

RESOLUTION 2022 - 103

**A RESOLUTION OF INTENTION TO ADOPT AMENDMENTS TO THE
HELENA VALLEY ZONING REGULATIONS**

WHEREAS, on November 19, 2020, the Lewis and Clark County Board of Commissioners (Board) adopted the Helena Valley Zoning Regulations pursuant to Resolution No. 2020-97; and

WHEREAS, the Board adopted Resolution 2020-98 on November 19, 2020, which formed and adopted the Helena Valley Planning Area – Blue Ribbon Panel (Panel) and its By-Laws; and

WHEREAS, the Board adopted Resolution 2021-8 on January 26, 2021, to amend Resolution 2020-98 and the By-Laws of the Panel; and

WHEREAS, the purpose of this Panel was to assist the Community Development and Planning Department Staff (Staff) with a possible option(s) to the approved 10-acre minimum lot size/density parameters for the Rural Residential Mixed-Use Zone District, along with concept recommendations for crafting regulations in the approved Urban and Suburban Residential Mixed-Use Zone Districts; and

WHEREAS, on February 25, 2022, after meeting generally twice a month for over a year, the Panel moved for the consideration of amendments to both the Rural and Urban Residential Mixed-Use Zone Districts based upon a super-majority vote (9-3 in favor of the vote). A motion for the consideration of amendments to the Suburban Residential Mixed-Use Zone District failed to receive a super majority vote (7-5 in favor of the vote); and

WHEREAS, the Planning Board held a work session on September 13, 2022, and a public meeting on September 15, 2022, to receive input and comments from interested or affected users, citizens, persons, associations, corporations, and/or companies; and

WHEREAS, on September 15, 2022, the Planning Board passed and adopted Resolution 2022-02, attached hereto, and incorporated herein, as Exhibit–A, which identifies the Planning Board's written report of recommendations to the Board regarding the proposed amendments to the Helena Valley Zoning Regulations; and

WHEREAS, on October 11, 2022, October 19, 2022, and October 27, 2022, Staff hosted three (3) open houses to answer questions and listen to suggested alternatives to the proposed amendments to the Helena Valley Zoning Regulations from interested or affected users, citizens, persons, associations, corporations and/or companies; and

WHEREAS, it is the intention and desire of the Board to approve and adopt the proposed amendments to the Helena Valley Zoning Regulations, as amended by the Board; and

WHEREAS, the Board is authorized to amend the Helena Valley Zoning Regulations in Lewis and Clark County (County), as set forth in Section 76-2-201, MCA; and

WHEREAS, the proposed amendments to the Helena Valley Zoning Regulations are consistent with Section 76-2-202, MCA; and



WHEREAS, the proposed amendments to the Helena Valley Zoning Regulations are consistent with Section 76-2-203, MCA; and

WHEREAS, the Board is authorized to approve and adopt a Resolution of Intention to amend the Helena Valley Zoning Regulations, as established under Section 76-2-205, MCA; and

WHEREAS, all required types and forms of legal notice for the public hearing regarding the proposed amendments to the Helena Valley Zoning Regulations have been provided in compliance with Section 76-2-205, MCA; and

WHEREAS, on November 1, 2022, the Board held a duly noticed public hearing regarding the proposed amendments to the Helena Valley Zoning Regulations; and

WHEREAS, the Board continued the public hearing to November 10, 2022, regarding the proposed amendments to the Helena Valley Zoning Regulations; and

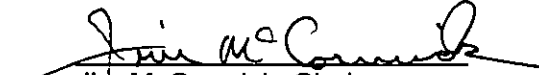
WHEREAS, the Board carefully reviewed and weighed the Staff Report (dated October 26, 2022) along with the Staff presentations and all attachments, including the proposed amendments to the Regulations; the recommendation from the Planning Board; and all public testimony, input, comments, and information from interested or affected users, citizens, persons, associations, corporations, and/or companies provided as a part of the public process regarding the proposed amendments to the Helena Valley Zoning Regulations.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners:


1. That the Board does hereby establish its intention to amend the Zoning Regulations for the Helena Valley, as shown on Exhibit-B, attached hereto and made a part hereof.
2. That the Board shall cause Public Notice of the passage of this Resolution of Intention, along with information regarding the 30-day period in which they may receive written comments to the amendments of the Helena Valley Zoning Regulations, as set forth in Section 76-2-205, MCA.
3. That the Board may adopt a Resolution to Amend the Helena Valley Zoning Regulations within 30 days after the expiration of the above noted 30-day comment period as set forth in Section 76-2-205, MCA.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 10th Day of November, 2022.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair




Amy Reeves, Clerk to the Board

Attachments:

- Exhibit - A (Planning Board Resolution No. 2022-02)
- Exhibit - B (Amendments to the Helena Valley Zoning Regulations)

Exhibit-A

RESOLUTION 2022 - 02

A RESOLUTION OF THE CONSOLIDATED CITY AND COUNTY PLANNING BOARD TO RECOMMEND AMENDMENTS TO THE HELENA VALLEY ZONING REGULATIONS

WHEREAS, on November 19, 2020, the Board of County Commissioners (Board) adopted the Helena Valley Zoning Regulations pursuant to Resolution 2020-97; and

WHEREAS, the Board adopted Resolution 2020-98 on November 19, 2020, which formed and adopted the Helena Valley Planning Area – Blue Ribbon Panel (Panel) and its By-Laws; and

WHEREAS, the Board adopted Resolution 2021-8 on January 26, 2021, to amend Resolution 2020-98 regarding the By-Laws of the Panel; and

WHEREAS, the purpose of the Panel was to assist Community Development and Planning Staff (Staff) with concept recommendations on crafting the regulations for the approved Urban and Suburban Residential Mixed-use Zone Districts, along with possible options to the approved 10-acre minimum lot size/density requirements for the Rural Residential Mixed-use Zone District; and

WHEREAS, on February 25, 2022, after meeting generally twice a month for over a year, the Panel moved for the consideration of amendments to both the Urban and Rural Residential Mixed-use Districts based upon a super-majority vote (9-3 in favor of the amendments); however, a motion for the consideration of amendments to the Suburban Residential Mixed-use District failed to receive a super majority vote (7-5 in favor of the amendments). A record of the motions and votes by the Panel, as well as a Memorandum from the Panel regarding recommendations to successfully implement zoning, are attached to this Resolution under Exhibit A; and

WHEREAS, on March 3, 2022, Staff presented the Panel's motions, and following that presentation, the Board tasked the Consolidated City of Helena and Lewis and Clark County Planning Board (Planning Board) with making an advisory recommendation regarding amendments to the Helena Valley Zoning Regulations, as set forth in Section 76-2-204, MCA. Specifically, the Planning Board was charged with holding a meeting(s) to consider amendments to the Helena Valley Zoning Regulations consistent with State statutes and the Lewis and Clark County Growth Policy: Helena Valley Area Plan; and

WHEREAS, on July 12, 2022, the Board adopted amendments to the Helena Valley Zoning Regulations pursuant to Resolution 2022-51; and

WHEREAS, on September 13, 2022, the Planning Board held a public work session regarding proposed amendments to Section 2 (General Requirements and Exceptions), Section 3 (Definitions), Section 7 (Rural Residential Mixed-use District), Section 8 (Suburban Residential Mixed-use District), Section 9 (Urban Residential Mixed-use District), and Appendix - A (Draft Zoning Map) of the Helena Valley Zoning Regulations; and

WHEREAS, on September 15, 2022, the Planning Board held a public meeting to consider recommendations regarding proposed amendments to the Helena Valley Zoning Regulations as presented by Staff, and to take public comment regarding these proposed amendments; and

Exhibit-A

WHEREAS, the Planning Board reviewed and considered the proposed amendments to the Helena Valley Zoning Regulations and draft map, along with all public comments and information obtained through the public meeting process regarding these proposed amendments; and

WHEREAS, the Planning Board acknowledges that the criteria listed in 76-2-203(1), MCA for establishing zoning regulations have been satisfactorily addressed as identified in the Staff Report dated September 15, 2022, regarding the proposed amendments to the Helena Valley Zoning Regulations; and

WHEREAS, the Planning Board took action regarding the proposed amendments to the Helena Valley Zoning Regulations.

NOW THEREFORE BE IT RESOLVED by the Planning Board:

That the Consolidated City of Helena and Lewis and Clark County Planning Board does hereby recommend to the Lewis and Clark County Board of Commissioners the proposed amendments to the Helena Valley Zoning Regulations and map as presented by Staff, amended by the Planning Board, and as shown on Exhibit B, attached hereto.

PASSED AND APPROVED BY THE PLANNING BOARD on this 15th Day of September, 2022.

CONSOLIDATED CITY OF HELENA AND LEWIS AND CLARK COUNTY PLANNING BOARD:



Quinlan O'Connor, Chair

Attest:



Amy Reeves, Clerk of the Board

Attachments:

Exhibit A: Zoning Advisory Panel Motions and Votes from February 25, 2022 Meeting and Memorandum from the Zoning Advisory Panel Regarding Recommendations to Successfully Implement Zoning

Exhibit B: Amendments to Sections 2, 3, 7, 8, and 9, and Appendix - A of the Helena Valley Zoning Regulations dated September 9, 2022

Exhibit-A

EXHIBIT A (to Resolution 2022-02)

Zoning Advisory Panel Motions and Votes from February 25, 2022 Meeting and
Memorandum from the Zoning Advisory Panel Regarding Recommendations to
Successfully Implement Zoning

Exhibit-A

Exhibit-A



316 North Park Avenue, Helena, Montana 59623

ZONING ADVISORY PANEL

Motions & Votes: Meeting Minutes

Meeting Date and Time: February 25, 2022, 9:00 a.m. to 1:00 p.m.

Location: Meeting Held Electronically Via Zoom

Board Members Present:

Tyler Emmert
David Brown
Joyce Evans
Kim Smith
Jacob Kuntz
Mark Runkle
Shane Shaw
Dustin Ramoie
Lois Steinbeck
Pat Keim
Archie Harper
John Rausch

Board Members Absent:

None

County Staff Present:

Greg McNally, Planner III
Lindsay Morgan, Planner III

Moderators Present:

Dr. Eric Austin
Lucia Stewart

MOTION & VOTES ONLY

Urban Residential Mixed-Use Zoning District

Motion:

Pat Keim: I move to forward the draft Urban Residential Mixed-Use Zone District regulations to the Lewis & Clark County Commission for consideration, with the understanding that these draft regulations be reviewed and discussed by the public in a robust information and comment process in addition to the public comment that will be taken at the Joint City/County Planning Board and the Commission meetings, that zoning districts and application of minimum or maximum lot sizes be clearly delineated on maps available as part of the public process, and that a draft of funding mechanisms to support extension of urban infrastructure be available as part of the public process.

Secretary Lois Steinbeck: 2nd the motion

Exhibit-A

Motion Passes: 9-3.

For: David Brown, Lois Steinbeck, Joyce Evans, Archie Harper, Dustin Ramoie, Mark Runkle, Jacob Kuntz, Pat Keim, Kim Smith

Against: Tyler Emmert, Shane Shaw, John Rausch

Suburban Residential Mixed-Use Zoning District

Motion:

Pat Keim: I move to forward the draft Suburban Residential Mixed-Use Zone District regulations to the Lewis & Clark County Commission for consideration, with the recommendation that these draft regulations be considered by the public in a robust information and comment process in addition to the public comment that will be taken at the Joint City/County Planning Board and the Commission meetings and that zoning districts and application of minimum or maximum lot sizes be clearly delineated on maps accompanying the draft regulations.

Secretary Lois Steinbeck: 2nd the motion

Motion Failed: 7-5.

For: Lois Steinbeck, Joyce Evans, Archie Harper, Dustin Ramoie, Mark Runkle, Jacob Kuntz, Pat Keim

Against: David Brown, Tyler Emmert, Kim Smith, Shane Shaw, John Rausch

Motion:

Tyler Emmert: I move to recommend that the Lewis & Clark County Commissioners hire an independent consultant to assist in drafting the Suburban Residential Mixed-use zoning regulations.

Kim Smith: 2nd the motion

Motion Failed: 2-10.

For: Tyler Emmert, Kim Smith

Against: David Brown, Shane Shaw, John Rausch, Lois Steinbeck, Joyce Evans, Archie Harper, Dustin Ramoie, Mark Runkle, Jacob Kuntz, Pat Keim

Rural Residential Mixed-Use Zoning District

Motion:

Secretary Lois Steinbeck: I move to forward the draft Rural Zoning District with the changes that were recommended by Planning Staff to the Lewis & Clark County Commission for consideration, with the recommendation that the regulations be considered in a robust public process and that maps be refined to clearly delineate where the 10-acre minimum lot size would be applied.

Joyce Evans: 2nd the motion

Exhibit-A



316 North Park Avenue, Helena, Montana 59623

DATE: February 25, 2022
TO: Lewis and Clark County Commissioners
FROM: The Zoning Advisory Panel
RE: Recommendations to Successfully Implement Zoning

Zoning Advisory Panel (ZAP) members thank Lewis and Clark County Commissioners for the opportunity to comment on County Planning Staff draft regulations on two zoning districts (Urban Residential Mixed-Use Zone District and Suburban Residential Mixed-Use Zone District) and the 10-acre minimum lot size included in the Rural Residential Mixed-Use District. During the study period, ZAP identified several policy issues related to successful implementation of zoning in the County and would like to forward these recommendations and observations to the Commission for consideration during deliberations on zoning and for the most successful implementation of any zoning regulations adopted.

1. Ensure a Robust Public Information and Comment Process

ZAP took public comment at every meeting and received voluminous written comment over the study period. However, most of the public comment came from a limited number of organizations and individuals. Although there will be public comment at the Joint City/County Planning Board and County Commission meetings when zoning regulations are considered, ZAP believes the public input process should be more robust, including public information and education. There is still confusion about zoning despite public meetings and local press coverage over the last several years. For instance, some persons do not understand that existing uses not in conformance with proposed zoning regulations would be grandfathered in as conforming uses. Some people believe they would have to move businesses, residences, or other facilities if zoning were implemented. It is vitally important that the public involvement process be one where all people feel comfortable and safe in presenting their views. Some of the unused funding allocated for ZAP could be used for this process.

2. Integrate a Way for Emergency Services to Easily Locate on Smaller Lot Sizes in Certain Areas

Some areas may be zoned for a 10-acre minimum lot size. However, most emergency services facilities require only one to three acres. There is an extra cost and attendant maintenance for too large a parcel that would be burdensome. ZAP recommends a clear process to facilitate approval of a smaller parcel size for location of emergency services facilities in areas zoned for a 10-acre minimum lot size.

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Amendment:

Pat Keim: I move to amend the motion stating the County Commissioners should consider additional zoning classifications in the Rural Zoning District and when doing so, seek input from agricultural interests.

Kim Smith: 2nd the motion

Amendment Passed: 9-3.

For: Kim Smith, Tyler Emmert, Lois Steinbeck, Joyce Evans, Archie Harper, Mark Runkle, Jacob Kuntz, Shane Shaw, Pat Keim

Against: David Brown, Dustin Ramoie, John Rausch

Vote on Motion as Originally Amended Passed: 9-3.

For: Lois Steinbeck, Joyce Evans, Archie Harper, Dustin Ramoie, Mark Runkle, Jacob Kuntz, Kim Smith, Pat Keim, David Brown

Against: Tyler Emmert, Shane Shaw, John Rausch

Letter of Recommendations to the County Commissioners

Pat Keim: I move to adopt the letter of recommendation

David Brown: 2nd the motion

Amendment Passed: 9-0.

For: Kim Smith, Lois Steinbeck, Joyce Evans, Archie Harper, Mark Runkle, Pat Keim, David Brown, Dustin Ramoie, John Rausch

Absent: Jacob Kuntz, Shane Shaw, Tyler Emmert

Exhibit-A

3. Facilitate and Monitor Progress on Enhanced Cooperation and Coordination Between County and City Governments and Private Organizations

Zoning will create opportunities and the need for close cooperation between the County and City governments and private organizations and individuals, particularly in the Urban Residential Mixed-Use Zone District. ZAP recommends that the Commission prioritize such cooperation and monitor ongoing progress as part of zoning implementation.

4. Identify and Create Mechanisms to Incentivize Urban Development Near Cities

One goal of the County Growth Plan is to encourage urban type development near existing cities. Urban infrastructure costs are more expensive than similar infrastructure in rural areas. The County and City governments should identify and implement mechanisms to incentivize urban infrastructure in areas that are targeted for annexation by Cities in the County. At a minimum, the County, in cooperation with the Cities, should consider public private partnerships and potentially use of improvement districts or mechanisms similar to tax increment financing.

5. Better Data on Groundwater Availability Needed

ZAP was asked to consider alternatives to the 10-acre minimum lot size. Panel members recognize in some areas larger lot sizes help protect homes and other structures from potential flooding and in more arid areas may help protect homeowners from effects of drawdown of limited groundwater. The County has a process to predict floodwater flows and refine flood plain mapping as well as ensure public involvement in the process, so that aspect of the 10-acre minimum lot size is being addressed with robust data gathering and public input. ZAP recommends the Commission consider how a similar process might be conducted regarding the groundwater availability in areas of the county that have less predictable groundwater supply. Until better ways of predicting long-term groundwater availability are available, limiting development density may be the best tool available.

