Purpose	Adopted	Filed
Res. 2018-79	Original adoption	September 6, 2018	Book M54, Page 6472

Special Zoning District No. 50: East North Hills



<p>Legend</p> <p> District Boundary</p>	<p>Special Zoning District No. 50 East North Hills</p>	<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map printed August 2023</p>	 <p>0 188 375 750 Feet</p> 

Special Zoning District No. 50: East North Hills

1. GENERAL PROVISIONS

1.1. Title

These regulations are to be known as the East North Hills Zoning Regulations (Special Zone District #50).

1.2. Authority

These regulations are adopted under the authority of Section 76-2-101, MCA and Section 76-2-107, MCA.

1.3. Purpose

The purpose of these regulations is to implement the development pattern for the East North Hills consistent with the adopted East North Hills Neighborhood Plan and Development Pattern and the policy recommendations of the Lewis and Clark County Growth Policy and the Helena Valley Area Plan. Additionally, these regulations are intended to:

- a. Accommodate and protect the use of low-density, single family dwelling units and associated agricultural land uses;
- b. Promote groundwater protection and conservation;
- c. Limit increases in traffic on the road network to the capacity of those roads;
- d. Limit increases in the demand for rural fire protection services based on the limitations of those services;
- e. Preserve the rural-residential character of the area;
- f. Enhance the aesthetic character;
- g. Protect public health, safety, and welfare; and
- h. Protect property values of the area.

1.4. Applicability

These regulations apply to the creation of parcels of land and to uses of land and structures within the East North Hills Zone District as established on the official East North Hills Zone District Map attached as Exhibit A.

1.5. Compliance Required

No parcel of land shall be created and no uses of land or structures shall be conducted unless in conformance with these zoning regulations.

1.6. Conflict with Other Laws & Severability

Whenever the requirements of these regulations are in conflict with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing higher standards, shall govern. If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, the remaining regulations will remain in effect, and be construed as if the invalid portion was never a part of the regulations.

Special Zoning District No. 50: East North Hills

1.7. Vested Rights

A vested right is the right to proceed with the creation of one or more new parcels of land in compliance with previous regulations or approvals. For subdivisions or exemptions from the Montana Subdivision and Platting Act and the Lewis and the Clark County Subdivision Regulations, a vested right to proceed with the creation of one or more new parcels of land shall be established by obtaining a letter of sufficiency for a subdivision application, or concept approval for the use of an exemption from subdivision review by the Survey Review Committee, prior to the date of adoption of these regulations. Vested rights terminate when a subdivision approval period expires without the applicant submitting a complete application for final approval or when the concept approval period expires for the proposed subdivision exemption.

1.8. Continuation of Nonconforming Parcels and Uses

All parcels and uses of land that exist at the time of adoption of these regulations continue in conformance with all local, state, or federal laws and regulations. Expansions of non-conforming uses are expressly prohibited.

1.9. Private Agreements

Adoption of these regulations does not nullify easements, covenants, and similar private agreements, but where any such agreement imposes requirements less restrictive than those adopted herein, the requirements of these regulations apply.

1.10. Interpretation

The language of these regulations must be read literally. These regulations are no more or less strict than stated. In the event a question arises concerning any provision or the application of any provision of these regulations, the Zoning Administrator shall be responsible for such interpretation and will look to the overall purpose of these regulations, the Lewis and Clark County Growth Policy, and the Helena Valley Area Plan for guidance. Any person who disputes the interpretation of the Zoning Administrator, may appeal the administrator's decision using the procedure in Section 3.2, Administrative Appeals.

1.11. Requirements Minimum

All requirements of these regulations shall be interpreted as the minimum necessary to protect the public health, safety, and general welfare. These regulations are designed for consistency with the Lewis and Clark County Growth Policy, the Helena Valley Area Plan, and the East North Hills Neighborhood Plan and Development Pattern, and should be interpreted to achieve their goals, objectives, policies and strategies.

2. ZONING DISTRICT AND MAP

2.1. Zoning District

The following zoning district and its boundaries, as shown on the official East North Hills Zone District Map (Exhibit A), are established:

- a. East North Hills Zone District.

Special Zoning District No. 50: East North Hills

2.2. Zone District Map

The East North Hills Zone District Map is adopted by reference as part of these regulations. The most recently adopted, official copy of that map shall be maintained for public inspection at the office of the Zoning Administrator.

2.3. Zone District Boundaries

When definite distances or boundaries are not shown on the East North Hills Zone District Map, the following rules apply:

- a. Boundaries indicated as approximately following the right-of-way or centerlines of roads, highways, trails, pathways, or alleys shall be construed to follow such rights-of-way or centerlines.
- b. Boundaries indicated as approximately following municipal limits shall be construed as following those boundaries.
- c. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- d. Boundaries indicated as approximately following centerlines of lakes, streams, rivers, canals, irrigation ditches or other bodies of water or other physical features shall be construed as following such centerlines.

Any person who disputes the location of a zone district boundary, as interpreted by the Zoning Administrator, may appeal the administrator's decision using the procedure in Section 3.2 a., Administrative appeals.

2.4. Zone District Regulations

a. Minimum Parcel Size

1. The minimum size for new parcels of land in the East North Hills Zone District is ten (10) acres, except as provided in Section 2.5., Cluster Development.
2. In the case where parcels of any size exist at the time of adoption of these regulations, the boundaries between parcels may be relocated to result in one or more parcels with less than the minimum parcel sizes stated in Section 2.5.a.1., provided that there is no net increase in the number of developable lots.

b. Land Uses

The following uses of land are expressly allowed in the East North Hills Zone District:

1. Accessory uses;
2. Agriculture;
3. Single-family dwellings;
4. Group homes;
5. Home day cares; and,
6. Home occupations.

Special Zoning District No. 50: East North Hills

All other land uses are expressly prohibited. Only one (1) single-family dwelling or group home is allowed on each parcel.

c. Space and Bulk Standards

Minimum building setback from property lines and road right of way: Twenty-five (25 ft.) feet.

Maximum building height: Thirty-five (35 ft.) feet and also two and one-half (2.5) stories.

Maximum lot coverage: Twenty-five (25%) percent.

2.5. Cluster Development

The purpose of this section is to encourage alternative design techniques that efficiently make use of land and water resources, protect environmentally sensitive areas, natural features and soils of agricultural importance, and promote cost savings in infrastructure development and maintenance. Clustering development allows for the creation of lots smaller than the minimum lot sizes established in these regulations in order to minimize or eliminate the need to create new roads to provide physical and legal access.