6. Compensation for Open Space

Proposed zoning regulations in the rural area would allow for cluster developments where homes and other facilities are on smaller lots than 10 acres, but the average density of the total development is 10 acres per lot. This approach allows economies in the cost of infrastructure and allows for open space. One of the opportunities for public/private partnerships could be the opportunity for compensation to landowners who are limited to 10-acre lot sizes.

7. Social, Technical, Environmental, Economic, Political (STEEP) Analysis

ZAP spent time identifying priorities in public policy areas relevant to development and implementation of zoning regulations and the quality of life in Lewis & Clark County. ZAP asks that these priorities be used to guide planning efforts, including development of final zoning regulations, in the County. One theme that emerged most frequently the STEEP analysis was the need to ensure water quality and water availability as part of ongoing development in the County. More detail on the STEEP priorities is attached to this memorandum.

Exhibit-A

8. Other Recommendations

- Don't allow zoning map boundaries to split a parcel of land with a single owner between two different zones.
- Ensure that zoning maps clearly show boundaries where urban density development is planned and where the 10-acre minimum would be in effect and that such maps are readily and easily available to the public prior to any public education and involvement process.
- Develop County process to enforce zoning regulations; do not put citizens in the position of having to report their neighbors to ensure compliance with County regulations.
- Update the Growth Policy.
- Assist and support the Cities of Helena and East Helena to address the growth anticipated in the County by updating the Growth Policy.
- Review County Planning staff and resources to accomplish the County Growth Policy goals.
- Remind the Commission that in the absence of joint cooperation with the Cities of Helena and East Helena, the Subdivision Regulations and the Zoning Regulations need to be functional.
- Request that the Planning Staff undertake an after action review, with input from ZAP members, about what went well and what could have been improved on the ZAP study process so that future endeavors can benefit from recent experience.

Exhibit-A

Zoning Advisory Panel

STEEP Analysis/Priorities

(Social (So), Technical (T), Economic (Ec), Environmental (En), and Political (Po))

Combined Priorities List:

(Top, non-duplicated priorities from each STEEP category)

- Ensuring effective wastewater treatment now and to accommodate projected growth (T)
- Consider impacts (of zoning) on current property owners and users (T)
- Safeguard water quality and availability (T)
- Attention to density and location of current and future development (En)
- Ensuring water availability and quality (En)
- Identify and use alternate or multiple funding sources (for infrastructure costs) (Ec)
- Consider the impact on home values and ownership (Ec)
- Promote and adequate level and fair allocation of infrastructure costs (Ec)
- Recognize water quality and availability needs (water supply and wastewater treatment) (Ec)
- Consider the need and potential for revenue generation (So)
- Advocate and develop effective coordination between entities and across regions (Po)
- Consider and provide useful and transparent information to the community (Po)

2nd Tier (ranked lower and/or next "break point", and not duplicated)

- Consider the relationship between lot size, development potential and emergency service capacity. (T)
- Recognizing floodplains and establishing setbacks (En)
- Recognizing and managing the wildland-urban interface (En)
- Include the impact of zoning on the attributes and character of the community (So)

Exhibit-A

Complete STEEP Priorities List

Social	Technical	Economic	Environmental	Political
Consider the need and potential for revenue generation (19)	Ensuring effective wastewater treatment now and to accommodate projected growth (16)	Identify and use alternate or multiple funding sources (for infrastructure costs) (20)	Give attention to density and location of future development (16)	Advocate and develop effective coordination between entities and across regions (22)
Include the impact of zoning on attributes and character of the community (11)	Consider impacts on future property owners and uses (14)	Recognize water quality and availability needs (water supply and wastewater treatment) (12/10) ¹	Ensure water availability and quality (12)	Provide clear, useful and transparent information to the community (14)
Consider the possible impacts of zoning and property values (6)	Safeguard water quality and availability (13)	Consider the impact on home values and ownership (10/10)	Recognize floodplains and establish setbacks (8)	Build and support functional political climate and common ends (9)
Assess zoning types and approaches (5)	Consider the relationship between lot size, development potential and emergency service capacity (9)	Include fire/emergency services planning (8/9)	Ensure adequate wastewater management capacity and effectiveness (7)	
Assess zoning and its impact on controversial uses/practices (4)	Recognize and enhance intergovernmental relations (e.g. between the County and one or both cities)	Avoid unanticipated or shifted costs (6/7)	Recognize and manage the wildland/urban interface (6)	
	Ensuring effective stormwater management now and in anticipation of projected growth (3)	Address the need for public education and information sharing (4/2)	Maintain transportation infrastructure (6)	
		Promote an adequate level and fair allocation of infrastructure costs (0/10)	Recognize financial and economic impacts of zoning regulations (5)	

¹ The first number in parentheses is for the first version of the economic poll, and second number is for the second iteration or version of the poll, with the "multiple funding sources" item removed.

Exhibit-A

EXHIBIT B (to Resolution 2022-01)

Amendments to Sections 2, 3, 7, 8, 9 and Appendix A of the Helena Valley Zoning Regulations, dated September 15, 2022

Amendments to Section 2, 3, and 7 are depicted in the attached documents with additions in bold and underlined (**underlined**) and deletions in strikethroughs (~~strikethroughs~~).

With the exception of the title page, the amendments to Sections 8 and 9 and Appendix A are included in the attached documents and are **NOT** depicted with additions in bold and underlined (**underlined**) and deletions in strikethroughs (~~strikethroughs~~) as all of the language proposed in this section is new language.

Exhibit-A

Exhibit-A

SECTION 2 GENERAL REQUIREMENTS AND EXCEPTIONS

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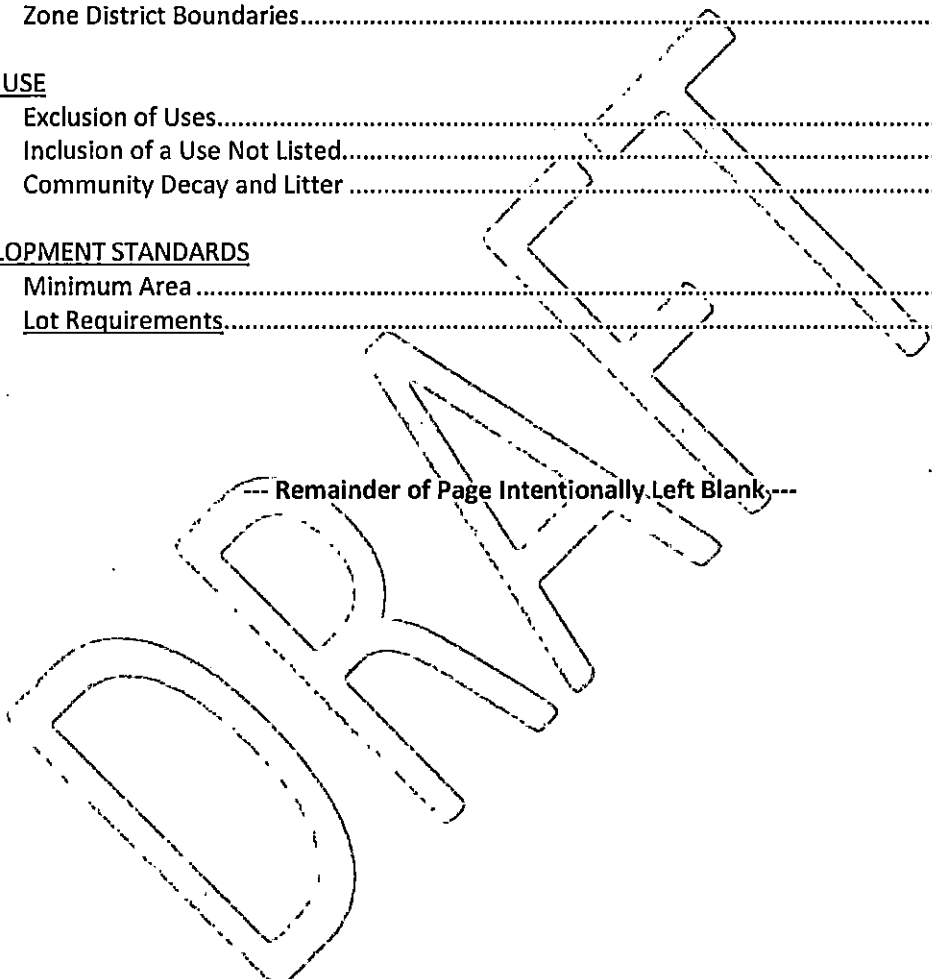


Exhibit-A

201 Zone Districts

The following zoning districts are hereby established to implement these Regulations:

- Urban Residential Mixed-Use Zone District (UR)
- Suburban Residential Mixed-Use Zone District (SR)
- Rural Residential Mixed-Use Zone District (RR)
- Fort Harrison Urban Growth Area Zone District (FHUGA)
- Fort Harrison Rural Growth Area Zone District (FHRGA)

202 Overlay Districts

In order to recognize special areas, and to afford flexibility in development design within the Helena Valley Planning Area, the following overlay district is hereby established:

- (a) Planned Development Overlay District (PD)

203 Incorporation of Maps

The location and boundaries of the zone districts hereby established by these Regulations are shown on the "Helena Valley Zone District Map of Lewis and Clark County", hereafter referred to as the Zoning Map, incorporated herein and made a part hereof.

204 Zone District Boundaries

District boundaries are shown on the Zoning Map. However, where uncertainty exists as to the boundaries of a district, the following rules shall apply:

204.01 A boundary indicated as approximately following the center line of a street, highway, streambed, railroad right-of-way (R-O-W), or alley shall be construed to follow such center line.

204.02 A boundary indicated as approximately following the right-of-way or easement line of a street, highway, or alley shall be construed to follow such right-of-way line or easement, and in the event of a change in such R-O-W or easement line the zoning boundary shall be construed as moving with the R-O-W or easement line.

204.03 A boundary indicated as approximately following platted lot lines shall be construed to follow such lot lines.

204.04 A boundary indicated as parallel to or an extension of features indicated in subsections 204.01 - 204.03 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

204.05 Disputes concerning the exact location of any district boundary line shall be decided by the Zoning Administrator.

204.06 All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone / classification area as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.

204.07 Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning/classification of such areas, unless otherwise

Exhibit-A

specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

205 Exclusion of Uses

Uses not specifically listed, or reasonably similar to those uses listed, in any particular zone district shall be deemed to be excluded from the particular zone district.

Uses listed in any particular zone district shall be deemed to be excluded from any other zone district, unless such use is specifically listed in the other zone district.

206 Inclusion of a Use Not Listed

Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator when such use is reasonably similar to those uses listed.

Uses not specifically listed, or not reasonably similar to those uses listed, or not interpreted for inclusion by the Zoning Administrator, in a specific zone district, may be added to the appropriate zone district upon the approval by the BoCC in accordance with the procedure set forth in Section 107.

207 Community Decay and Litter

All land must be in compliance with the Lewis and Clark County *Ordinance to Control Community Decay* (Document No. 3152137), as amended, and *Ordinance No. 2013-01: An Ordinance to Control Litter in Lewis and Clark County and Establishing Procedures for its Enforcement* (Document No. 3247987), as amended, on file with the Lewis and Clark County Clerk and Recorder.

208 Minimum Area

208.01 The area of a lot required for the purpose of complying with the provisions of these Regulations shall not be included as part of the area required for another lot.

208.02 A minimum lot area shall not be required for public facilities, public services, utility service facilities, telecommunication facilities, or major facilities of a public utility and telecommunication facilities.

208.03 Lots conforming to the minimum lot area requirements of a zone district that are reduced in land area due to land acquisition by a governmental entity shall be considered conforming to the minimum lot area requirements of the specific district for principal uses, accessory uses, conditional uses, and special exception uses, as if its size had not been reduced.

208.04 Lots approved to be created through the exemption process as listed in Section 76-3-207, MCA shall comply with all aspects of these Regulations, including but not limited, to lot size.

208.05 Lots approved to be created through the exemption process as listed in Section 76-3-201, MCA shall comply with all aspects of these Regulations, however, are exempt from the zone district minimum lot size.

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209 Lot Requirements

Buildings must conform to the dimensional standards for a lot as follows: _____

209.01 Lot coverage may not exceed the limitations of the zone/district within which the lot is located.

209.02 The standards for setbacks of buildings from property lot lines are:

209.02.01 No portion of any building, including decks, with the exception of roof eaves (2-foot maximum overhang), fences, stair steps, and landscaping ornaments, may be located in any lot line setback.

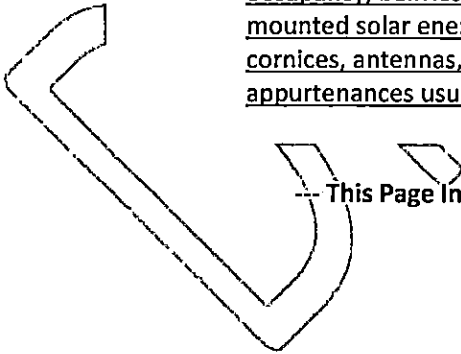
209.02.02 A lot that has more than one front lot line must provide a front lot line setback for each front lot line. When a lot has more than one front lot line, the remaining lot lines are rear lot lines and no side lot line setback is required. The remaining rear lot lines must meet the minimum rear lot line setback for the zone/district in which it is located.

209.02.03 The vehicular entrance of a garage must be set back at least twenty (20) feet, measured in a straight line from the vehicular entrance of the garage to the lot line of the property that abuts the public street/road right-of-way or the public street/road right-of-way itself, whichever is closest to the garage, and has a driveway approach.

209.03 The standards for height of buildings are:

209.03.01 A building or structure may not exceed the height limitations of the zone/district within which it is located.

209.03.02 Height limitations for any zone/district do not apply to the following: roof mounted church spires, penthouses or domes not used for human occupancy, belfries, cupolas, chimneys, water tanks, elevator housings, roof mounted solar energy systems, skylights, ventilators, silos, parapet walls, cornices, antennas, streetlights, utility poles, and necessary mechanical appurtenances usually carried above the roof level.



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Exhibit-A

SECTION 3 DEFINITIONS

-Section Contents-

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302 Definitions..... 3-3

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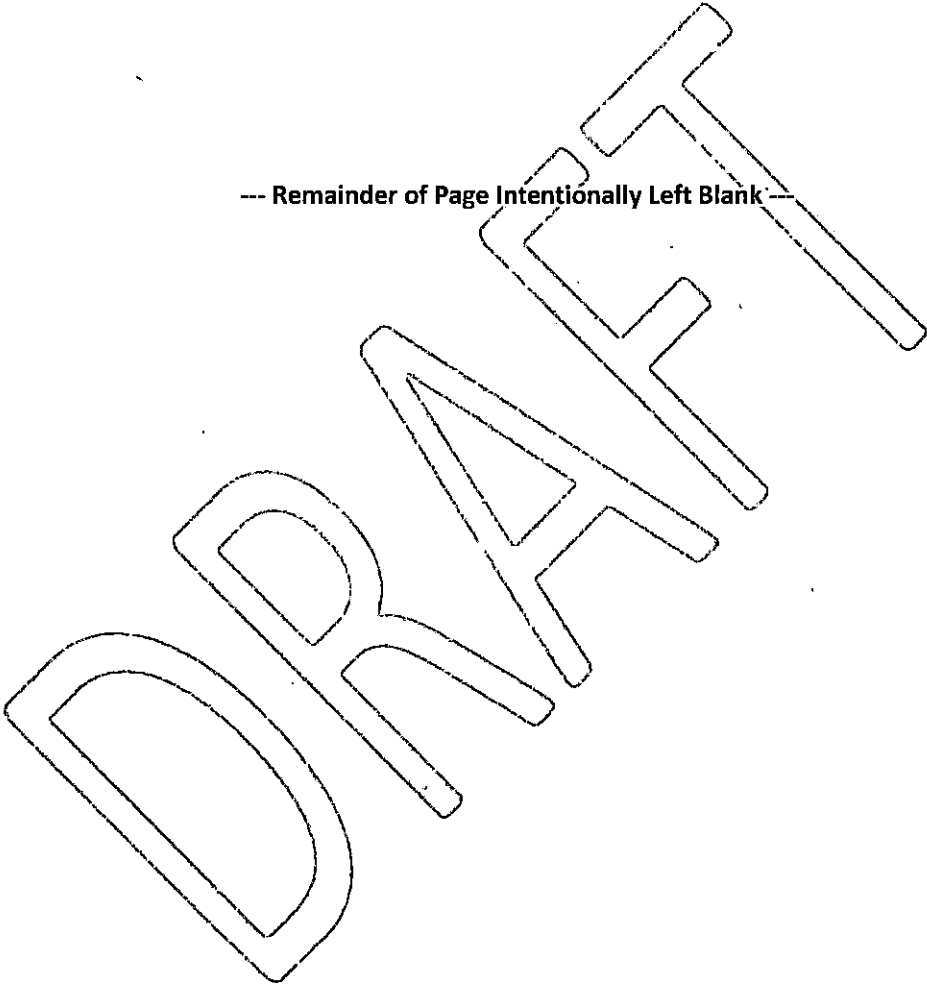


Exhibit-A

301 Rules of Construction

- 301.01 The particular controls the general.
- 301.02 In case of any difference of meaning or implication between the text of these Regulations and the captions for each section, the text shall control.
- 301.03 The words "shall", "must", and "will" are always mandatory, and not merely directory. The word "may" is permissive.
- 301.04 Words used in the present tense include the future, unless the context clearly indicates the contrary.
- 301.05 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- 301.06 A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.
- 301.07 The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- 301.08 The word "lot" includes the words "tract of record" or "parcel".