- a. The minimum size of each new parcel to be developed in a cluster development is five (5) acres.
- b. The maximum number of lots in a cluster subdivision is determined by dividing the acreage of the parent parcel by the minimum lot size established in Section 2.4.a.1.
- c. Excess land beyond the amount needed to establish a new cluster lot may be retained with a reconfigured lot containing an existing house site, be preserved as open space, or be maintained for agricultural use as in Figure 1 below:

Special Zoning District No. 50: East North Hills

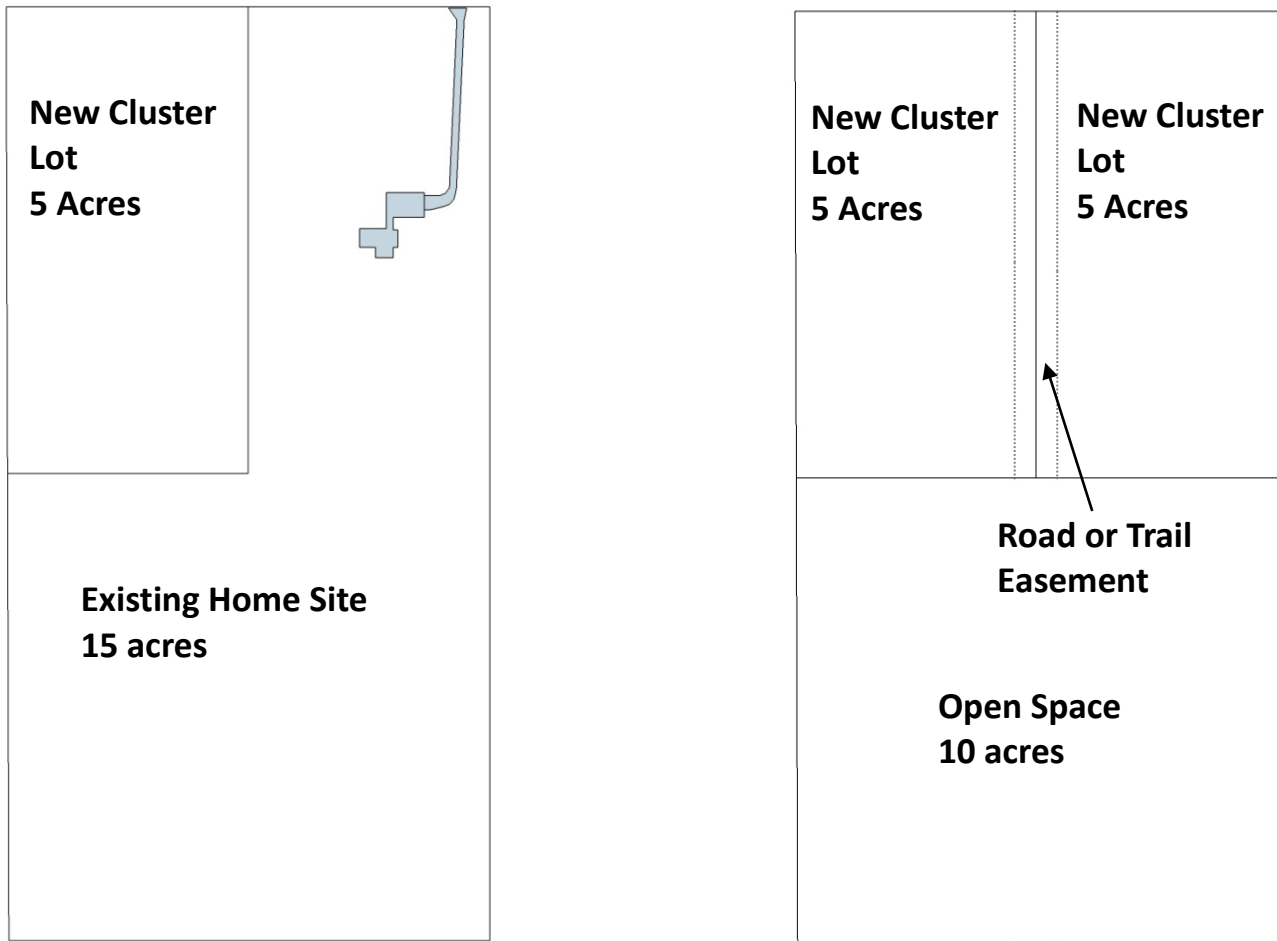


Figure 1 – Excess land in a cluster development may be retained with an existing house lot or placed in separate open space provided that an access easement is provided to the open space and the open space is limited against further development by a revocable covenant.

- d. The land preserved in open space must:
 - 1. Be maintained on a long-term basis through a revocable covenant prohibiting further subdivision, division, or development of the open space parcel. Revocation of said covenant requires approval by the Lewis and Clark County Board of Commissioners (BoCC). Revocations may be considered if zoning and/or development constraint conditions no longer require density to be limited on the subject property;
 - 2. Be accessible via a road and/or trail easement filed with the Lewis and Clark County Clerk and Recorder;
 - 3. Be identified on a final subdivision plat or certificate of survey (for exemptions from subdivision), with the final subdivision plat or survey including a copy of or a recording reference to the revocable covenant;

Special Zoning District No. 50: East North Hills

4. Include a plan for ongoing use and maintenance as open space, agriculture or other specified use(s) that includes provisions to manage vegetation and noxious weeds and that may be amended by the BoCC in consultation with parties owning title to the land;
5. When present, include environmentally sensitive areas such as wetlands, streams, floodplains or riparian areas, agricultural soils (prime farmland), wildlife habitat, rare, threatened or sensitive plants, or scenic resources such as hillsides or forested areas; and,
6. Be located adjacent to the one or more lots to be developed.

2.6. Park Dedication Requirement

Given the minimum lot size of ten (10) acres and the minimum lot size for cluster development lots of five (5) acres, no park land is required for development in the East North Hills Zone District as provided in Section 76-3-621(2), MCA and Section XI. R. 2 of the Lewis and Clark County Subdivision Regulations.

2.7. Exemption from Requirements for Environmental Assessment and Review of Impacts

As provided in Section 76-3-609(2)(d), MCA and Section III. A. 2 of the Lewis and Clark County Subdivision Regulations, first minor subdivisions in the East North Hills Zone District are exempt from the requirements for completion of an environmental assessment and for review for impacts on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

3. ADMINISTRATION

3.1. Variances

Variances provide relief for landowners who, due to some unique characteristic of their property, would suffer unnecessary hardship if these regulations were strictly enforced. Variances may be granted, but only as provided here.

- a. The applicant shall submit a complete and sufficient application form, the required supporting materials including a narrative evaluating the variance request under the review criteria (Section 3.1.f), and the required application fee with the Zoning Administrator.
- b. The Zoning Administrator shall determine whether the application form and supporting materials are complete and sufficient. When an application is determined incomplete or insufficient, the Zoning Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
- c. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public hearing on the agenda of next available meeting of the Lewis and Clark County Planning and Zoning Commission (Planning and Zoning Commission) for which notice requirements can be met and providing thirty-five (35) working days for processing of the application materials. Notice shall be published at least once in a newspaper of general circulation and mailed to all adjacent landowners at least fifteen (15) days prior to the public hearing. Notice shall, at a minimum, include the nature of the request and the time and place of the public hearing.
- d. The Zoning Administrator shall prepare a report that describes the proposed variance, its site, its context, and an evaluation of the request under the variance criteria in Section 3.1.f.

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- e. The Planning and Zoning Commission shall conduct a public hearing on the proposed variance. At that public hearing, the Planning and Zoning Commission shall review the particular facts and circumstances of the proposed variance and develop findings and conclusions in support of its decision.
- f. Review Criteria. The Planning and Zoning Commission shall make a recommendation to approve a variance only upon finding that:
 - 1. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested;
 - 2. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;
 - 3. The alleged hardship has not been created by action of the owner or occupants;
 - 4. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public; and,
 - 5. Granting of the variance will observe the spirit of these regulations and provide substantial justice.
- g. Conditions may be attached to the approval of any variances if:
 - 1. They are clearly designed to ensure compliance with one or more specific requirement of these or other adopted regulations;
 - 2. They are directly related to the anticipated impacts of the applicant's proposal; and
 - 3. They are roughly proportional to the anticipated impacts of the applicant's proposal.
- h. The decision on a variance shall be referred by the Planning and Zoning Commission to the BoCC with its recommendation(s) for approval, approval with conditions, or denial.
- i. The BoCC shall make its decision on the variance request following its standard procedures.
- j. The Zoning Administrator shall notify the applicant of the decision by the BoCC.

3.2. Administrative Appeals

A determination of the Zoning Administrator may be appealed to the Planning and Zoning Commission using the following procedure:

- a. The applicant shall submit a properly completed notice of appeal and supporting materials to the Zoning Administrator within thirty (30) working days after the determination was issued.
- b. The Zoning Administrator shall place a public hearing on the appeal on the agenda of the next Planning and Zoning Commission meeting for which these notice requirements can be met, and at which time will permit its proper consideration. Public notice shall be published at least once in a newspaper of general circulation and mailed to all adjacent landowners at least fifteen (15) working days prior to the public hearing. Notice shall, at a minimum, include the nature of the decision being appealed and the time and place of the public hearing.

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- c. The Zoning Administrator shall prepare a summary report that includes the determination and the surrounding circumstances, and forward it to the Planning and Zoning Commission.
- d. The Planning and Zoning Commission shall conduct a public hearing on the appeal following the procedure established in the Commission's bylaws. At the conclusion of the hearing, the Planning and Zoning Commission shall decide whether the determination being appealed is in compliance with these regulations, and affirm, modify, or overturn that determination accordingly. The Planning and Zoning Commission's decision shall be in writing and contain a summary of the facts relied on as the basis for its decision.
- e. The Planning and Zoning Commission Chairperson shall notify the applicant of the Planning and Zoning Commission's decision within ten (10) working days after it is made.

3.3. Appeals to Court of Record

Any person aggrieved by any decision of the Planning and Zoning Commission or the BoCC may, within thirty (30) working days after such decision or order, appeal to the district court as provided in Section 76-2-110, MCA.

3.4. Amendments

Any person may petition for the amendment of the East North Hills Zone District Regulations. The amendment procedure shall be as provided here and in Section 76-2-107, MCA. Amendments may also be initiated by the Planning and Zoning Commission or the Zoning Administrator, in which case steps a.1, a.2, and a.3, are not required.

a. Amendment Process for Zoning Regulations

- 1. The applicant shall submit a complete and sufficient application form, the required supporting materials, including a narrative evaluating the amendment request under the review criteria (subsection 3.4. b.), and the required application fee with the Zoning Administrator.
- 2. The Zoning Administrator shall determine whether the application for and supporting materials is complete and sufficient. When an application is determined incomplete or insufficient, the Zoning Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
- 3. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public hearing on the application for a zoning text amendment on an agenda of the Planning and Zoning Commission meeting for which notice requirements can be met, and providing thirty-five (35) working days for processing of the application materials.
- 4. The Zoning Administrator shall publish notice of the hearing in a newspaper of general circulation at least fifteen (15) working days prior to the Planning and Zoning Commission's public hearing.
- 5. The Zoning Administrator shall prepare a report that describes the proposed amendment and how it complies, or fails to comply, with the amendment criteria contained in Section 3.4.b, Amendment Criteria.
- 6. The Planning and Zoning Commission shall conduct a public hearing on the proposed amendment. At the public hearing, the Planning and Zoning Commission shall determine

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whether the proposed amendment meets the amendment criteria. The Planning and Zoning Commission shall review the particular facts and circumstances of the proposed amendment and develop findings and conclusions that support its recommendation for approval, approval with modifications, or denial.

7. The Zoning Administrator shall convey the Planning and Zoning Commission's recommendation and public comments to the BoCC and place a public hearing on the agenda of the next regular meeting for which notice and posting requirements can be met, and at which time allows for its proper consideration.
8. The BoCC shall conduct a hearing on the proposed amendment. After the public hearing, the BoCC shall review the proposals of the Planning and Zoning Commission and make any revisions or amendments that it determines to be proper.
9. At the conclusion of the amendment process, the Zoning Administrator shall notify the applicant of the decision within ten (10) working days.

b. Amendment Criteria

Zoning amendments shall be made:

1. Consistent with the East North Hills Development Pattern;
2. In accordance with the Lewis and Clark County Growth Policy and the Helena Valley Area Plan;
3. To secure safety from fire and other danger;
4. To promote public health, safety, and general welfare; and
5. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

c. Amendment Process for Zoning Map Changes

The boundary of the East North Hills Zone District shall not be amended except through the process outlined in Section 76-2-101, MCA.

4. DEFINITIONS

- 4.1. Accessory Use** – A use, building, or structure that is incidental and subordinate to and customarily found with a principal use.
- 4.2. Agriculture** – The science and art of farming, work or business of cultivating the soil, producing crops and raising livestock. Agriculture includes horticultural production of flowers, fruits, vegetables, and ornamental plants.
- 4.3. Cluster Development** – Cluster development means a subdivision with lots clustered that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.
- 4.4. Creation of New Parcels of Land** – The creation of new parcels includes but is not limited to lots or parcels created through court order (Section 76-3-201(1)(a), MCA); mortgage exemption (Section 76-3-201(1)(b), MCA); the reservation of a life estate (Section 76-3-201(1)(e), MCA); condominium

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declaration (Section 76-3-203, MCA); family transfer (Section 76-3-207(1)(b), MCA); agricultural exemption (Section 76-3-207(1)(c), MCA), and subdivision review (Section 76-3-101, MCA).