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Exhibit-A

Exhibit-A

302 Definitions

Unless specifically defined in this section, or otherwise determined by the BæOCC, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage in the English language, and to give these Regulations their most reasonable application.

Abandoned: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abutting: Having a common border with or separated from such a common border by a (public and/or private) right-of-way, alley, or easement (for such features including but not necessarily limited to, streets, railroads, or irrigation canals.) When a common border is simply via a corner-to-corner connection, the subject lot and/or parcel shall be deemed to be abutting, adjacent, or adjoining. (also see "adjacent" and "adjoining")

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Adjacent: Having a common border with or separated from such a common border by a (public and/or private) right-of-way, alley, or easement (for such features including but not necessarily limited to, streets, railroads, or irrigation canals.) When a common border is simply via a corner-to-corner connection, the subject lot and/or parcel shall be deemed to be abutting, adjacent, or adjoining. (also see "adjoining" and "abutting")

Adjoining: Having a common border with or separated from such a common border by a (public and/or private) right-of-way, alley, or easement (for such features including but not necessarily limited to, streets, railroads, or irrigation canals.) When a common border is simply via a corner-to-corner connection, the subject lot and/or parcel shall be deemed to be abutting, adjacent, or adjoining. (also see "adjacent" and "abutting")

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: For the purposes of these Zoning Regulations, Sections 41-2-103 and 81-8-701, MCA, as amended, shall rule.

~~Agricultural Activities, Youth-Oriented: Special activities oriented toward children and held for educational, instructional, or recreational purposes, including but not necessarily limited to 4-H.~~

Exhibit-A

Agriculture 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.

Aircraft Hangar: A building or structure designed to hold aircraft.

Airport: Any area of land (including buildings and water bodies) designed for the landing, take-off, loading, unloading, or parking, of aircraft (fixed-wing or rotary) for business or commercial purposes and generally intended for both public and private use, including all necessary facilities for passenger and cargo loading, fixed based operations (FBOs), maintenance and fueling facilities and housing of aircraft.

Airstrip: An area designed for the landing or take-off of aircraft (fixed-wing or rotary) for the benefit of the landowner/lessee and not to be used for commercial purposes. Generally, as a paved, graveled, or dirt surface for a non-FAA sanctioned airport operation.

Alteration: A change or rearrangement of the structural parts in of the existing facilities or an enlargement by extending the sides or increasing the height or depth or moving a building or structure from one location or position to another.

Animal Boarding: See Kennel.

Animal Hospital, 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.

Animal Shelter: A place that temporarily houses stray animals and may include a crematorium.

Animal Therapeutic Facility: Therapy that involves individuals interacting with animals, most frequently, but not limited to, horses using specially trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including but not limited to, children with autism. Examples are therapeutic horseback riding or hippotherapy.

Animated Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Changeable Copy, Digital, Electronic Sign)

Annexation: The process by which land in an unincorporated area becomes part of a nearby municipality.

Apiculture: The keeping and management of honey bees.

Applicant: Any person, firm or corporation, or other entity that proposes an application under these Regulations; often also referred to as an Authorized Representative.

Approach: The point where a driveway meets a road or where a road intersects another road.

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.

Exhibit-A

Bank/Financial Institution: A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt. (not a Temporary Batch Plant)

Bed and Breakfast: A private, owner- or manager-occupied residence that is used as a private residence but in which: 1. breakfast is served and is included in the charge for a guest room; and 2. the number of daily guests served does not exceed eighteen (18).

Board of Adjustment (BOA): An appointed board authorized under Title 76, Chapter 2, Part 2, MCA, with the authority to hear and decide administrative appeals and variances from the requirements of these Regulations.

Board of County Commissioners (BoCC): The Board of County Commissioners of Lewis and Clark County; sometimes referred to as the "governing body".

Boarding/Rooming House: A building in which separate sleeping rooms are rented that provide sleeping accommodations for three (3) or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services to be provided by the facility.

Borrow Site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the legally described site and characterized by a short-term operation and removal of a limited quantity of earthen material.

Buffer Area: An area of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

Building: A structure, including its projections and extensions, constructed for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope: The designated area of a lot within which a structure(s) can be built and which is depicted or described on a certificate of survey, plat, covenant, deed, or other document filed or recorded with the Lewis and Clark County Clerk and Recorder.

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.

Exhibit-A

3. The height of a stepped or terraced building is the maximum height of any segment of the building.

Bulk Requirements: Include, but are not limited to, 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.

Camp/Retreat Center: A centrally managed facility that provides full service lodging, dining, or cooking facilities, and on-site recreational activities for overnight guests or members. A camp/retreat center may include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and/or pack trips. A camp/retreat center may also include corporate or religious retreats or conference facilities. Activities shall be provided on-site to the extent possible. Adjacent lands and waterways may be used to supplement on-site activities if proper required licenses, permits, and/or agreements are obtained.

Campground/RV Park: A place for camping using tents, cabins, or recreational vehicles. This includes accessory uses such as a laundromat and retail sales for the convenience of campground guests. A place, publicly or privately owned, used for camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes. (see Recreational Vehicle Park)

Carnivals and Circuses: A traveling amusement show that is open to the public and usually includes rides, games, sideshows, and animals.

Casino: An establishment licensed for on premises consumption of alcoholic beverages which:

1. is licensed for and has six (6) or more video gaming machines or gambling devices; or
2. is licensed for and used to conduct any of the following types of gambling: calcutta pools, live card games, live card game tournaments, and live keno.

Cemetery: A place and/or building, or portion thereof, that is used, or is intended, for the interring / burial of the deceased. A cemetery may include associated uses such as columbarium's, crematories, and mausoleums.

Centralized Wastewater Treatment System: See Wastewater Treatment System, Centralized.

Centralized Water System: See Water System, Centralized.

Certificate of Survey (COS): A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations and parcel features.

Changeable Copy Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Animated, Digital, and Electronic Sign)

Church: See Worship Facility.

Exhibit-A

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured but excluding therefrom inpatient and overnight accommodations.

Cluster Development: A grouping of lots designed to concentrate building sites onto a smaller area in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other adjacent lands to remain undeveloped.

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 persons dependent on drugs and/or alcohol.
 - (e) An assisted living facility.
2. A maternity home, including administrative offices, services for childcare, counseling, classroom training, independent living training, and support groups.

Composting Facility: A place used for collecting, processing, and mixing leaves, straw, grasses, and other like vegetable matter with other materials to produce fertilizer and soil conditioner, including storage and manipulation of materials prior to, during, and following composting.

Conditional Use: A use that may be allowed in a specified zone district(s) if the use meets certain requirements. However, without the additional requirements of the conditional use process, it would likely not be appropriate throughout the zoning district.

Conditional Use Permit: The documented evidence of authority granted by the Board of County Commissioners to locate a conditional use at a particular location.

Exhibit-A

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.

Consolidated City and County Planning Board: (CCCPB), also see "Planning Board".

Conservation Easement: An easement or restriction, running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction as defined by Sections 76-6-101 through 76-6-110 and Sections 201 through 212, MCA. A conservation easement may also prohibit the further subdivision, division, or development of the open space lots or parcels, as provided for in Sections 70-17-201 through 70-17-206 and 76-3-509, MCA.

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 material, machinery, or repair, including trucks and heavy equipment, shops, and office space.

Correctional Facility: Includes County prisons and jails for the detention of persons awaiting trial or sentenced as punishment for criminal offenses, including youth detention facilities.

Country-Inn/Guest Ranch: 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 used for the cremation of human dead.

Day-Care Facility:

A facility which provides daily care and supervision of children, or persons with a disability, 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.

Exhibit-A

Group Day-Care: A private residence or other structure in which supplemental care is provided on a regular basis for seven (7) to twelve (12) children.

Density: The number of units per area of measure, for example, the number of dwelling units per acre.

Department: The Lewis and Clark County Community Development and Planning Department (CDP)

Developer: An owner, or any person authorized by the owner, who intends to improve or to construct improvements upon the owner's property.

Digital Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Animated, Changeable Copy, and Electronic Sign)

Driveway: An access point onto a road that services a residential or non-residential parcel of land; it is not a street or roadway.

Dwelling Unit: Any building, or portion thereof, designed to provide complete, independent, and permanent living facilities for one family.

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. An easement may be for either public or private benefit. An easement is not the same as a setback.

Educational Facility (Higher-Education): A place and/or building, or portion thereof, for colleges, universities, community colleges, and vocational schools.

Educational Facility (K-12): A place and/or building, or portion thereof, for pre-schools, elementary, middle/junior high, or high schools.

Electronic Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Animated, Changeable Copy, and Digital Sign)

Emergency Shelter: Temporary housing and ancillary services for primarily indigent, needy, homeless, or transient individuals, including crisis intervention centers.

Equipment Rental: Rental equipment and supplies, such as hand tools, party equipment, lawn care, yard equipment, trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings.

Equipment Rental, Large: Rental of large equipment and supplies, including trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings.

Equipment Rental, Small: Rental of small equipment and supplies, including hand tools, party equipment, lawn care, and yard equipment.

Existing Licensed Premises: Licensed premises that were licensed, or which had a pending application before the Montana Department of Revenue, for the retail sale of alcoholic beverages for on-premises consumption prior to the enactment of these zoning Regulations and which have continuously operated under said license(s).

Exhibit-A

Extractive Industries: Mining operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel, and/or any mineral. The site may also include areas for commercial operations (retail or wholesale) of the sand, rock, soil, gravel, or any mineral.

Family: One (1) 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.

Forestry: The act of planting and managing trees and forests.

Freight Terminal: A place and/or building, or portion thereof, that is used or is intended for unloading, loading or storage of freight for routing or reshipment.

Fuel Tank Farm: The commercial bulk storage of petroleum products or any other fuel.

Funeral Home: A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes mortuaries and may include a crematorium.

Garage:

Private - A building, or portion thereof, including carports, in which motor vehicles used by the landowners, resident tenants, or their guests, are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles. A public garage may include above and below ground structured parking.

General Repair: A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, small engine repair such as lawn mowers and snowblowers, and the like. The term does not include repair of vehicles or industrial equipment.

General Retail Sales: The retail sale of a diverse product line of consumer goods and products.

General Sales: A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

General/Professional Services: A place and/or building, or portion thereof, that is used or is intended for providing professional and personal care services where customers come to the property for the service, including services such as engineering, accounting, legal, architectural, surveying, medical, dental, real estate, insurance, photography, fitness, weight loss, postal, hairstyling, pet grooming, copying and printing, and laundry and dry-cleaning services.

Greenhouse/Plant Nursery: A place and/or building, or portion thereof, used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines, may include wholesale and retail sales of product propagated, cultivated, or grown.

Exhibit-A

Gravel Pit: See Extractive Industries.

Grade: The elevation of the finished surface of the ground.

Growth Policy: The Lewis and Clark County Growth Policy, as may be amended from time to time by the Board of County Commissioners.

Healthcare Center: A place providing medical services for prevention, diagnosis, treatment, or rehabilitation, including dental clinics, doctors' offices, and outpatient medical facilities.

Health Care Facility: All or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long-term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. A place used or intended to provide health services, medical treatment, nursing care, or rehabilitative or preventive care to any person or individual. This term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long term care facilities such as hospitals and nursing-homes, medical assistance facilities, mental health centers, public health centers, residential treatment facilities, and rehabilitation facilities.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: See Section 16.

Horticulture: The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants, excluding medical marijuana grow operations.

Hospital: See Health-Care Facility.

Hotel: 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. A building or structure kept, used, maintained as, or advertised as to be a hotel, motel, inn, motor court, tourist court, or public lodging house; and a place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

Indoor Entertainment, Sports, and Recreation: A place and/or building, or portion thereof, that is used for indoor activities such as movie theaters, dance halls, theaters for performing arts, bowling alleys, skating rinks, billiard and pool halls, arcades, rifle and pistol ranges, athletic clubs, courts and training centers, and gyms.

Industrial Park: A planned and coordinated development designed to accommodate a variety of and more than two (2) industrial uses with common systems of access and service and combined parking areas, where the uses meet the overall land area requirements, but make use of different combinations of building uses, or where standards are established for appearance of buildings and grounds by common consent.

Exhibit-A

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. Typical uses include 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 of premade goods, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Infrastructure: Public facilities and services that typically include streets, sewers, water, schools, police and fire buildings, libraries, hospitals, parks, trails, etc. to serve public demand and safety.

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.

Jail: See Correctional Facility.

Junkyard: A place for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

Kennel: A place housing any combination of five (5) 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. A building, enclosure, or portion of any premises in or at which domesticated animals over the age of six (6) months are boarded, are kept for hire or for sale, or are kept or maintained by any person other than the owners thereof, or a building, enclosure, or portion of any premises in or at which five (5) or more dogs over the age of six (6) months are kept or maintained. (see Animal Boarding)

Landfill: An area of land or an excavation where wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Exhibit-A

Land Use: As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

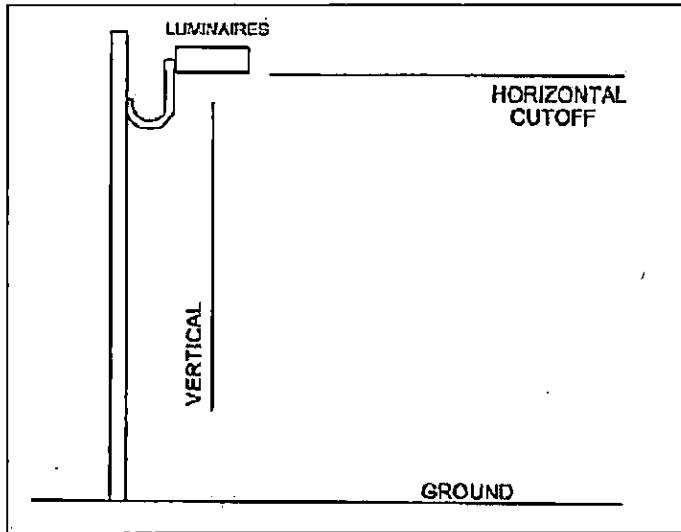
Land Use, Accessory: Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

Land Use, Principal: The dominant land use of a parcel of land.

Library: A public or non-profit facility in which books, periodicals, audio or video recordings, film, and comparable materials are kept for use or loaning to patrons of the facility. Such use may also offer the use of computers and the incidental or periodic sale of surplus books.

Light Fixture: A complete lighting unit (luminaire) consisting of a lamp or lamps and ballasting (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Light Fixture - Full Cutoff: A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir.



Light Glare: The sensation produced by a light source that is sufficiently brighter than the ambient lighting level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility. The magnitude depends on such factors as the size, position, brightness of the source; and the brightness of the ambient lighting level, which is generally defined as all available light surrounding a subject sign at any point in time with the subject sign light source extinguished.

Light Pollution: Any adverse effect of manmade light, including but not limited to, light trespass, up-lighting, the distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

Light Source: Artificial light emitted directly from a fixture lamp, lens, or mirror. Light which is reflected after leaving the fixture does not constitute a light source.

Exhibit-A

Light Trespass: Any form of artificial illumination emanating from a light fixture that penetrates other property and creates a direct glare source that exceeds one-half (½) foot-candles in a vertical plane at the subject property line.

Loading Area, Off-street: An off-street space generally located at or near a building entrance to allow service pickups and deliveries by commercial vehicles.

Lot: See Tract of Record.

Lot, Corner: A lot at the junction of and fronting on two (2) or more intersecting streets.

Lot Coverage: The portion of a lot, stated in terms of percentage, that is covered by all buildings and structures located on the lot, but does not include the first two (2) feet of roof eave extensions measured from the outside wall of the building, uncovered decks, fences, walls, or pools.

Lot, Double-Fronted or Through: A lot having frontage on two (2) more or less parallel streets.

Lot, Flag: A lot with access provided by a narrower corridor from a street to the larger bulk area of the lot.

Lot, Interior: A lot that abuts only one (1) street.