This term does not include cemetery lots, (Section 76-3-201(1)(d), MCA); lease or rental for farming and agricultural purposes (Section 76-3-201(1)(f), MCA); lots created in a location where the state does not have jurisdiction (Section 76-3-201(1)(g), MCA); or lots created for rights-of-way or utility sites (Section 76-3-201(1)(h), MCA). *Also see Parcel of land.*

- 4.5. Develop or Development** – Commercial, industrial or residential use or any combination thereof. This term does not include land to be used for agricultural production or open space.
- 4.6. Group Home** – A community residential facility housing eight (8) or fewer residents as provided for in Section 76-2-412, MCA, and licensed by or registered with the State of Montana, including a youth foster home, a kinship foster home, a youth shelter care facility, a youth group home, or a community residential facility as defined in Section 76-2-411, MCA.
- 4.7. Home day care** – A facility which provides daily care and supervision of five (5) or more but not exceeding twelve (12) children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult(s) that is registered with an appropriate state agency.
- 4.8. Home occupation** – Any use conducted on a residential property that is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character of the property. A home occupation must not: (1) involve more than the equivalent of two (2) persons, whom work on the site, and who do not live in the residence; (2) create noticeable glare, noise, odor, vibration, smoke, dust, or heat at or beyond the property line(s); or (3) generate more than an average of ten (10) additional vehicle trips per day on a weekly basis, including deliveries.
- 4.9. Lot coverage** – The percentage of a parcel of land that is covered with buildings.
- 4.10. MCA** – Montana Code Annotated, the laws of the State of Montana.
- 4.11. Parcel of land** – An individual tract of record, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the Lewis and Clark County Clerk and Recorder office. The terms parcel and lot are used interchangeably in these regulations.
- 4.12. Parent parcel** – The original tract or tracts of record from which new parcels are created.
- 4.13. Person** – Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- 4.14. Utility Sites** – Parcels of land specifically designed and used to provide a public or quasi-public service subject to special governmental regulations. Such services would typically include, but are not limited to, water tanks, electrical substations, and communications facilities.

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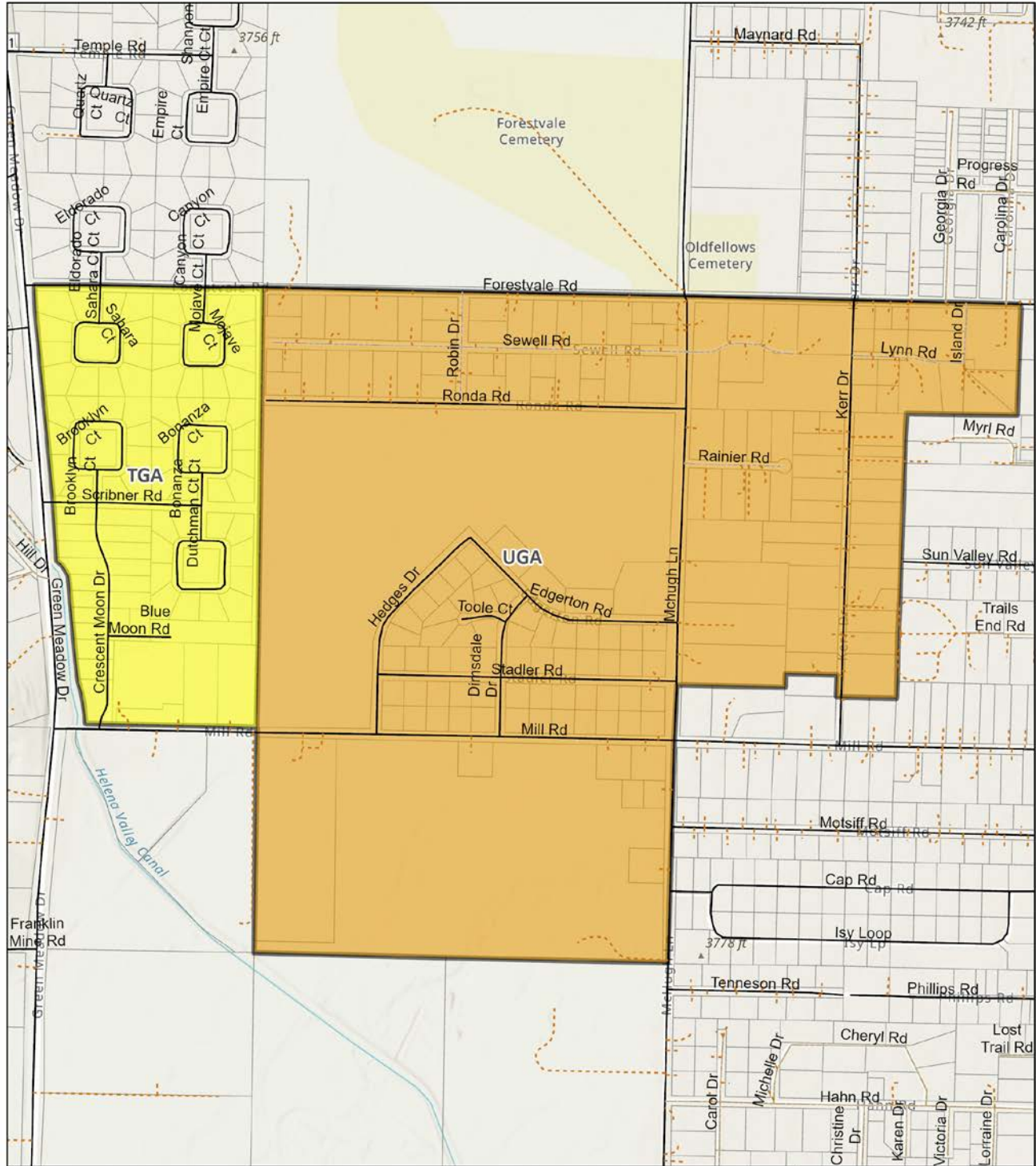
4.15. Zoning Administrator – The Director of the Lewis and Clark County Community Development and Planning Department, or designee, who is responsible for interpreting and carrying out the provisions of these regulations.



Special Zoning District No. 51: Ten Mile Alluvial Fan

SPECIAL ZONING DISTRICT NO. 51: TENMILE ALLUVIAL FAN

Resolution No.	Purpose	Adopted	Filed
Res. 2020-86	Original adoption	October 1, 2020	Book M57, Page 8993

Special Zoning District No. 51: Ten Mile Alluvial Fan



<p>Legend</p> <ul style="list-style-type: none"> District Boundary UGA TGA 	<h2>Special Zoning District No. 51</h2> <h3>Tenmile Alluvial Fan</h3>	<p>N</p> 
	<p>Lewis and Clark County Community Development and Planning Map created August 2023</p>	 <p>0 250 500 1,000 Feet</p>

Special Zoning District No. 51: Ten Mile Alluvial Fan

1. GENERAL PROVISIONS

1.1. Title

These regulations are known as the Tenmile Alluvial Fan Zone District Regulations (Special Zone District #51).

1.2. Authority

These regulations are adopted under the authority of Section 76-2-101, MCA and Section 76-2-107, MCA.