Lot Line: Any boundary of a lot. The classification of lot lines are:

Front: The lot line bounding a lot that is adjacent to any street. On a corner lot or double-fronted lot, each lot line separating the lot from a street is considered a front lot line. (See Lot Line Diagrams)

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly shaped lots, the rear lot line shall be deemed to be a line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks. (See Lot Line Diagrams)

Side: Any property boundary line which is neither a front lot line nor rear lot line. (See Lot Line Diagrams)

Exhibit-A

Lot Line Diagrams

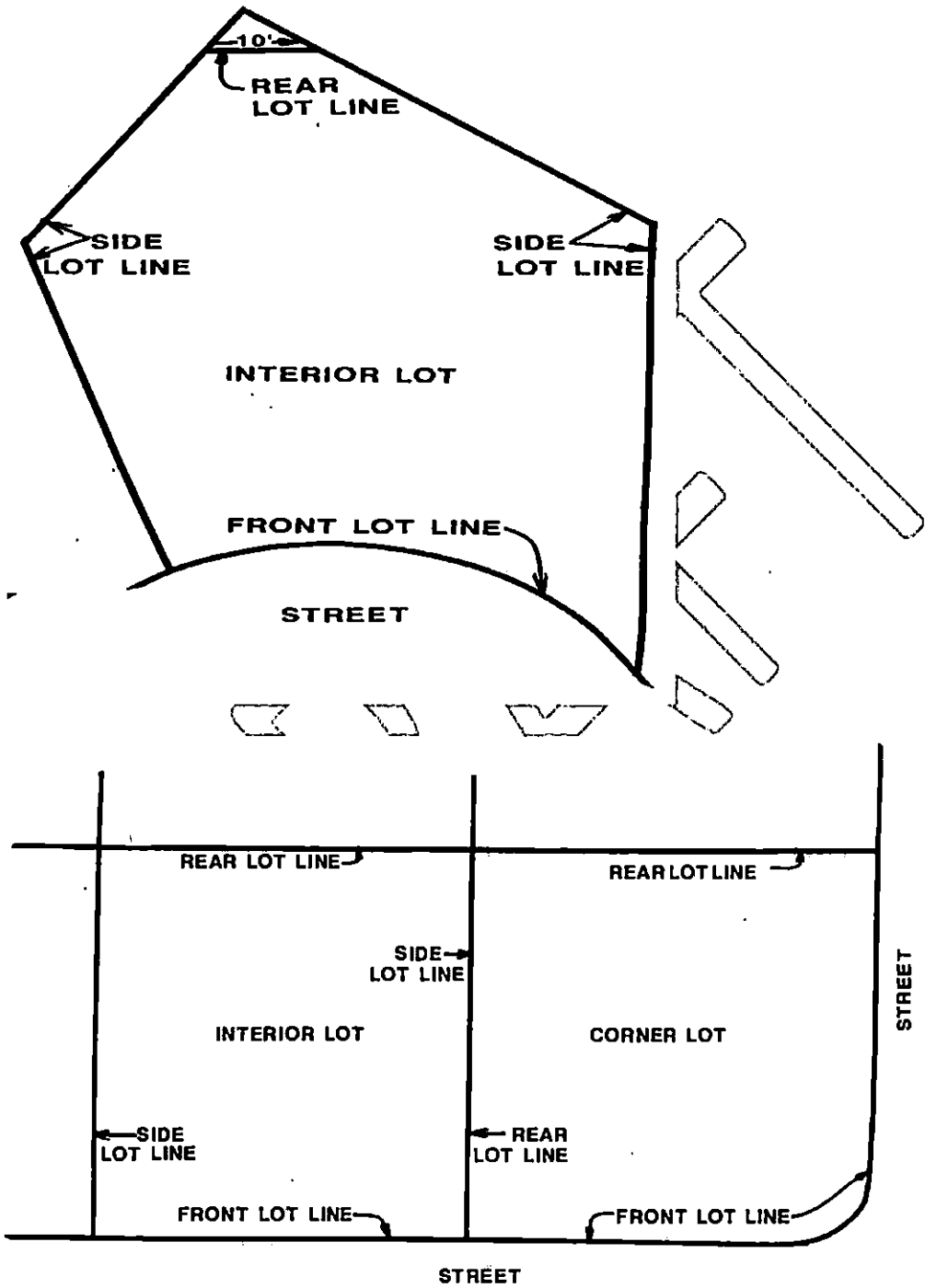


Exhibit-A

M.C.A.: Montana Code Annotated or MCA (State of Montana statutes.)

Manufactured Home: A dwelling for a single household, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least one thousand (1,000) square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and 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 or housetrailer, as defined in Section 15-1-101, MCA.

Manufactured/Mobile/Modular Housing Sales: The on-site display and sale of mobile homes, modular homes, and manufactured housing.

Medical-Marijuana Dispensary: Premises, approved by the State of Montana Department of Health and Human Services as an "Adult-use Dispensary" or "Medical Marijuana Dispensary", from which a provider of marijuana infused products dispenses marijuana related products to a registered medical marijuana cardholder and/or adults.

Medical-Marijuana Grow Operation: An enterprise or facility engaged in growing medical marijuana for commercial purposes.

Medical-Marijuana Provider: A person licensed by the State of Montana Department of Health and Human Services to assist a registered cardholder as allowed under Montana Code Annotated. The term does not include the cardholder's treating physician or referral physician.

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning

Mini-Storage Facility/Storage Facility, Self-Service: A place and/or building, or portion thereof, which is divided into multiple storage units or a parcel of land rented, leased, or owned for storage of personal property; The term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing. An on-site manager/caretaker may reside at the facility.

Mini-Storage Facility: See Storage Facility, Self-Service.

Mobile Home: Forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding eight (8) feet in width or forty-five (45) feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to eight (8) feet in width or forty-five (45) feet in length used as a principal residence.

Mobile Home Park: A parcel of land that has been planned and improved for the placement of mobile and/or manufactured homes for residential use.

Mobile Home Space: The designated portion of a mobile home park designed for the accommodation of one mobile or manufactured home, and its accessory structure(s) for the exclusive use of the occupants.

Modular Home: A sectional, prefabricated dwelling unit residence set on a permanent foundation on the subject parcel, 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.

Exhibit-A

Motel: See Hotel.

Motor Vehicle Graveyard: A collection point, established by a county, for junk motor vehicles prior to their disposal.

Motor Vehicle Wrecking Facility: A facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle, or a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.

Noise Level (Ambient): The average equivalent sound level (LEQ) occurring during a six (6) minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Non-Residential Use: Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, recreational, or industrial purposes rather than private dwellings.

Noxious Weed: Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

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: A place used for recreation or long-term preservation and conservation of wildlife habitat, cultural, historic, or natural resources, agricultural interests, or aesthetic values of its natural state.

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 principal or conditionally permitted building(s) to be used only for the shelter or storage of vehicles or other personal property owned or operated by the landowner.

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. ~~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 outdoor spectator type uses or events, including, but not limited to, racetracks, motocross courses, sports arenas, concerts, and zoos.~~

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Outdoor Sports and Recreation: A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, golf driving ranges, paintball fields, firearms ranges, archery ranges, and the like.

Owner of Record: The person or persons who are listed in the official County records as the legal owners of a tract of record.

Parcel: See Tract of Record.

Parent Parcel: The original tract or tracts of record from which new parcels are created.

Park: A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public; The term includes developed and undeveloped areas and neighborhood recreation centers.

Parking Lot: An open area, other than a public right-of-way, used for public or private off-street parking of motor vehicles.

Parking Space, Off-Street: A space located off of any travel right-of-way / easement that is available for parking a motor vehicle.

Parking Structure: A multilevel structure used for off street parking of motor vehicles.

Part 1 Zoning: Zoning adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 1, Montana Code Annotated.

Part 2 Zoning: Zoning adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 2, Montana Code Annotated.

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. (see Principal Use)

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.

Planned Development: A tract of land developed as an integrated unit. The Planned Development Overlay Zone District is often referred to simply as a "(PD)." They are is unique and based upon a plan which allows for flexibility of design, setting, and density not otherwise possible under the prevailing zone district Regulations.

Planning Board: The Consolidated City and County Planning Board, created pursuant to Title 76, Chapter 1, Part 1, MCA.

Plat: A graphical representation of a subdivision; , and which includes, but is not limited to the terms, Preliminary, Amended, and Final, as all such terms are more particularly defined within MCA and the most current adopted Subdivision Regulations of Lewis and Clark County, Montana.

Porch: A covered structure that has no solid walls and at least one open side that is attached to the front exterior of a building.

Exhibit-A

Prerelease Center: A community corrections facility or program as defined by state law.

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The dominant, main, or primary use of a parcel of land. (see Permitted Use.)

Prison: See Correctional Facility.

Propane Distribution/Storage Facility: Any facility where the primary function is to store liquid petroleum gas prior to further distribution, where liquid petroleum gas is received by cargo tank motor vehicle, railroad tank car, or pipeline, and distributed by portable container delivery, by cargo tank motor vehicle, or through gas piping.

~~**Public Facilities:** Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, law enforcement facilities, parks and streets.~~

~~**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.~~

Public Services: Services and facilities provided to the general community by government or quasi-public entities. Examples include roads and bridges, emergency services, schools and libraries, water and wastewater treatment systems, and solid waste disposal.

~~**Railroad Yard:** A place used for switching, loading, unloading, service, maintenance, and storage of railroad cars and engines.~~

Recreational Vehicle (RV): A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use that either has its own motor power or is mounted on or towed by another vehicle; and which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation. The term includes, but is not limited to, travel trailers, camping trailers, truck campers, and motor homes.

~~**Recreational Vehicle Park:** See Campground.~~

~~**Recreational Vehicle Space:** A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle.~~

Recycling Facility: A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. The term shall not include a junk yard.

Registered Architect: An individual licensed to practice architecture in Montana.

Registered Professional Land Surveyor: An individual licensed to practice surveying in Montana.

Exhibit-A

Registered Professional Engineer: An individual licensed to practice engineering in Montana.

Regulation: That which is required, unless an explicit exception is made.

Regulations: The Lewis and Clark County Helena Valley Zoning Regulations.

Renewable Energy Facility: A site, together with its accessory facilities, where energy is generated using renewable resources. Such sites may include but are not limited to solar farms, wind turbines, or geothermal facilities.

Research and Development Facility: A place and/or building, or portion thereof, that is intended to be used in the research and testing activities associated with discovering new or improved products, methods, processes, or services.

Residence:

Single-Dwelling Unit Residence: A single building situated on one (1) lot that contains one (1) dwelling unit for residential occupancy by one (1) family.

Two-Dwelling Unit Residence: A single building situated on one (1) 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 (2) buildings situated on one (1) lot that each contain one (1) dwelling unit for occupancy by one (1) family.

Multiple-Dwelling Unit Residence: In the RR District, Multiple-Dwelling Unit Residence is considered a single building containing three (3) or more dwelling units for occupancy by three (3) or more families living separately from each other, including condominiums. In the UR and SR Districts, Multiple-Dwelling Unit Residence is considered a single building on one (1) lot that contains three (3) or more dwelling units for occupancy by three (3) families living separately from each other, or three (3) or more separate buildings situated on one (1) lot that each contain one (1) dwelling unit for occupancy by one (1) family, including condominiums.

Residential Use: Any use of a residence by its occupants as a regular and consistent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Restaurant: A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages primarily for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. The term does not include a grocery store with a food service section.

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.

Retail: An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption and rendering of services incidental to the sale of such goods.

Rezoning: A revision of the Helena Valley Zone District Map.

Exhibit-A

Right-of-Way: That land which the Montana Department of Transportation, County or City has title to, or right of use, for public roads and appurtenances, including utilities; A strip of land dedicated or acquired for public use as public way.

Riparian Area: Defined by the University of Montana's Riparian and Wetland Research Program as the "green zone", which lies between channels of flowing water and uplands, and which serves several functions, including the following: water storage and aquifer recharge; filtering of chemical and organic wastes; sediment trapping; bank building and maintenance; flow energy dissipation; and primary biotic production. Riparian areas provide important habitat for many species of wildlife.

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

School: See Education Facility (Higher Education/K-12)

School Property: Property owned, leased, or exclusively possessed by a public school district that is used for educational purposes or school sanctioned activities for primary and secondary education students. This includes school buildings and adjacent land, playgrounds, athletic fields, stadiums, and other places used by primary and secondary education students for educational purposes or school sponsored events. It does not include property owned by commercially operated or postsecondary schools or school district property that is not regularly occupied or used by students for school activities.

Septic Waste and Domestic Sludge Application: Otherwise known as: "Applied to the land surface" in ARM 17.50.802(3) means the uniform application of liquid or semi-liquid waste material at a rate closely approximating that which will result in maximum benefit to the crop or vegetative cover in the field, without ponding, runoff, or leaching.

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line, except when adjacent to the right-of-way, the measurement shall be from the closest right-of-way line.

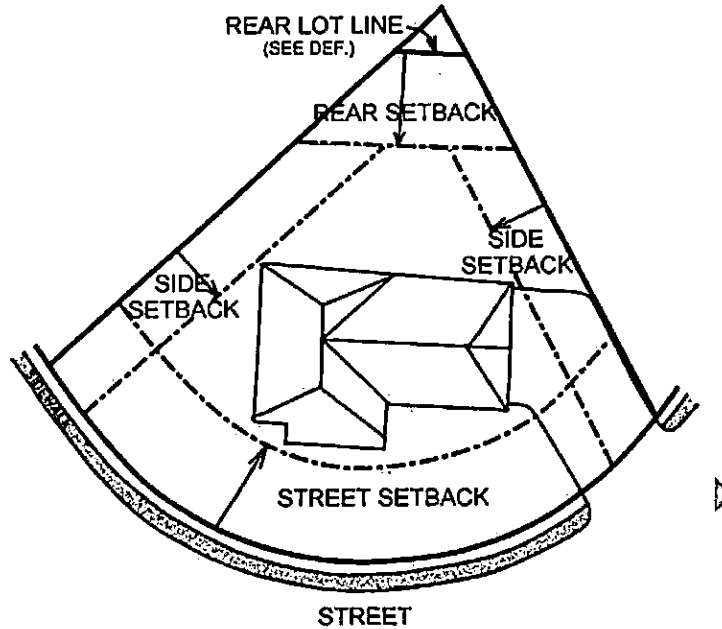
Front: A setback (sometimes called a Street Setback) extending across the full width of the lot and parallel to the right-of-way line, measured perpendicular to the right-of-way line. (See Setback Diagram)

Rear: A setback extending across the full width of the lot and parallel to the rear lot line, measured perpendicular to the rear lot line, except that on pie shaped lots, a chord is to be drawn at a length of ten (10) feet, in order to establish the rear lot line for the purpose of setback measurement. (See Setback Diagram)

Side: A setback extending from the front lot line to the rear setback and parallel to the side lot line, measured perpendicular to the side lot line. (See Setback Diagram)

Exhibit-A

SETBACK DIAGRAM



Sexually-oriented Business: A business that primarily offers sexually-oriented goods, services, and entertainment for compensation, including escort agencies, nude modeling studios, sexual encounter centers, and related services.

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.

Silviculture: The growing and cultivation of trees.

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.

Staff: Lewis and Clark County employees with a role in reviewing or administering the provisions contained in these Regulations.

State: The State of Montana.

Storage Facility, Self-Service: A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term

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~~includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing. An on-site manager/caretaker may reside at the facility.~~

Structure: Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, wholesale business tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other similar objects.

Subdivision: A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any re-subdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

Subject Land: Real property which is the subject of these Regulations.

Surveyor: See Registered Professional Land Surveyor.

Tavern: ~~Any establishment licensed by the state of Montana with a quota restricted license for the retail sale of any alcoholic beverage for on-premises consumption. A restaurant that has a quota restricted license and gambling license is a tavern. This does not include premises upon which any alcoholic beverage is catered and sold for on premises consumption to persons attending a special event; premises upon which alcoholic beverages are served pursuant to a special alcohol beverage license; or premises upon which the alcohol beverage license is restricted to premises with a special use or ownership. Sale of alcoholic beverages on property for which only special licenses have been issued is considered an accessory use to the property's primary use.~~

Telecommunication Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Temporary Uses: Those uses temporary in nature with a defined commencement and termination dates which comply with Section 15 of these regulations.

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 townhouse.

Tract of Record: An individual parcel of land, 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 County Clerk and Recorder's office. (See Lot and Parcel)

Trail: Public pedestrian trails that are predominately used for recreational and leisure purposes.

Utility Distributed Power: 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

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transmission lines to serve other properties and includes neighborhood or district heating facility and electricity generated by microturbines or photovoltaics.

Utility Major: Facilities for water and wastewater treatment and solid waste transfer stations.

Utility Minor: Facilities other than a major or distributed power utility, including water system wells, wastewater lift stations, water pumping stations, water tanks and towers, stormwater control facilities, and water, wastewater, and stormwater drainage lines.

Utility Sites: Parcels of land and necessary improvements 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, gas pipelines, and communications facilities.

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.

Veterinary Clinic, Large Animal: A large animal veterinary clinic specializes in the care and treatment of livestock such as cattle, hogs, sheep, goats, horses, llamas, ostriches and emus.

Veterinary Clinic, Small Animal: 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.

Warehouse: A building or portion thereof used to store goods and materials for wholesale, temporary storage, and distribution, including moving and storage facilities, or a truck terminal that stores freight for reshipment or routing.

Wastewater Treatment System, Centralized: A shared, multi-user, public, or municipal wastewater treatment system.

Wastewater Treatment System, Individual: Any form of wastewater treatment system that serves or is intended to serve one service connection.

Water System, Centralized: A shared, multi-user, public, or municipal water system.

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Water System, Individual: Any form of water system that serves that serves or is intended to serve one service connection.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included.

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.

Zoning Administrator: The Director of the Lewis and Clark County Community Development and Planning Department (CDP) unless another person is appointed by the Board of County Commissioners.

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SECTION 7 RURAL RESIDENTIAL MIXED-USE DISTRICT (RR)

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701 Intent

To provide for lower density residential development, along with an opportunity for continued agricultural activities, within the rural areas of the Helena Valley. Also, on a limited basis, to provide areas for non-residential uses in balance with residential development and agricultural activities as an integral part of the community providing essential services and employment opportunities. Non-residential development within this district should be permitted in compact centers rather than in extended strips of development along roadways to provide for orderly development, minimized traffic congestion, and to provide for safe pedestrian movement.