1.3. Purpose

The purpose of these regulations is to implement the development pattern for the Tenmile Alluvial Fan neighborhood that is consistent with the adopted Tenmile Alluvial Fan Neighborhood Plan and the policy recommendations of the Lewis and Clark County Growth Policy and its Helena Valley Area Plan Update (2015). Additionally, these regulations are intended to:

- a. Accommodate and protect high-density, residential development, along with low-density, residential development in Special Flood Hazard Areas or areas with density constraints;
- b. Enhance the aesthetic character of the area;
- c. Protect public health, safety, and welfare of residents; and
- d. Protect property values of residents.

1.4. Applicability

These regulations apply to the creation of parcels of land and to uses of land and structures within the Tenmile Alluvial Fan Zone District as established on the official Tenmile Alluvial Fan Zone District Map attached as Exhibit A.

1.5. Compliance Required

No parcel of land shall be created, and no uses of land or structures shall be conducted unless in conformance with these zoning regulations.

1.6. Conflict with Other Laws & Severability

Whenever the requirements of these regulations are in conflict with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing higher standards, shall govern. If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, the remaining regulations will remain in effect, and be construed as if the invalid portion was never a part of the regulations.

1.7. Vested Rights

A vested right is the right to proceed with the creation of one or more new parcels of land or building project that is in compliance with previous regulations or approvals. For subdivisions or exemptions from the Montana Subdivision and Platting Act and the Lewis and the Clark County Subdivision Regulations, a vested right to proceed with the creation of one or more new parcels of land shall be established by obtaining a letter of sufficiency for a subdivision application, or concept approval for the use of an exemption from subdivision review by the Survey Review Committee, prior to the date of adoption of these regulations. Vested rights terminate when a subdivision approval period expires without the applicant submitting a complete application for final approval or when the concept approval period expires for the proposed subdivision exemption.

Special Zoning District No. 51: Ten Mile Alluvial Fan

1.8. Continuation of Nonconforming Parcels and Uses

All parcels and uses of land that exist at the time of adoption of these regulations may continue in conformance with all local, state, or federal laws and regulations. Expansions of non-conforming uses are expressly prohibited.

1.9. Private Agreements

Adoption of these regulations does not nullify easements, covenants, and similar private agreements, but where any such agreement imposes requirements less restrictive than those adopted herein, the requirements of these regulations apply.

1.10. Interpretation

The language of these regulations must be read literally. These regulations are no more or less strict than stated. In the event a question arises concerning any provision or the application of any provision of these regulations, the Zoning Administrator shall be responsible for such interpretation and will look to the overall purpose of these regulations and the Lewis and Clark County Growth Policy and its Helena Valley Area Plan Update (2015) for guidance. Any person who disputes the interpretation of the Zoning Administrator, may appeal the Administrator's decision using the procedure in Section 3.2, Administrative Appeals.

1.11. Requirements Minimum

All requirements of these regulations shall be interpreted as the minimum necessary to protect the public health, safety, and general welfare. These regulations are designed for consistency with the Lewis and Clark County Growth Policy and its Helena Valley Area Plan Update (2015), and the Tenmile Alluvial Fan Neighborhood Plan, and should be interpreted to achieve their goals, objectives, policies, and strategies.

2. ZONE DISTRICT AND MAP

2.1. Zone District

The following zone district and its boundaries, as shown on the official Tenmile Alluvial Fan Zone District Map (Exhibit A), are established:

- a. Tenmile Alluvial Fan Zone District.

2.2. Zone District Map

The Tenmile Alluvial Fan Zone District Map is adopted by reference as part of these regulations. The most recently adopted, official copy of that map shall be maintained for public inspection at the office of the Zoning Administrator.

2.3. Zone District Boundaries

When definite distances or boundaries are not shown on the Tenmile Alluvial Fan Zone District Map, the following rules apply:

- a. Boundaries indicated as approximately following the right-of-way or centerlines of roads, highways, trails, pathways, or alleys shall be construed to follow such rights-of-way or centerlines.
- b. Boundaries indicated as approximately following municipal limits shall be construed as following those boundaries.

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- c. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- d. Boundaries indicated as approximately following centerlines of lakes, streams, rivers, canals, irrigation ditches or other bodies of water or other physical features shall be construed as following such centerlines.

Any person who disputes the location of a zone district boundary, as interpreted by the Zoning Administrator, may appeal the Administrator's decision using the procedure in Section 3.2, Administrative Appeals.

2.4. Zone District Regulations

a. Maximum and Minimum Parcel Size

- 1. Density in the district is being determined by the guidance provided in the County Growth Policy and its Helena Valley Area Plan Update (2015), which describes the District as being partially located in both the Urban Growth Area and the Transitional Growth Area. See the official Tenmile Alluvial Fan Zone District Map (Exhibit A) for the location of each area.
- 2. The following densities in the District are allowed:
 - a. Urban Growth Area (UGA):
 - i. No minimum lot size in areas outside of a Special Flood Hazard Area.
 - ii. Ten (10) acre minimum lot size for lots containing any Special Flood Hazard Areas.
 - b. Transitional Growth Area (TGA):
 - i. ¼-acre minimum lot size.
- 3. In the case where parcels of any size exist at the time of adoption of these regulations, the boundaries between parcels may be relocated to result in one or more parcels with less than the minimum parcel sizes stated in Section 2.4.a.2., provided that there is no net increase in the number of developable lots.

b. Land Uses

The following uses of land are expressly allowed:

- 1. UGA:
 - a. Accessory uses.
 - b. Bed and breakfasts.
 - c. Condominiums (up to a four-plex).
 - d. Group homes.
 - e. Home day cares.
 - f. Home occupations.
 - g. Multiple-dwelling unit residences.
 - i. Tri-plexes
 - ii. Four-plexes

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- h. Parks and trails.
- i. Professional services.
- j. Single-dwelling unit residences.
- k. Townhomes.
- l. Two-dwelling unit residences.

All other land uses are expressly prohibited in the UGA.

2. TGA:

- a. Accessory uses.
- b. Agriculture.
- c. Group homes.
- d. Home day cares.
- e. Home occupations.
- f. Parks and trails.
- g. Single-dwelling unit residences.

All other land uses are expressly prohibited in the TGA. In addition, only one (1) single-dwelling unit residence or group home is allowed on each parcel.

c. Space and Bulk Standards

- 1. Lots under ¼-acre in size:
 - a. Minimum building setback from property lines and road rights-of-way: 10 feet.
 - b. Maximum building height: 24 feet.
 - c. Maximum lot coverage: 30%.
- 2. Lots ¼-acre and larger in size:
 - a. Minimum building setback from property lines and road rights-of-way: 15 feet.
 - b. Maximum building height: 35 feet.
 - c. Maximum lot coverage: 25%.

d. Special Flood Hazard Area Standards

Residential, commercial, and accessory structures are prohibited within Special Flood Hazard Areas.

e. Ephemeral Channel Standards

There are ephemeral channels located within the Zone District that are capable of carrying stormwater and floodwaters. See Exhibit B for the approximate location of these channels. Any construction within these channels that would reduce the capacity of the channels to carry or hold stormwater or floodwaters is prohibited. Prior to any construction within or adjacent to

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these drainages, a property owner must contact the County Public Works Department to determine the exact location of the channel(s). If a proposed construction project would be located within a channel, the property owner shall work with the Department staff to determine if the proposed project will impact the stormwater or floodwaters capacity of the channel. This may require a property owner/applicant to provide a hydrology and hydraulic analysis to verify no impact. If the Department determines that the proposed work will reduce the capacity of the channel, the construction project will be prohibited.