Urban development within this district is strongly discouraged. Expansion of urban development into rural areas is a matter of public concern because of the challenges in satisfactorily addressing the impacts associated with the five key issues identified in the Growth Policy. Those key issues (fire, water, wastewater, roads, and flooding) along with the potential for conflicts between agricultural and urban activities support the lower development intensity levels of the Rural Residential Mixed-Use zone district. Development or use of land in this district is permitted only in accordance with the provisions herein.

702 Principal Uses

Only one (1) principal use is allowed on each parcel. The following principal uses are allowable in the Rural Residential Mixed-Use District:

- 702.01 Agriculture
- 702.02 Apiculture
- 702.03 Community Residential Facility – Type-I
- ~~702.04 Community Uses:~~
 - ~~702.04.01 Education Facility~~
 - ~~702.04.02 Library~~
 - ~~702.04.03 Open space/trails~~
 - ~~702.04.04 Park~~
 - ~~702.04.05 Public Facilities (without outdoor training)~~
- 702.054 Day-care Facility
 - 702.05.01 Adult Daycare
 - 702.05.02 Family Daycare
 - 702.05.03 Group Daycare
- ~~702.065 Forestry~~
- ~~702.076 Horticulture~~
- 702.07 Library
- 702.08 Open Space/Trails
- 702.09 Park
- 702.10 Public Safety Facilities (without outdoor training)
- ~~702.0811~~ Residence
 - ~~702.0811.01~~ A single dwelling unit residence per parcel
 - ~~702.0811.02~~ A two – dwelling unit residence per parcel
- ~~702.0912~~ Septic Waste and Domestic Sludge Application
- ~~702.103~~ Silviculture
- ~~702.114~~ Telecommunication Facility
- ~~702.125~~ Temporary Use

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- 702.136 Utility Site
- 702.147 Worship Facility

703 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel, be subordinate to and serve such principal use, be subordinate in area, extent, and purpose to such principal use, and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 703.01 Accessory Uses and Buildings
- 703.02 Home Occupations, in compliance with Section 16 of these Regulations.
- 703.03 Temporary Uses, in compliance with Section 15 of these Regulations.

704 Conditional Uses

The following uses are permitted, upon approval of a Conditional Use Permit (CUP) by the Board of Adjustment (BOA), in accordance with Section 14 of these Regulations:

- 704.01 Airstrip
- 704.02 Aircraft Hangars when in association with properties within or adjoining an airstrip
- ~~704.03 Animal Hospital, Veterinary Clinic~~
- 704.043 Batch Plant (concrete, mortar, or asphalt; not including temporary batch plants)
- 704.054 ~~Bank/Financial Institution~~
- ~~704.06 Bar/Lounge~~
- 704.075 Bed and Breakfast Establishment
- ~~704.08 Building materials, wholesale/retail~~
- ~~704.096 Camp/Retreat Center~~
- 704.07 Campground/RV Park
- ~~704.08 Casino~~
- ~~704.1009 Cemetery~~
- 704.110 Community Residential Facility, Type-II
Construction Material Sales
- 704.121 Contractor's storage yard
- 704.12 Correctional Facility
- 704.13 Daycare Center
- 704.14 Equipment Rental
- 704.15 Extractive Industries
- 704.16 Financial Services
- 704.167 Funeral Home/Crematorium
- 704.178 General/Professional Services
- 704.189 General Repair
- 704.20 General Retail Sales
- 704.1921 Greenhouse/Plant Nursery
- 704.202 Health-Care Facility
- 704.213 Heliport
- 704.224 Hotel (including conference or convention facilities)

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- 704.235 Industrial (must not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the parcel boundary)
- 704.245 Indoor Entertainment, Sports, and Recreation
- ~~704.25 Jail/Correctional Facility~~
- 704.26 Kennel
- 704.27 Landfill
- 704.278 Marijuana Dispensary
- 704.289 Marijuana Grow Operation
- 704.2930 Marijuana Provider
- 704.31 Mini-Storage/Storage Facility, Self Service
- 704.302 Motor Vehicle Graveyard
- 704.313 Motor Vehicle Wrecking Facility
- ~~704.32 Motorized vehicle/equipment service/repair and incidental sales~~
- 704.334 Outdoor Entertainment Sports and Recreation
- ~~704.34 Outdoor Entertainment~~
- 704.35 Parking Lot - public or private
- 704.36 Propane Distribution/Storage Facility
- 704.37 Public Safety Facilities (with outdoor training)
- 704.38 Recycling Facility/~~solid waste transfer facility~~
- 704.39 Renewable Energy Facilities
- 704.40 Research and Development Facility
- 704.41 Residence
- 704.41.01 Multiple – Dwelling Unit Residence per parcel
- 704.42 Restaurant
- ~~704.43 Retail~~
- 704.443 Satellite Earth Station
- ~~704.45 Storage Facility, Self Service~~
- 704.45 Tavern
- 704.46 Vehicle Fuel Sales
- ~~704.47 Vehicle Repair~~
- ~~704.48 Vehicle Sales and Rental~~
- 704.49 Vehicle Services
- 704.49.01 Veterinary Clinic, Large Animals
- 704.49.02 Veterinary Clinic, Small Animals
- ~~704.4950 Warehouse~~
- ~~704.501 Water/Wastewater Treatment Facility~~

A conditional use may also be the principal use of a parcel of land, and only one principal use per parcel is allowed.

705 Special Exception Uses

The following uses are allowed in addition to an established principal use, an accessory use, or conditional uses:

- 705.01 Agricultural
- 705.02 Apiculture
- 705.03 Community Residential Facility – Type-1
- 705.04 Day-Care Facility
- 705.04.01 Adult Daycare

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- 705.04.02 Family Daycare
- 705.04.03 Group Daycare
- 705.05 Forestry
- 705.06 Horticulture
- 705.07 Silviculture
- 705.08 Telecommunication Facility

706 Minimum Lot Area

The minimum parcel size shall be ten (10) Acres, with two exceptions: Cluster Design or Planned Development (PD).

In order to permit creative and environmentally sensitive site design, smaller parcel sizes may be permitted through the use of a Cluster Design as detailed below.

706.01 Cluster Design

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, with the balance of the property maintained in open space.

706.01.01 Lot Design (NOTE: 706.01 through 706.02 have been renumbered)

706.01.01.1 The minimum size of parcels to be developed is the effective minimum size allowable under the Administrative Rules of Montana adopted by the Montana Department of Environmental Quality under Title 76, Chapter 4, MCA.

706.01.01.2 Apart from any parcel that will remain as undeveloped open space, the maximum size of each parcel to be developed in a cluster development is two (2) acres.

706.01.01.3 To reduce the potential for groundwater depletion due to the concentration of wells, the maximum number of parcels to be developed in a cluster development is ten (10). Additional non-clustered lots can be included in a subdivision plan for a cluster development to achieve the maximum density allowed under the Rural Residential Mixed-Use District as shown in Figure 1.

706.01.01.4 The minimum amount of land preserved in a cluster development is equal to the base density of ten (10) acres per parcel, minus the area in new lots planned for development. For example, an eighty (80)-acre parcel can be divided into eight (8) lots (80 acres ÷ a base density of 10 acres per lot).

In the eighty (80) acre example below in Figure 1, each of the eight (8) cluster lots is one (1) acre in size as allowed under DEQ rules for water and wastewater. The ninth parcel, seventy-two (72) acres in size, is to be preserved as open space and/or a resource use(s). Under this development scenario,

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approximately ninety (90) percent of the parcel is maintained in open space, and the need for road construction is minimized

The one hundred sixty (160) acre example below in Figure 1, shows a second example of development of a one hundred sixty (160) acre parcel. A one hundred sixty (160) acre parcel of land can be divided into sixteen (16) lots planned for development (160 acres ÷ a base density of 10 acres per lot). Each of the ten (10) cluster lots (the maximum number of cluster lots allowed) planned for development is two (2) acres in size. An added six (6) non-clustered lots of ten (10) acres each are allowed on the parcel being subdivided to achieve the full development potential of the quarter section of land. The 17th parcel, eighty (80) acres in size, is to be preserved as open space and/or a resource use(s). Under this development scenario, approximately half of the parcel is maintained in open space, and the need for road construction is minimized.

Numerous other combinations and configurations are possible so long as they comply with the provisions for cluster development and the density restrictions.

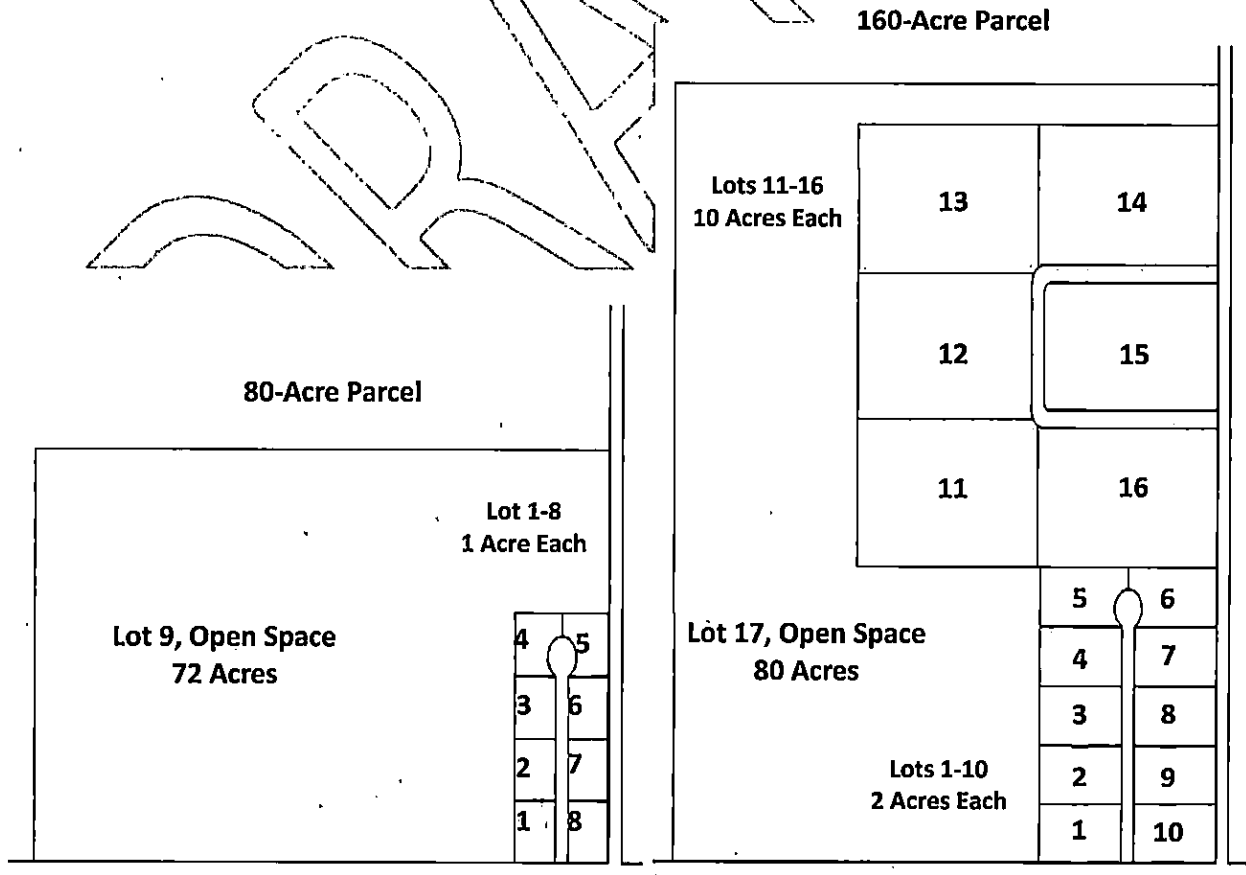


Exhibit-A

Figure 1 – Alternative layouts for clustered development (for illustrative purposes only, as many other scenarios are possible.)

706.01.02 Open Space Standards

The land preserved in open space and/or a resource use(s) must:

706.01.02.1 Be maintained on a long-term basis through a revocable covenant prohibiting further subdivision, division, or development of the open space and/or resource use parcel. Revocation of said covenant requires approval by the BoCC. Revocations may be considered if zoning and/or development constraint conditions no longer require density to be limited on the subject property;

706.01.02.2 Be accessible via a road and/or trail easement filed with the Lewis and Clark County Clerk and Recorder's office;

706.01.02.3 Be identified on a final subdivision plat or certificate of survey (COS) (for exemptions from subdivision). The final subdivision plat or COS shall include a notation as to the official recordation location of the revocable covenant;

706.01.02.4 Include a plan for ongoing use and maintenance as open space and/or a resource 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;

706.01.02.5 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, and scenic resources such as hillsides or forested areas; and,

706.01.02.6 Be located adjacent to the one (1) or more lots to be developed.

707 **Maximum Gross Density**

The gross density shall not exceed one (1) parcel per ten (10) acres, unless the parcel is located in an approved PD that allows for greater densities.

708 **Minimum Setbacks**

708.01 Principal Use for parcels ten (10) acres or greater in size: (also applies to Special Exception Uses)

Front: Twenty-five (25) feet.

Side: Twenty-five (25) feet.

Rear: Twenty-five (25) feet.

Principal Use for parcels under ten (10) acres in size: (also applies to Special Exception Uses)

Front: Ten (10) feet.

Side: Ten (10) feet.

Rear: Ten (10) feet.

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708.02 Accessory Use for parcels ten (10) acres or greater in size:

Front: Twenty-five (25) feet.

Side: Fifteen (15) feet.

Rear: Fifteen (15) feet.

Accessory Use for parcels under ten (10) acres in size:

Front: Ten (10) feet.

Side: Ten (10) feet.

Rear: Ten (10) feet.

708.03 Conditional Use:

Same as Principal Use unless otherwise defined with the CUP.

709 Encroachments (Setbacks)

709.01 Utility distribution lines and related equipment may be located within a required setback.

709.02 Fences and walls in excess of forty-two (42) inches in height are not allowed in the front setback.

710 Building Height

Maximum building height: thirty-five (35) feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

710.01 The height of an antenna shall be no greater than the distance to the nearest lot line.

711 Parking 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 Manual, 5th Edition, 2019" or as otherwise 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 this zoning district:

711.01 Community Residential Facility (Type I): two (2) spaces for each one thousand (1,000) square feet of gross floor area.

711.02 Educational Facility (K-12): one (1) space for each three (3) employees, plus five (5) spaces.

711.03 Educational Facility (Higher Education): 0.19 spaces per student.

711.04 Day-Care Facility: one (1) space for every two (2) employees, plus two (2) additional parking spaces, plus one (1) loading space for every eight (8) clients.

711.05 Public Safety Facility: four (4) spaces per one thousand (1,000) square feet of gross floor space.

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- 711.06 Funeral Home; Worship Facility: one (1) space for every four (4) seats.
- 711.07 Vehicle Fuel Sales: one (1) space for each two (2) employees, excluding spaces to serve the gas pumps.
- 711.08 ~~Bank Financial Institution Services (Walk-in Only): 0.63~~ 3 spaces per one thousand (1,000) square feet of gross floor area; stacking lanes for each drive up and ATM do not count toward the on-site parking requirement
- ~~711.09 Bank Financial Institution Services (Walk-in with Drive-up): 4.23 spaces per one thousand (1,000) square feet of gross floor area.~~
- 711.~~100~~09 Health-Care Center; Healthcare Facility; Animal Hospital; Veterinary Clinic: 4.11 spaces per one thousand (1,000) square feet of gross floor area.
- 711.140 Administrative Government Agency; Bus Terminal (if operated by a Government Agency); Public Safety Facility: 3.84 spaces per one thousand (1,000) square feet of gross floor area.
- 711.121 Crematorium; General Repair; Light Industrial; Vehicle Repair: 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 711.132 Vehicle Sales and Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 711.143 Equipment Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 711.154 Hotel: 0.89 spaces per room
- 711.165 Indoor/Outdoor Entertainment, Sports, and Recreation; Outdoor Concerts and Theatrical Performances: 0.26 spaces per seat.
- 711.176 Specialized Food Production; Artisan Shop (with Production and Manufacturing): 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 711.187 Community Residential Facility (Type II): one (1) space for each three (3) dwelling units.
- 711.198 Residence: two (2) spaces for each residential dwelling unit.
- 711.~~201~~9 Kennel or Other Animal-Related Services; General/Professional Services; General Retail Sales: 4.1 spaces per one thousand (1,000) square feet of gross floor area.
- 711.240 Bed and Breakfast; Camping and Retreat Center: one (1) space for each room for rent, plus two (2) additional spaces if a portion of the building is used as a single dwelling unit residence.
- 711.221 Other Uses: For any other use not specifically mentioned or provided for in this Section, the Zoning Administrator shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed.

Exhibit-A**712 Lighting Standards**

It is the purpose and intent of these Regulations to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, while maintaining nighttime safety, utility, and security.

712.01 Residential Outdoor Lighting

All exterior light fixtures shall be of a full-cutoff design except as otherwise permitted below.

712.02 Commercial Outdoor Lighting

All light fixtures shall be of a full-cutoff design. Light fixtures attached to a pole may not exceed a height of thirty-four (34) feet from the ground to the bottom of the fixture. Any existing fixtures out of compliance with this regulation shall be brought into conformance at the time of the replacement of the pole or fixture.

712.03 Feature Lighting

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing that the light beam is narrowly focused so as not to exceed the width and height upon the object being illuminated; and the light is directed on the feature being lit and not directly upwards.

712.04 Signs

Illuminated signs shall be illuminated in such a manner that the light therefrom shall shine only on the sign or on the property on which it is located and shall not shine onto any other property, in any direction, except by indirect reflection.

712.05 Communication Towers

Lighting for towers and structures shall comply with the minimum mandates contained in the appropriate Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations or other State requirements. The more restrictive requirements shall apply in the event of a conflict between the regulations.

712.06 Exemptions

712.06.1 Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.

712.06.2 American Flag illumination

712.06.3 Temporary Construction Sites

Lighting for nighttime security, provided the owner submits a lighting mitigation plan for approval that includes the duration, number, location, and height of each light source, and hours of operation.

712.06.4 Seasonal Lighting

Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.

712.06.5 Emergency Lighting

Lights used during emergencies or by police, fire, public works and/or public

Exhibit-A

utility personnel in their official duties are exempt from these Regulations.

712.07 Prohibited Lighting

The following types of lights are prohibited within the Rural Residential Mixed-Use Zone District.

712.07.1 The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light. Lighting that could be confused for a traffic control device.

712.07.2 Lighting designed for the creation of sky glow to attract attention (whether stationary or moving), in excess of the lighting used to provide safety, security, and utility.

712.07.3 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.

712.07.4 Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting with total per-source level not exceeding an average of two thousand eight hundred fifty (2,850) lumens.

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SECTION 8 SUBURBAN RESIDENTIAL MIXED-USE DISTRICT (SR)

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Exhibit-A**801 Intent**

The Suburban Residential Mixed-use (SR) Zone District is intended to include a mix of suburban development where road and floodplain constraints are absent, and rural development in areas that are constrained by road conditions and floodplains.

802 Principal Uses

Only one (1) principal use is allowed on each parcel. The following principal uses are allowable:

- 802.01 Agriculture
- 802.02 Apiculture
- 802.03 Community Residential Facility – Type-I
- 802.04 Daycare Facility:
 - 802.04.01 Adult Daycare
 - 802.04.02 Family Daycare
 - 802.04.03 Group Daycare
- 802.05 Education Facility
- 802.06 Forestry
- 802.07 Horticulture
- 802.08 Library
- 802.09 Open Space/Trails
- 802.10 Park
- 802.11 Public Safety Facility (without outdoor training)
- 802.12 Residence:
 - 802.12.01 A Single-dwelling Unit Residence per parcel
 - 802.12.02 A Two-dwelling Unit Residence per parcel
- 802.13 Septic Waste and Domestic Sludge Application
- 802.14 Silviculture
- 802.15 Telecommunication Facility (excluding Satellite Earth Station)
- 802.16 Temporary Use
- 802.17 Utility, Major
- 802.18 Utility, Minor
- 802.19 Worship Facility

803 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel, be subordinate to and serve such principal use, be subordinate in area, extent, and purpose to such principal use, and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 803.01 Accessory Uses and Buildings
- 803.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 803.03 Temporary Uses, in compliance with Section 15 of these Regulations.

804 Conditional Uses

The following uses are permitted, upon approval of a Conditional Use Permit (CUP) by the Board of Adjustment (BOA), in accordance with Section 14, of these Regulations:

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- 804.01 Airstrip
- 804.02 Aircraft Hangars when in association with properties within or adjoining an airstrip
- 804.03 Batch Plant (concrete, mortar, or asphalt; not including temporary batch plants)
- 804.04 Bed and Breakfast Establishment
- 804.05 Building materials - wholesale/retail
- 804.06 Camp/ Retreat Center
- 804.07 Campground/RV Park
- 804.08 Casino
- 804.09 Cemetery
- 804.10 Community Residential Facility, Type-II
- 804.11 Composting Facility/Landfill
- 804.12 Construction Material Sales
- 804.13 Contractor's storage yard
- 804.14 Correctional Facility
- 804.15 Daycare Center
- 804.16 Equipment Rental
- 804.17 Extractive Industries
- 804.18 Financial Services
- 804.19 Funeral Home
- 804.20 General/Professional Services
- 804.21 General Repair
- 804.22 General Retail Sales
- 804.23 Healthcare Facility
- 804.24 Heliport
- 804.25 Hotel (including conference or convention facilities)
- 804.26 Industrial, Heavy
- 804.27 Industrial, Light
- 804.28 Industrial Park
- 804.29 Indoor Entertainment, Sports, and Recreation
- 804.30 Kennel
- 804.31 Marijuana Dispensary
- 804.32 Marijuana Grow Operation
- 804.33 Marijuana Provider
- 804.34 Mini-storage/Storage Facility, Self Service
- 804.35 Motor Vehicle Graveyard
- 804.36 Motor Vehicle Wrecking Facility
- 804.37 Outdoor Entertainment, Sports, and Recreation
- 804.38 Parking Lot
- 804.39 Propane Distribution/Storage Facility
- 804.40 Public Safety Facility (with outdoor training)
- 804.41 Recycling Facility
- 804.42 Renewable Energy Facilities
- 804.43 Research and Development Facility
- 804.44 Residence
 - 804.44.01 Multiple – Dwelling Unit Residence per parcel
- 804.45 Restaurant
- 804.46 Retail
- 804.47 Satellite Earth Station

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- 804.48 Tavern
- 804.49 Utility Distributed Power
- 804.50 Vehicle Fuel Sales
- 804.51 Vehicle Repair
- 804.52 Vehicle Sales and Rental
- 804.53 Vehicle Services
- 804.54 Veterinary Clinic, Large Animals
- 804.55 Veterinary Clinic, Small Animals
- 804.56 Warehouse
- 804.57 Water/Wastewater Treatment Facility

A conditional use may also be the principal use of a parcel of land, and only one principal use per parcel is allowed.

805 Special Exception Uses

The following uses are allowed in addition to an established principal use, an accessory use, or conditional uses:

- 805.01 Agricultural
- 805.02 Apiculture
- 805.03 Community Residential Facility – Type-1
- 805.04 Daycare Facility
 - 805.04.01 Adult Daycare
 - 805.04.02 Family Daycare
 - 805.04.03 Group Daycare
- 802.05 Forestry
- 802.06 Horticulture
- 802.07 Silviculture
- 802.08 Telecommunication Facility (excluding Satellite Earth Station)

806 Minimum Setbacks

806.01 Principal Use for parcels ten (10) acres or greater in size: (also applies to Special Exception Uses)

- Front: Twenty-five (25) feet.
- Side: Twenty-five (25) feet.
- Rear: Twenty-five (25) feet.

Principal Use for parcels under ten (10) acres in size: (also applies to Special Exception Uses)

- Front: Ten (10) feet.
- Side: Ten (10) feet.
- Rear: Ten (10) feet.

806.02 Accessory Use for parcels ten (10) acres or greater in size:

- Front: Twenty-five (25) feet.
- Side: Fifteen (15) feet.
- Rear: Fifteen (15) feet.

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Accessory Use for parcels under ten (10) acres in size:

Front: Ten (10) feet.
Side: Ten (10) feet.
Rear: Ten (10) feet.

806.03 Conditional Use:

Same as Principal unless otherwise defined with the CUP.

807 Encroachments (Setbacks)

807.01 Utility distribution lines and related equipment may be located within a required setback.

807.02 Fences and walls in excess of forty-two (42) inches in height are not allowed in the front setback.

808 Building Height

Maximum building height: thirty-five (35) feet

808.01 The height of an antenna shall be no greater than the distance to the nearest lot line.

809 Parking 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 Manual, 5th Edition, 2019" or as otherwise 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 the SR-10 and SR-1 zones:

809.01 Community Residential Facility (Type I): two (2) spaces for each one thousand (1,000) square feet of gross floor area.

809.02 Educational Facility (K-12): one (1) space for each three (3) employees, plus five (5) spaces.

809.03 Educational Facility (Higher Education): 0.19 spaces per student.

809.04 Daycare Facility: one (1) space for every two (2) employees, plus two (2) additional parking spaces, plus one (1) loading space for every eight (8) clients.

809.05 Public Safety Facility: four (4) spaces per one thousand (1,000) square feet of gross floor space.

809.06 Funeral Home; Worship Facility: one (1) space for every four (4) seats.

809.07 Vehicle Fuel Sales: one (1) space for each two (2) employees, excluding spaces to serve the gas pumps.

809.08 Financial services: three (3) spaces/1,000 square feet of gross floor area; stacking lanes for each drive up and ATM do not count toward the on-site parking requirement.

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- 809.09 Healthcare Center; Healthcare Facility; Veterinary Clinic: 4.11 spaces per one thousand (1,000) square feet of gross floor area.
- 809.10 Administrative Government Agency; Bus Terminal (if operated by a Government Agency); Public Safety Facility: 3.84 spaces per one thousand (1,000) square feet of gross floor area.
- 809.11 Crematorium; General Repair; Light Industrial; Vehicle Repair: 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 809.12 Vehicle Sales and Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 809.13 Equipment Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 809.14 Hotel: 0.89 spaces per room
- 809.15 Indoor/Outdoor Entertainment, Sports, and Recreation; Outdoor Concerts and Theatrical Performances: 0.26 spaces per seat.
- 809.16 Specialized Food Production; Artisan Shop (with Production and Manufacturing): 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 809.17 Community Residential Facility (Type II): one (1) space for each three (3) dwelling units.
- 809.18 Residence: two (2) spaces for each residential dwelling unit.
- 809.19 Kennel or Other Animal-Related Services; General/Professional Services; General Retail Sales: 4.1 spaces per one thousand (1,000) square feet of gross floor area.
- 809.20 Bed and Breakfast; Camping and Retreat Center: one (1) space for each room for rent, plus two (2) additional spaces if a portion of the building is used as a single dwelling unit residence.
- 809.21 Other Uses: For any other use not specifically mentioned or provided for in this Section, the Zoning Administrator shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed.

810 Lighting Standards

It is the purpose and intent of these Regulations to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, while maintaining nighttime safety, utility, and security.

810.01 Residential Outdoor Lighting

All exterior light fixtures shall be of a full-cutoff design except as otherwise permitted below.

810.02 Commercial Outdoor Lighting

All light fixtures shall be of a full-cutoff design. Light fixtures attached to a pole may

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not exceed a height of thirty-four (34) feet from the ground to the bottom of the fixture. Any existing fixtures out of compliance with this regulation shall be brought into conformance at the time of the replacement of the pole or fixture.

810.03 Feature Lighting

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing that the light beam is narrowly focused so as not to exceed the width and height upon the object being illuminated; and the light is directed on the feature being lit and not directly upwards.

810.04 Signs

Illuminated signs shall be illuminated in such a manner that the light therefrom shall shine only on the sign or on the property on which it is located and shall not shine onto any other property, in any direction, except by indirect reflection.

810.05 Communication Towers

Lighting for towers and structures shall comply with the minimum mandates contained in the appropriate Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations or other State requirements. The more restrictive requirements shall apply in the event of a conflict between the regulations.

810.06 Exemptions

810.06.01 Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.

810.06.02 American Flag illumination

810.06.03 Temporary Construction Sites

Lighting for nighttime security, provided the owner submits a lighting mitigation plan for approval that includes the duration, number, location, and height of each light source, and hours of operation.

810.06.04 Seasonal Lighting

Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.

810.06.05 Emergency Lighting

Lights used during emergencies or by police, fire, public works and/or public utility personnel in their official duties are exempt from these Regulations.

810.07 Prohibited Lighting

The following types of lights are prohibited within the Rural Residential Mixed-Use Zone District.

810.07.01 The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light. Lighting that could be confused for a traffic control device.

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- 810.07.02 Lighting designed for the creation of sky glow to attract attention (whether stationary or moving), in excess of the lighting used to provide safety, security, and utility.
- 810.07.03 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.
- 810.07.04 Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting with total per source level not exceeding an average of two thousand eight hundred fifty (2,850) lumens.

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SECTION 9 URBAN RESIDENTIAL MIXED-USE DISTRICT (UR)

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901 Intent

The Urban Residential Mixed-use (UR) Zone District is intended to accommodate urban levels of development on public infrastructure, including sewer, water, stormwater, and transportation. The constraints to development are addressed through the infrastructure improvements, and in the case of flood hazards, through infrastructure and density controls.

902 R-1/R-2

902.01 Intent

The R-1/R-2 (residential) Zone provides for residential dwellings and limited nonresidential development that protects and enhances the residential nature of the area.

902.02 Principal Uses

The following principal uses are allowable in the R-1/R-2 Zone:

- 902.02.01 Agriculture
- 902.02.02 Apiculture
- 902.02.03 Boarding/Rooming House (1-3 residents)
- 902.02.04 Community Residential Facility, Type I (1 to 12 residents)
- 902.02.05 Daycare, Adult (up to 12 adults)
- 902.02.06 Daycare, Family (up to 6 children)
- 902.02.07 Daycare, Group (7 to 12 children)
- 902.02.08 Forestry
- 902.02.09 Horticulture
- 902.02.10 On-site Construction Office
- 902.02.11 Open Space
- 902.02.12 Parks/Playgrounds
- 902.02.13 Residence, Single-dwelling Unit
- 902.02.14 Residence, Two-dwelling Units
- 902.02.15 Silviculture
- 902.02.16 Trails
- 902.02.17 Utility, Distributed Power
- 902.02.18 Utility, Minor

902.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel, be subordinate to and serve such principal use, be subordinate in area, extent, and purpose to such principal use, and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 902.03.01 Accessory Uses and Buildings
- 902.03.02 Home Occupations, in compliance with Section 16, of these Regulations.

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902.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

902.04 Conditional Uses

The following uses are permitted, upon approval of a Conditional Use Permit (CUP) by the Board of Adjustment (BoA), in accordance with Section 14, of these Regulations:

- 902.04.01 Bed and Breakfast
- 902.04.02 Community Cultural Facility
- 902.04.03 Community Residential Facility, Type II (13 or more residents)
- 902.04.04 Daycare Center (13 or more individuals)
- 902.04.05 Educational Facility (Higher Education)
- 902.04.06 Educational Facility (K-12)
- 902.04.07 Mobile Home Park
- 902.04.08 Parking Lot
- 902.04.09 Public Safety Facility
- 902.04.10 Residence, Multiple-dwelling Units (3 or more units)
- 902.04.11 Worship Facility

902.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

902.06 Maximum Lot Coverage

Forty (40%) percent.

902.07 Minimum Setbacks

Front: Ten (10) feet.
Rear: Ten (10) feet.
Side: Eight (8) feet.

902.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located within a required setback.

902.09 Building Height

Maximum building height: thirty (30) feet.

902.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

902.11 Landscaping Standards

See landscaping standards in Section 912.

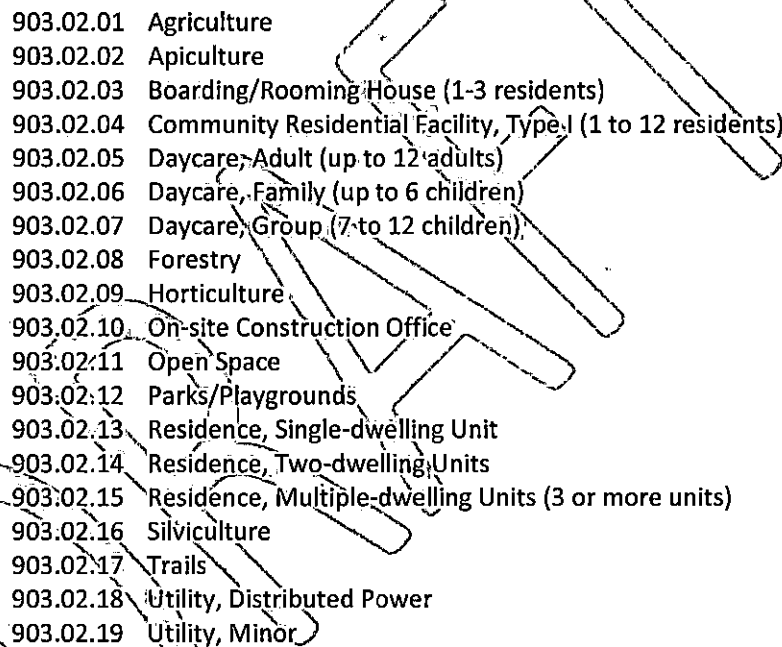
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902.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

903 R-3

903.01 Intent
The R-3 (residential) Zone provides for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

903.02 Principal Uses
The following principal uses are allowable in the R-3 Zone:

- 
- 903.02.01 Agriculture
 - 903.02.02 Apiculture
 - 903.02.03 Boarding/Rooming House (1-3 residents)
 - 903.02.04 Community Residential Facility, Type I (1 to 12 residents)
 - 903.02.05 Daycare, Adult (up to 12 adults)
 - 903.02.06 Daycare, Family (up to 6 children)
 - 903.02.07 Daycare, Group (7 to 12 children)
 - 903.02.08 Forestry
 - 903.02.09 Horticulture
 - 903.02.10 On-site Construction Office
 - 903.02.11 Open Space
 - 903.02.12 Parks/Playgrounds
 - 903.02.13 Residence, Single-dwelling Unit
 - 903.02.14 Residence, Two-dwelling Units
 - 903.02.15 Residence, Multiple-dwelling Units (3 or more units)
 - 903.02.16 Silviculture
 - 903.02.17 Trails
 - 903.02.18 Utility, Distributed Power
 - 903.02.19 Utility, Minor

903.03 Accessory Uses
Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 903.03.01 Accessory Uses and Buildings
- 903.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 903.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

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903.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 903.04.01 Artisan Shop
- 903.04.02 Bed and Breakfast
- 903.04.03 Community Cultural Facility
- 903.04.04 Community Residential Facility, Type II (13 or more residents)
- 903.04.05 Country Inn, Guest Ranch
- 903.04.06 Daycare Center (13 or more individuals)
- 903.04.07 Educational Facility (Higher Education)
- 903.04.08 Educational Facility (K-12)
- 903.04.09 General/Professional Services
- 903.04.10 General Repair (*outdoor storage not allowed)
- 903.04.11 Mobile Home Park
- 903.04.12 Parking Lot
- 903.04.13 Public Safety Facility
- 903.04.14 Worship Facility

903.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

903.06 Maximum Lot Coverage

Forty (40%) percent.