3. ADMINISTRATION

3.1. Variances

Variances provide relief for landowners who, due to some unique characteristic of their property, would suffer unnecessary hardship if these regulations were strictly enforced. Variances may be granted, but only as provided here.

- a. The applicant shall submit a complete and sufficient application form, the required supporting materials including a narrative evaluating the variance request under the review criteria (Section 3.1.f), and the required application fee with the Zoning Administrator.
- b. The Zoning Administrator shall determine whether the application form and supporting materials are complete and sufficient. When an application is determined to be incomplete or insufficient, the Zoning Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
- c. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public hearing on the agenda of the next available meeting of the Lewis and Clark County Planning and Zoning Commission (Planning and Zoning Commission) for which notice requirements can be met and providing thirty-five (35) working days for processing of the application materials. Notice shall be published at least once in a newspaper of general circulation and mailed to all adjacent landowners at least fifteen (15) days prior to the public hearing. Notice shall, at a minimum, include the nature of the request and the time and place of the public hearing.
- d. The Zoning Administrator shall prepare a report that describes the proposed variance, its site, its context, and an evaluation of the request under the review criteria in Section 3.1.f.
- e. The Planning and Zoning Commission shall conduct a public hearing on the proposed variance. At that public hearing, the Planning and Zoning Commission shall review the particular facts and circumstances of the proposed variance and develop findings and conclusions in support of its decision.
- f. Review Criteria. The Planning and Zoning Commission shall make a recommendation to approve a variance only upon finding that:
 1. The need for a variance results from physical limitations or unique circumstances related to the lot or parcel on which the variance is requested.
 2. The failure to approve the variance will result in undue hardship because without a variance, strict compliance with the terms of these regulations will limit the reasonable use of the property and deprive the applicant of the rights enjoyed by other properties similarly situated in the district;
 3. The alleged hardship has not been created by action of the owner or occupants.

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4. Approval of the variance will not have a substantial adverse impact on neighboring properties or the public; and
 5. Granting of the variance will observe the spirit of these regulations and provide substantial justice.
- g. Conditions may be attached to the approval of any variance if:
1. They are clearly designed to ensure compliance with one or more specific requirement(s) of these or other adopted regulations; or
 2. They are roughly or directly related to the anticipated impacts of the applicant's proposal.
- h. The decision on a variance shall be referred by the Planning and Zoning Commission to the Board of County Commissioners (BoCC) with its recommendation(s) for approval, approval with conditions, or denial.
- i. The BoCC shall make its decision on the variance request following its standard procedures.
- j. The Zoning Administrator shall notify the applicant of the decision by the BoCC.

3.2. Administrative Appeals

A determination of the Zoning Administrator may be appealed to the Planning and Zoning Commission using the following procedure:

- a. The applicant shall submit a properly completed notice of appeal and supporting materials to the Zoning Administrator within thirty (30) working days after the determination was issued.
- b. The Zoning Administrator shall place a public hearing on the appeal on the agenda of the next Planning and Zoning Commission meeting for which these notice requirements can be met, and at which time will permit its proper consideration. Public notice shall be published at least once in a newspaper of general circulation and mailed to all adjacent landowners at least fifteen (15) working days prior to the public hearing. Notice shall, at a minimum, include the nature of the decision being appealed and the time and place of the public hearing.
- c. The Zoning Administrator shall prepare a summary report that includes the determination and the surrounding circumstances and forward it to the Planning and Zoning Commission.
- d. The Planning and Zoning Commission shall conduct a public hearing on the appeal following the procedure established in the Commission's bylaws. At the conclusion of the hearing, the Planning and Zoning Commission shall decide whether the determination being appealed is in compliance with these regulations, and affirm, modify, or overturn that determination accordingly. The Planning and Zoning Commission's decision shall be in writing and contain a summary of the facts relied on as the basis for its decision.
- e. The Planning and Zoning Commission Chairperson shall notify the applicant of the Planning and Zoning Commission's decision within ten (10) working days after it is made.

3.3. Appeals to Court of Record

Any person aggrieved by any decision of the Planning and Zoning Commission or the BoCC may, within thirty (30) working days after such decision or order, appeal to the district court as provided in Section 76-2-110, MCA.

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3.4. Amendments

Any person may petition for the amendment of the Tenmile Alluvial Fan Zone District Regulations. The amendment procedure shall be as provided here and in Section 76-2-107, MCA. Amendments may also be initiated by the Planning and Zoning Commission or the Zoning Administrator, in which case steps a.1, a.2, and a.3, are not required.

a. Amendment Process for Zoning Regulations

1. The applicant shall submit a complete and sufficient application form, the required supporting materials, including a narrative evaluating the amendment request under the review criteria (subsection 3.4.b.), and the required application fee with the Zoning Administrator.
2. The Zoning Administrator shall determine whether the application for and supporting materials is complete and sufficient. When an application is determined to be incomplete or insufficient, the Zoning Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
3. When the application is determined to be complete and sufficient, the Zoning Administrator shall schedule a public hearing on the application for a zoning text amendment on an agenda of the Planning and Zoning Commission meeting for which notice requirements can be met, and providing thirty-five (35) working days for processing of the application materials.
4. The Zoning Administrator shall publish notice of the hearing in a newspaper of general circulation at least fifteen (15) working days prior to the Planning and Zoning Commission's public hearing.
5. The Zoning Administrator shall prepare a report that describes the proposed amendment and how it complies, or fails to comply, with the amendment criteria contained in Section 3.4.b, Amendment Criteria.
6. The Planning and Zoning Commission shall conduct a public hearing on the proposed amendment. At the public hearing, the Planning and Zoning Commission shall determine whether the proposed amendment meets the amendment criteria. The Planning and Zoning Commission shall review the particular facts and circumstances of the proposed amendment and develop findings and conclusions that support its recommendation for approval, approval with modifications, or denial.
7. The Zoning Administrator shall convey the Planning and Zoning Commission's recommendation and public comments to the BoCC and place a public hearing on the agenda of the next regular meeting for which notice and posting requirements can be met, and at which time allows for its proper consideration.
8. The BoCC shall conduct a hearing on the proposed amendment. After the public hearing, the BoCC shall review the proposals of the Planning and Zoning Commission and make any revisions or amendments that it determines to be proper.
9. At the conclusion of the amendment process, the Zoning Administrator shall notify the applicant of the decision within ten (10) working days.

b. Amendment Criteria

Zoning amendments shall be made:

1. Consistent with the Tenmile Alluvial Fan Neighborhood Plan.

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2. In accordance with the Lewis and Clark County Growth Policy and its Helena Valley Area Plan Update (2015).
3. To secure safety from fire and other danger.
4. To promote public health, safety, and general welfare; and
5. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

c. Amendment Process for Zoning Map Changes

The boundary of the Tenmile Alluvial Fan Zone District shall not be amended except through the process outlined in Section 76-2-101, MCA.