903.07 Minimum Setbacks

Front: Ten (10) feet.
Rear: Ten (10) feet.
Side: Six (6) feet.

903.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located within a required setback.

903.09 Building Height

Maximum building height: thirty-six (36) feet.

903.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01

903.11 Landscaping Standards

See landscaping standards in Section 912.

Exhibit-A

903.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

904 R-4/R-O

904.01 Intent
The R-4/R-O (residential-office) Zone provides for a compatible mix of higher density residential development with professional and business offices and associated service uses.

904.02 Principal Uses
The following principal uses are allowable in the R-4/R-O Zone:

- 904.02.01 Administrative Government Agency
- 904.02.02 Administrative Services
- 904.02.03 Agriculture
- 904.02.04 Apiculture
- 904.02.05 Boarding/Rooming House (1-3 residents)
- 904.02.06 Boarding/Rooming House (4-20 residents)
- 904.02.07 Community Residential Facility, Type I (1 to 12 residents)
- 904.02.08 Community Residential Facility, Type II (13 or more residents)
- 904.02.09 Daycare, Adult (up to 12 adults)
- 904.02.10 Daycare, Family (up to 6 children)
- 904.02.11 Daycare, Group (7 to 12 children)
- 904.02.12 Forestry
- 904.02.13 General/Professional Services
- 904.02.14 Healthcare Center
- 904.02.15 Horticulture
- 904.02.16 Instructional Facility
- 904.02.17 Mobile Home Park
- 904.02.18 On-site Construction Office
- 904.02.19 Open Space
- 904.02.20 Parks/Playgrounds
- 904.02.21 Residence, Single-dwelling Unit
- 904.02.22 Residence, Two-dwelling Units
- 904.02.23 Residence, Multiple-dwelling Units (3 or more units)
- 904.02.24 Restaurant
- 904.02.25 Silviculture
- 904.02.26 Trails
- 904.02.27 Utility, Distributed Power
- 904.02.28 Utility, Minor
- 904.02.29 Worship Facility

Exhibit-A

904.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 904.03.01 Accessory Uses and Buildings
- 904.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 904.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

904.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 904.04.01 Artisan Shop
- 904.04.02 Bed and Breakfast
- 904.04.03 Community Cultural Facility
- 904.04.04 Country Inn, Guest Ranch
- 904.04.05 Daycare Center (13 or more individuals)
- 904.04.06 Educational Facility (Higher Education)
- 904.04.07 Educational Facility (K-12)
- 904.04.08 Emergency Shelter
- 904.04.09 Financial Services
- 904.04.10 General Repair (*outdoor storage not allowed)
- 904.04.11 Healthcare Facility
- 904.04.12 Indoor Entertainment, Sports and Recreation
- 904.04.13 Parking Lot
- 904.04.14 Public Safety Facility

904.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

904.06 Maximum Lot Coverage

Sixty (60%) percent.

904.07 Minimum Setbacks

Front: Ten (10) feet.
Rear: Ten (10) feet.
Side: Six (6) feet.

Exhibit-A

- 904.08 Encroachments (Setbacks)
Utility distribution lines and related equipment may be located within a required setback.
- 904.09 Building Height
Maximum building height: forty-two (42) feet.
- 904.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01
- 904.11 Landscaping Standards
See landscaping standards in Section 912.
- 904.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.
- 905 R-U
- 905.01 Intent
The R-U (residential-urban) Zone provides for stand-alone single or duplex structures, and a compatible mix of professional and business offices and associated service uses.
- 905.02 Principal Uses
The following principal uses are allowable in the R-U Zone:
- 905.02.01 Administrative Government Agency
 - 905.02.02 Administrative Services
 - 905.02.03 Agriculture
 - 905.02.04 Apiculture
 - 905.02.05 Boarding/Rooming House (1-3 residents)
 - 905.02.06 Community Residential Facility, Type I (1 to 12 residents)
 - 905.02.07 Daycare, Adult (up to 12 adults)
 - 905.02.08 Daycare, Family (up to 6 children)
 - 905.02.09 Daycare, Group (7 to 12 children)
 - 905.02.10 Forestry
 - 905.02.11 General/Professional Services
 - 905.02.12 Healthcare Center
 - 905.02.13 Horticulture
 - 905.02.14 Instructional Facility
 - 905.02.15 On-site Construction Office
 - 905.02.16 Open Space
 - 905.02.17 Parks/Playgrounds
 - 905.02.18 Residence, Single-dwelling Unit

Exhibit-A

- 905.02.19 Residence, Two-dwelling Units
- 905.02.20 Restaurant
- 905.02.21 Silviculture
- 905.02.22 Trails
- 905.02.23 Utility, Distributed Power
- 905.02.24 Utility, Minor
- 905.02.25 Worship Facility

905.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 905.03.01 Accessory Uses and Buildings
- 905.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 905.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

905.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 905.04.01 Artisan Shop
- 905.04.02 Bed and Breakfast
- 905.04.03 Community Cultural Facility
- 905.04.04 Community Residential Facility, Type II (13 or more residents)
- 905.04.05 Country Inn, Guest Ranch
- 905.04.06 Daycare Center (13 or more individuals)
- 905.04.07 Educational Facility (Higher Education)
- 905.04.08 Educational Facility (K-12)
- 905.04.09 Emergency Shelter
- 905.04.10 Financial Services
- 905.04.11 General Repair
- 905.04.12 Healthcare Facility
- 905.04.13 Indoor Entertainment, Sports and Recreation
- 905.04.14 Mobile Home Park
- 905.04.15 Parking Lot
- 905.04.16 Public Safety Facility

905.05 Minimum Lot Area

There is no minimum lot area, with one exception: all newly created lot(s) that contain floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

Exhibit-A

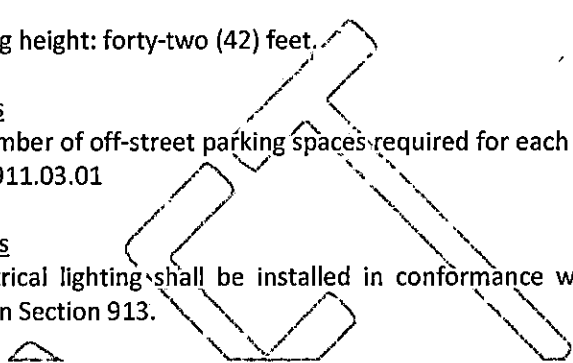
905.06 Maximum Lot Coverage
Sixty (60%) percent. Additional 5% for porch attached to front or side.

905.07 Minimum Setbacks
Front: No minimum.
Rear: No minimum.
Side: No minimum.

905.08 Building Height
Maximum building height: forty-two (42) feet.

905.09 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01

905.10 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.



906 B-2

906.01 Intent
The B-2 (general commercial) Zone provides for compatible residential uses and a broad range of commercial and service uses.

906.02 Principal Uses
The following principal uses are allowable in the B-2 Zone:

- 906.02.01 Administrative Government Agency
- 906.02.02 Administrative Services
- 906.02.03 Agriculture
- 906.02.04 Agriculture Supply Sales
- 906.02.05 Apiculture
- 906.02.06 Artisan Shop
- 906.02.07 Auction Sales
- 906.02.08 Bed and Breakfast
- 906.02.09 Boarding/Rooming House (1-3 residents)
- 906.02.10 Boarding/Rooming House (4-20 residents)
- 906.02.11 Bus Terminal
- 906.02.12 Carnivals and Circuses
- 906.02.13 Community Center
- 906.02.14 Community Cultural Facility
- 906.02.15 Community Residential Facility, Type I (1 to 12 residents)
- 906.02.16 Community Residential Facility, Type II (13 or more residents)
- 906.02.17 Construction Material Sales
- 906.02.18 Country Inn, Guest Ranch

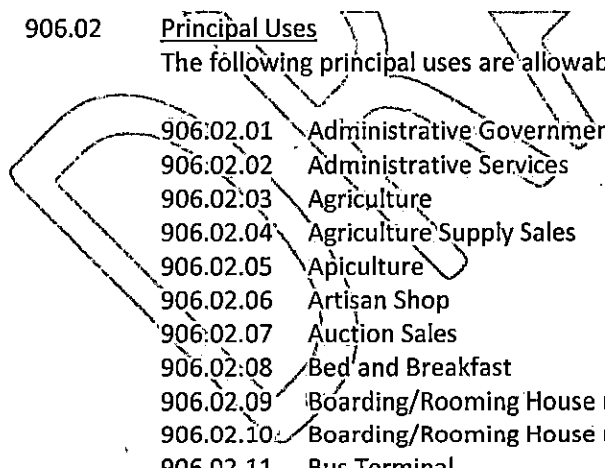
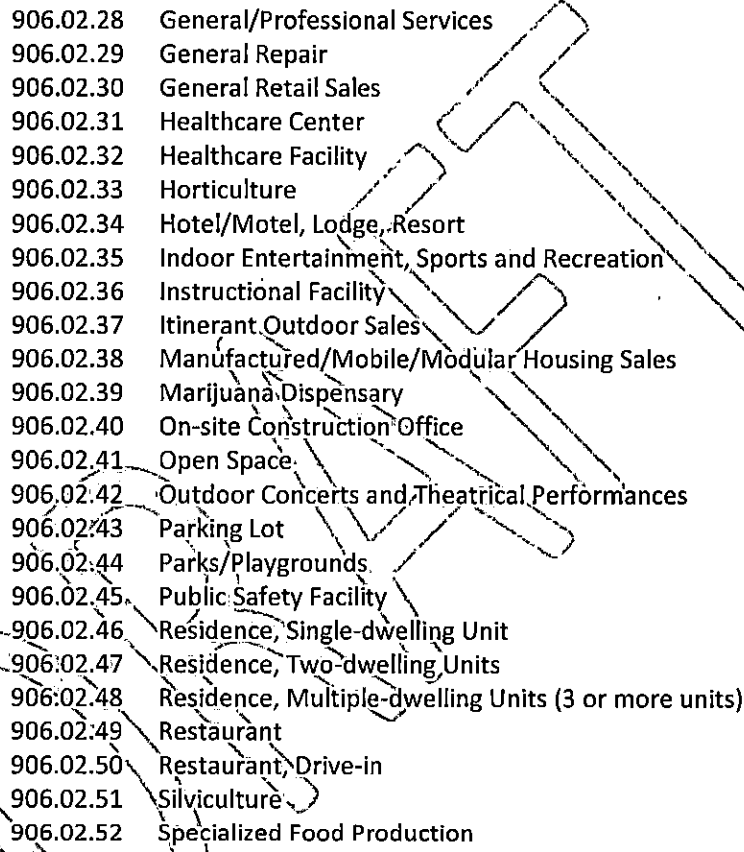


Exhibit-A

906.02.19 Daycare, Adult (up to 12 adults)
906.02.20 Daycare Center (13 or more individuals)
906.02.21 Daycare, Family (up to 6 children)
906.02.22 Daycare, Group (7 to 12 children)
906.02.23 Equipment Rental, Large
906.02.24 Equipment Rental, Small
906.02.25 Financial Services
906.02.26 Forestry
906.02.27 Funeral Home
906.02.28 General/Professional Services
906.02.29 General Repair
906.02.30 General Retail Sales
906.02.31 Healthcare Center
906.02.32 Healthcare Facility
906.02.33 Horticulture
906.02.34 Hotel/Motel, Lodge, Resort
906.02.35 Indoor Entertainment, Sports and Recreation
906.02.36 Instructional Facility
906.02.37 Itinerant Outdoor Sales
906.02.38 Manufactured/Mobile/Modular Housing Sales
906.02.39 Marijuana Dispensary
906.02.40 On-site Construction Office
906.02.41 Open Space
906.02.42 Outdoor Concerts and Theatrical Performances
906.02.43 Parking Lot
906.02.44 Parks/Playgrounds
906.02.45 Public Safety Facility
906.02.46 Residence, Single-dwelling Unit
906.02.47 Residence, Two-dwelling Units
906.02.48 Residence, Multiple-dwelling Units (3 or more units)
906.02.49 Restaurant
906.02.50 Restaurant, Drive-in
906.02.51 Silviculture
906.02.52 Specialized Food Production
906.02.53 Tavern
906.02.54 Trails
906.02.55 Utility, Distributed Power
906.02.56 Utility, Minor
906.02.57 Vehicle Fuel Sales
906.02.58 Vehicle Sales and Rental
906.02.59 Vehicle Services
906.02.60 Veterinary Clinic, Small Animals
906.02.61 Worship Facility

Exhibit-A

906.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 906.03.01 Accessory Uses and Buildings
- 906.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 906.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

906.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 906.04.01 Animal Shelter
- 906.04.02 Campground/RV Park
- 906.04.03 Casino
- 906.04.04 Commercial Kennel, Animal Boarding, Stables or other Animal-related Services
- 906.04.05 Contractor Yard
- 906.04.06 Educational Facility (Higher Education)
- 906.04.07 Educational Facility (K-12)
- 906.04.08 Emergency Shelter
- 906.04.09 Industrial, Light
- 906.04.10 Mini-storage/Storage Facility, Self Service
- 906.04.11 Mobile Home Park
- 906.04.12 Outdoor Entertainment, Sports and Recreation
- 906.04.13 Parking Structure
- 906.04.14 Pre-release Center
- 906.04.15 Shopping Center
- 906.04.16 Vehicle Repair
- 906.04.17 Veterinary Clinic, Large Animals
- 906.04.18 Warehouse

906.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

906.06 Maximum Lot Coverage

No maximum.

906.07 Minimum Setbacks

Front: No minimum.

Exhibit-A

- Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.
Side: No minimum, unless abutting a residential zone and then the minimum setback is ten (10) feet.

906.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located with a required setback.

906.09 Building Height

Maximum building height: seventy-five (75) feet

906.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

906.11 Landscaping Standards

See landscaping standards in Section 912.

906.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

907 CLM

907.01 Intent

The CLM (Commercial-Light Manufacturing) Zone provides for commercial and light manufacturing needs.

907.02 Principal Uses

The following principal uses are allowable in the CLM Zone:

- 907.02.01 Administrative Government Agency
- 907.02.02 Administrative Services
- 907.02.03 Agricultural Commodity Storage Facility
- 907.02.04 Agriculture
- 907.02.05 Agriculture Supply Sales
- 907.02.06 Apiculture
- 907.02.07 Artisan Shop
- 907.02.08 Auction Sales
- 907.02.09 Boarding/Rooming House (1-3 residents)
- 907.02.10 Boarding/Rooming House (4-20 residents)
- 907.02.11 Bus Terminal
- 907.02.12 Carnivals and Circuses
- 907.02.13 Commercial Kennel, Animal Boarding, Stables or other Animal-related Services

Exhibit-A

907.02.14 Community Center
907.02.15 Composting Facility/Landfill
907.02.16 Construction Material Sales
907.02.17 Contractor Yard
907.02.18 Crematorium
907.02.19 Educational Facility (Higher Education)
907.02.20 Equipment Rental, Large
907.02.21 Equipment Rental, Small
907.02.22 Forestry
907.02.23 Freight Terminal
907.02.24 Funeral Home
907.02.25 General/Professional Services
907.02.26 General Repair
907.02.27 General Retail Sales
907.02.28 Horticulture
907.02.29 Indoor Entertainment, Sports and Recreation
907.02.30 Industrial, Light
907.02.31 Instructional Facility
907.02.32 Itinerant Outdoor Sales
907.02.33 Manufactured/Mobile/Modular Housing Sales
907.02.34 Marijuana Dispensary
907.02.35 Mini-storage/Storage Facility, Self Service
907.02.36 On-site Construction Office
907.02.37 Open Space
907.02.38 Outdoor Concerts and Theatrical Performances
907.02.39 Parking Lot
907.02.40 Parking Structure
907.02.41 Parks/Playgrounds
907.02.42 Public Safety Facility
907.02.43 Railroad Yard
907.02.44 Recycling Center
907.02.45 Residence, Single-dwelling Unit
907.02.46 Residence, Two-dwelling Units
907.02.47 Silviculture
907.02.48 Specialized Food Production
907.02.49 Trails
907.02.50 Utility, Distributed Power
907.02.51 Utility, Minor
907.02.52 Vehicle Fuel Sales
907.02.53 Vehicle Repair
907.02.54 Vehicle Sales and Rental
907.02.55 Vehicle Services
907.02.56 Veterinary Clinic, Large Animals
907.02.57 Veterinary Clinic, Small Animals
907.02.58 Warehouse
907.02.59 Worship Facility

Exhibit-A

907.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 907.03.01 Accessory Uses and Buildings
- 907.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 907.03.01 Temporary Uses, in compliance with Section 15 of these Regulations.