4. DEFINITIONS

4.1. Accessory Use – A use, building, or structure that is incidental and subordinate to and customarily found with a principal use.

4.2. Agriculture – The science and art of farming, work, or business of cultivating the soil, producing crops, and raising livestock. Agriculture includes horticultural production of flowers, fruits, vegetables, and ornamental plants. This definition does not include uses such as concentrated animal feeding operations (CAFO) or similar activities.

4.3. Bed and Breakfast - A private residence other than a hotel, motel, or multiple-unit dwelling, with no more than eight (8) guestrooms used for temporary accommodation of guests for compensation, and that may serve meals to its guests.

4.4. Building Height – means the vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet, or wall), excluding minor projections above that point.

4.5. Condominium - A legal form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units. The term does not include a townhome, a townhouse, a community land trust, or a housing unit located on land belonging to a community land trust.

4.6. Creation of New Parcels of Land – The creation of new parcels includes, but is not limited to, lots or parcels created through court order (Section 76-3-201(1)(a), MCA); mortgage exemption (Section 76-3-201(1)(b), MCA); the reservation of a life estate (Section 76-3-201(1)(e), MCA); condominium declaration (Section 76-3-203, MCA); family transfer (Section 76-3-207(1)(b), MCA); agricultural exemption (Section 76-3-207(1)(c), MCA), and subdivision review (Section 76-3-101, MCA).

This term does not include cemetery lots, (Section 76-3-201(1)(d), MCA); lease or rental for farming and agricultural purposes (Section 76-3-201(1)(f), MCA); lots created in a location where the state does not have jurisdiction (Section 76-3-201(1)(g), MCA); or lots created for rights-of-way or utility sites (Section 76-3-201(1)(h), MCA). *Also see Parcel of land.*

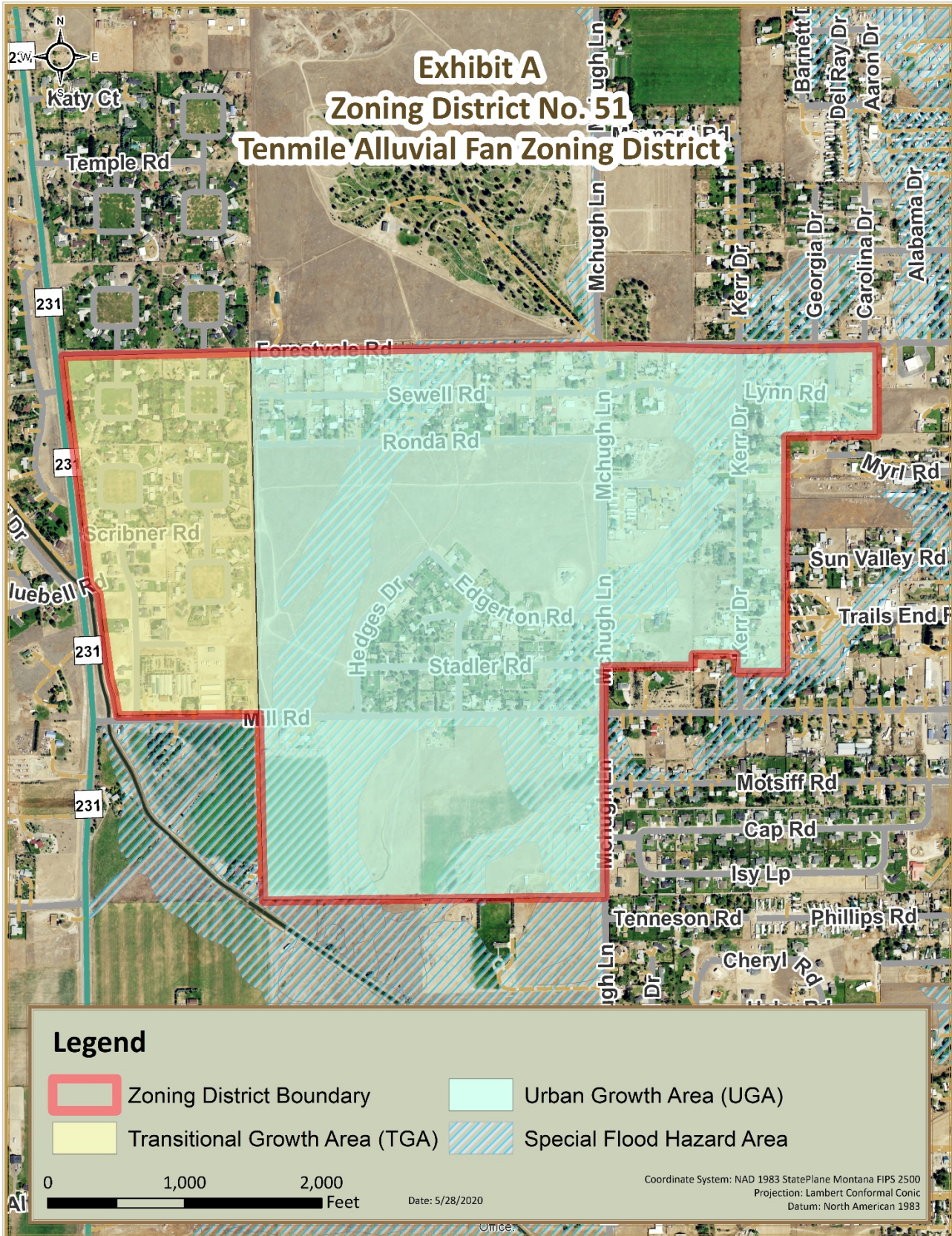
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- 4.7. Develop or Development** – Commercial, industrial, or residential use or any combination thereof. This term does not include land to be used for agricultural production or open space.
- 4.8. Dwelling Unit** - Any building, or portion thereof, designed to provide complete, independent, and permanent living facilities for one family.
- 4.9. Ephemeral Channel** – A topographic feature in which water flows only in direct response to flooding or precipitation.
- 4.10. Family** - One or more persons related by blood, marriage, or adoption, and/or a group of persons, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.
- 4.11. Group Home** – A community residential facility housing eight (8) or fewer residents as provided for in Section 76-2-412, MCA, and licensed by or registered with the State of Montana, including a youth foster home, a kinship foster home, a youth shelter care facility, a youth group home, or a community residential facility as defined in Section 76-2-411, MCA.
- 4.12. Home Day Care** – A facility which provides daily care and supervision of five (5) or more, but not exceeding twelve (12) children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult(s), that is registered with an appropriate state agency.
- 4.13. Home Occupation** – Any use conducted on a residential property that is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character of the property. A home occupation must not: (1) involve more than the equivalent of two persons, whom work on the site, and who do not live in the residence; (2) create noticeable glare, noise, odor, vibration, smoke, dust, or heat at or beyond the property line(s); or (3) generate more than an average of ten additional vehicle trips per day on a weekly basis, including deliveries.
- 4.14. Lot Coverage** – The percentage of a parcel of land that is covered with buildings.
- 4.15. MCA** – Montana Code Annotated, the laws of the State of Montana.
- 4.16. Multiple-Dwelling Unit Residence** - A single building containing three (3) or four (4) dwelling units for occupancy by three (3) or four (4) families living separately from each other, including condominiums and townhomes.
- 4.17. Parcel of land** – An individual tract of record, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the Lewis and Clark County Clerk and Recorder’s office. The terms parcel and lot are used interchangeably in these regulations.
- 4.18. Parent parcel** – The original tract or tracts of record from which new parcels are created.

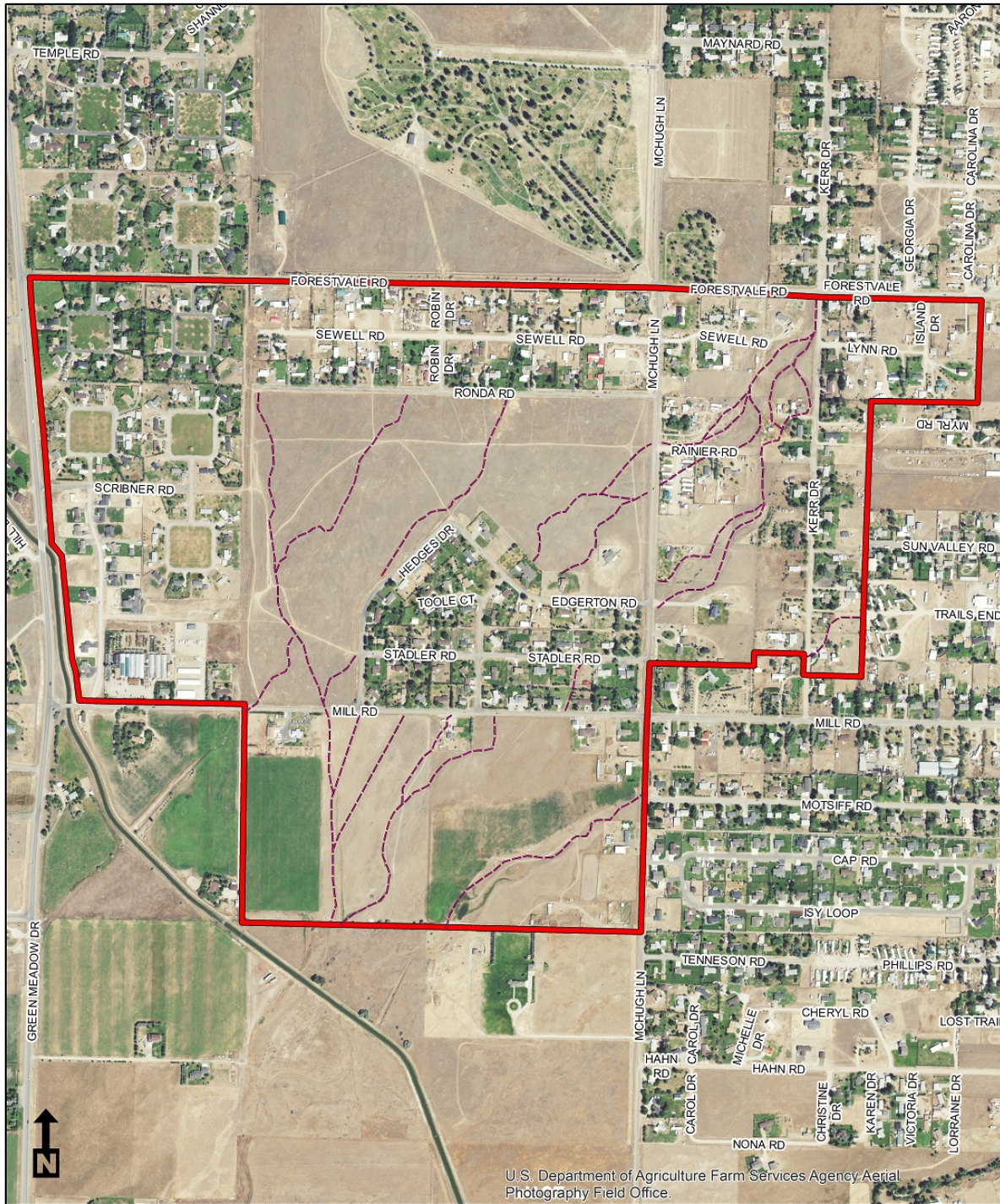
Special Zoning District No. 51: Ten Mile Alluvial Fan

- 4.19. Person** – Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- 4.20. Professional Services:** Professional services where customers come to the property for the service, including engineering, accounting, legal, architectural, real estate, insurance, photography, hairstyling and pet grooming.
- 4.21. Setback** - The required separation between a lot line and a building or structure.
- 4.22. Single-Dwelling Unit Residence** - A single building situated on one lot that contains one dwelling unit for residential occupancy by one family. This includes manufactured homes, factory-built homes, homes built on site, and townhouses.
- 4.23. Special Flood Hazard Areas** - Flood hazard areas identified on the Flood Insurance Rate Maps for the District are known as Special Flood Hazard Areas (SFHAs). SFHAs are defined as the area that will be inundated by a flood event having a one (1 %) percent chance of being equaled or exceeded in any given year.
- 4.24. Townhome** – Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities. Also referred to as a Townhouse.
- 4.25. Two-Dwelling Unit Residence** - A single building situated on one lot that contains two (2) dwelling units for occupancy by two (2) families living separately from each other, also known as a Duplex Dwelling Unit Residence, or two buildings situated on one lot that each contain one dwelling unit for occupancy by one family.
- 4.26. Utility Sites** – Parcels of land specifically designed and used to provide a public or quasi-public service subject to special governmental regulations. Such services would typically include, but are not limited to, water tanks, electrical substations, and communications facilities.
- 4.27. Zoning Administrator** – The Director of the Lewis and Clark County Community Development and Planning Department, or designee, who is responsible for interpreting and carrying out the provisions of these regulations.

Special Zoning District No. 51: Ten Mile Alluvial Fan



Special Zoning District No. 51: Ten Mile Alluvial Fan



U.S. Department of Agriculture Farm Services Agency Aerial
Photography Field Office.



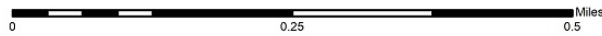
-  Zoning District 51
-  Ephemeral Channels

Exhibit B Ephemeral Channels



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