907.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 907.04.01 Animal Shelter
- 907.04.02 Campground/RV Park
- 907.04.03 Casino
- 907.04.04 Community Residential Facility, Type I (1 to 12 residents)
- 907.04.05 Community Residential Facility, Type II (13 or more residents)
- 907.04.06 Correctional Facility
- 907.04.07 Daycare, Adult (up to 12 adults)
- 907.04.08 Daycare Center (13 or more individuals)
- 907.04.09 Daycare, Family (up to 6 children)
- 907.04.10 Daycare, Group (7 to 12 children)
- 907.04.11 Educational Facility (K-12)
- 907.04.12 Emergency Shelter
- 907.04.13 Fuel Tank Farm
- 907.04.14 Industrial, Heavy
- 907.04.15 Industrial Park
- 907.04.16 Junkyard
- 907.04.17 Marijuana Grow Operation
- 907.04.18 Outdoor Entertainment, Sports and Recreation
- 907.04.19 Pre-release Center
- 907.04.20 Residence, Multiple-dwelling Units (3 or more units)
- 907.04.21 Restaurant
- 907.04.22 Sexually-oriented Business
- 907.04.23 Shopping Center
- 907.04.24 Tavern

907.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

Exhibit-A

- 907.06 Maximum Lot Coverage
No maximum.
- 907.07 Minimum Setbacks
Front: Fifteen (15) feet.
Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.
Side: No minimum., unless abutting a residential zone and then the minimum setback is fifteen (15) feet.
- 907.08 Encroachments (Setbacks)
Utility distribution lines and related equipment may be located with a required setback.
- 907.09 Building Height
Maximum building height: sixty (60) feet.
- 907.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911:03.01.
- 907.11 Landscaping Standards
See landscaping standards in Section 912.
- 907.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

908 M-I

- 908.01 Intent
The M-I (Manufacturing and Industrial) Zone provides for manufacturing and other industrial uses.
- 908.02 Principal Uses
The following principal uses are allowable in the M-I Zone:
- 908.02.01 Agricultural Commodity Storage Facility
 - 908.02.02 Agriculture
 - 908.02.03 Agriculture Supply Sales
 - 908.02.04 Apiculture
 - 908.02.05 Artisan Shop
 - 908.02.06 Boarding/Rooming House (1-3 residents)
 - 908.02.07 Boarding/Rooming House (4-20 residents)
 - 908.02.08 Carnivals and Circuses

Exhibit-A

- 908.02.09 Commercial Kennel, Animal Boarding, Stables or other Animal-related Services
- 908.02.10 Composting Facility/Landfill
- 908.02.11 Construction Material Sales
- 908.02.12 Contractor Yard
- 908.02.13 Crematorium
- 908.02.14 Equipment Rental, Large
- 908.02.15 Equipment Rental, Small
- 908.02.16 Forestry
- 908.02.17 Freight Terminal
- 908.02.18 Funeral Home
- 908.02.19 General Repair
- 908.02.20 Horticulture
- 908.02.21 Indoor Entertainment, Sports and Recreation
- 908.02.22 Industrial, Heavy
- 908.02.23 Industrial, Light
- 908.02.24 Industrial Park
- 908.02.25 Instructional Facility
- 908.02.26 Junkyard
- 908.02.27 Manufactured/Mobile/Modular Housing Sales
- 908.02.28 Marijuana Dispensary
- 908.02.29 Mini-storage/Storage Facility, Self Service
- 908.02.30 On-site Construction Office
- 908.02.31 Open Space
- 908.02.32 Outdoor Concerts and Theatrical Performances
- 908.02.33 Parking Lot
- 908.02.34 Parking Structure
- 908.02.35 Public Safety Facility
- 908.02.36 Railroad Yard
- 908.02.37 Recycling Center
- 908.02.38 Residence, Single-dwelling Unit
- 908.02.39 Silviculture
- 908.02.40 Specialized Food Production
- 908.02.41 Trails
- 908.02.42 Utility, Distributed Power
- 908.02.43 Utility, Major
- 908.02.44 Utility, Minor
- 908.02.45 Vehicle Repair
- 908.02.46 Vehicle Services
- 908.02.47 Veterinary Clinic, Large Animals
- 908.02.48 Veterinary Clinic, Small Animals
- 908.02.49 Warehouse

908.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be

201 Zone Districts

The following zoning districts are hereby established to implement these Regulations:

- Urban Residential Mixed-Use Zone District (UR)
- Suburban Residential Mixed-Use Zone District (SR)
- Rural Residential Mixed-Use Zone District (RR)
- Fort Harrison Urban Growth Area Zone District (FHUGA)
- Fort Harrison Rural Growth Area Zone District (FHRGA)

202 Overlay Districts

In order to recognize special areas, and to afford flexibility in development design within the Helena Valley Planning Area, the following overlay district is hereby established:

- (a) Planned Development Overlay District (PD)

203 Incorporation of Maps

The location and boundaries of the zone districts hereby established by these Regulations are shown on the "Helena Valley Zone District Map of Lewis and Clark County", hereafter referred to as the Zoning Map, incorporated herein and made a part hereof.

204 Zone District Boundaries

District boundaries are shown on the Zoning Map. However, where uncertainty exists as to the boundaries of a district, the following rules shall apply:

204.01 A boundary indicated as approximately following the center line of a street, highway, streambed, railroad right-of-way (R-O-W), or alley shall be construed to follow such center line.

204.02 A boundary indicated as approximately following the right-of-way or easement line of a street, highway, or alley shall be construed to follow such right-of-way line or easement, and in the event of a change in such R-O-W or easement line the zoning boundary shall be construed as moving with the R-O-W or easement line.

204.03 A boundary indicated as approximately following platted lot lines shall be construed to follow such lot lines.

204.04 A boundary indicated as parallel to or an extension of features indicated in subsections 204.01 - 204.03 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

204.05 Disputes concerning the exact location of any district boundary line shall be decided by the Zoning Administrator.

204.06 All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone / classification area as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.

204.07 Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning/classification of such areas, unless otherwise

SECTION 2 GENERAL REQUIREMENTS AND EXCEPTIONS

-Section Contents-

DISTRICTS

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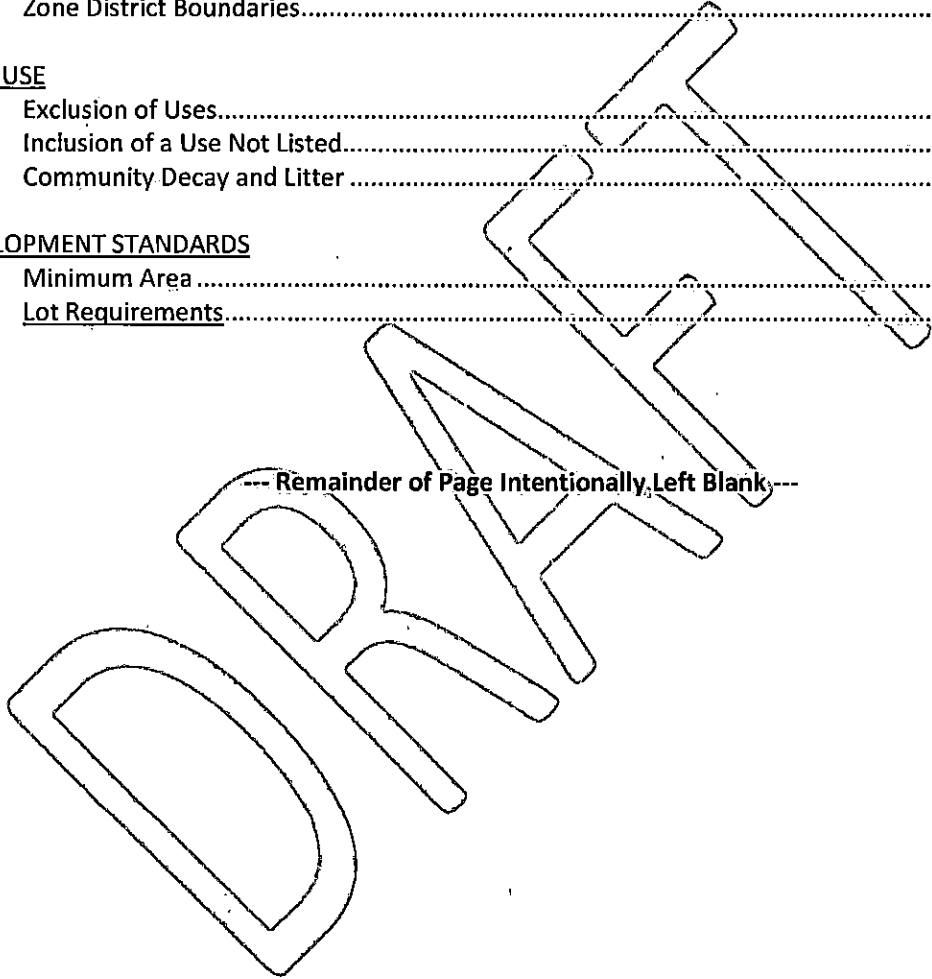
LAND USE

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DEVELOPMENT STANDARDS

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MAP OF DRAFT URBAN RESIDENTIAL MIXED-USE DISTRICT TO BE INCLUDED IN APPENDIX A

DRAFT URBAN RESIDENTIAL MIXED-USE ZONE DISTRICT

Legend

-  Urban Residential Mixed-use Zone District
-  Helena City Limits
-  East Helena City Limits

Zones

-  B-2
-  CLM
-  PU
-  R-1 R-2
-  R-3
-  R-4 R-0
-  R-U

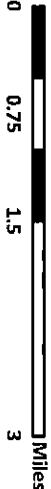
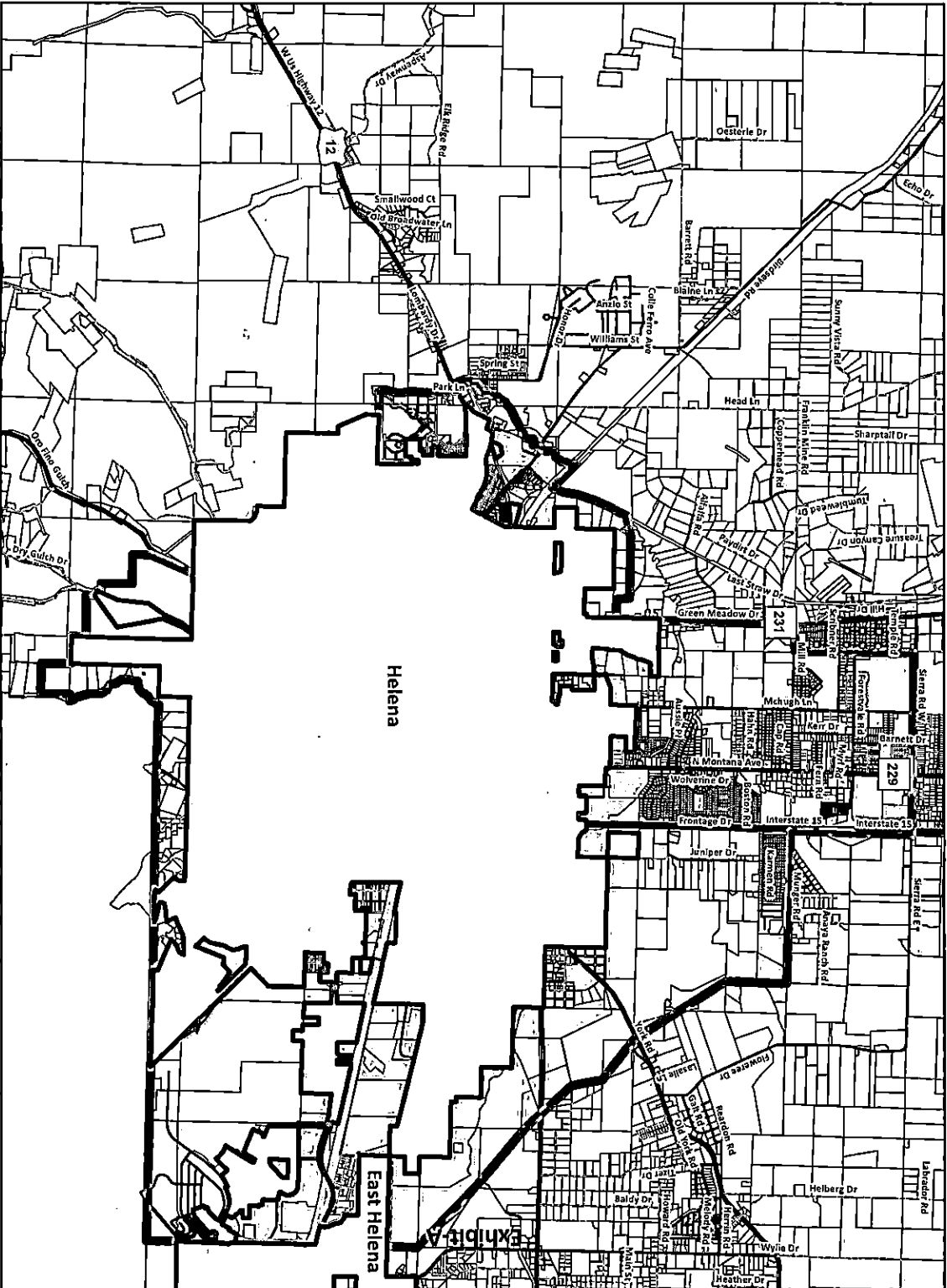


Exhibit-A

913.07 Prohibited Lighting

The following types of lights are prohibited within the Urban Residential Mixed-Use Zone District.

913.07.1 The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light. Lighting that could be confused for a traffic control device.

913.07.2 Lighting designed for the creation of sky glow to attract attention (whether stationary or moving), in excess of the lighting used to provide safety, security, and utility.

913.07.3 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.

913.07.4 Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting with total per source level not exceeding an average of two thousand eight hundred fifty (2,850) lumens.

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DRAFT

Exhibit-A

913.01 Residential Outdoor Lighting

All exterior light fixtures shall be of a full-cutoff design except as otherwise permitted below.

913.02 Commercial Outdoor Lighting

All light fixtures shall be of a full-cutoff design. Light fixtures attached to a pole may not exceed a height of thirty-four (34) feet from the ground to the bottom of the fixture. Any existing fixtures out of compliance with this regulation shall be brought into conformance at the time of the replacement of the pole or fixture.

913.03 Feature Lighting

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing that the light beam is narrowly focused so as not to exceed the width and height upon the object being illuminated, and the light is directed on the feature being lit and not directly upwards.

913.04 Signs

Illuminated signs shall be illuminated in such a manner that the light therefrom shall shine only on the sign or on the property on which it is located and shall not shine onto any other property, in any direction, except by indirect reflection.

913.05 Communication Towers

Lighting for towers and structures shall comply with the minimum mandates contained in the appropriate Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations or other State requirements. The more restrictive requirements shall apply in the event of a conflict between the regulations.

913.06 Exemptions

913.06.1. Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.

913.06.2 American Flag illumination

913.06.3 Temporary Construction Sites

Lighting for nighttime security, provided the owner submits a lighting mitigation plan for approval that includes the duration, number, location, and height of each light source, and hours of operation.

913.06.4 Seasonal Lighting

Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.

913.06.5 Emergency Lighting

Lights used during emergencies or by police, fire, public works and/or public utility personnel in their official duties are exempt from these Regulations.

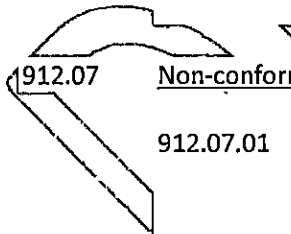
Exhibit-A

- 912.05.01.01 Location of proposed general and parking lot landscaping drawn to scale, which scale must be appropriate to the size of the project;
- 912.05.01.02 Location and dimensions of all existing and proposed buildings, project boundary lines, parking lots, roadways and rights-of-way/easements, delineation of sight distance triangles, walking and nonmotorized paths, and utility poles and boxes;
- 912.05.01.03 Location, installed size, species, and quantity of proposed trees, bushes, shrubs, or other vegetation, and organic and inorganic materials proposed for use; and
- 912.05.01.04 Estimated date of completion of the installation of the general and parking lot landscaping.

912.05.02 The approved general and parking lot landscaping plans may not be changed or altered without review and approval by the Zoning Administrator. All general and parking lot landscaping shown on an approved plan must be installed.

912.06 Maintenance

- 912.06.01 Landscaping must be maintained to sustain healthy trees, bushes, shrubs, and other vegetation.
- 912.06.02 Any tree, bush, shrub, or other vegetation that is necessary to meet the minimum requirements of this Section that is dead, diseased, or severely damaged must be removed and replaced with a comparable tree, bush, shrub, or other vegetation.



912.07 Non-conforming Landscaping

- 912.07.01 On the effective date of this Section, any tract or use of a tract that is nonconforming as to the amount and location of landscaping or trees required under this Section may be continued in the same manner as if it were conforming.
- 912.07.02 If the size of a building is changed or reconstructed, the landscaping requirements of this Section apply to the entire tract.
- 912.07.03 If a parking lot is reconstructed or the size of a parking lot is increased, the parking lot landscaping and tree requirements of this Section apply to the entire parking lot.

913 Lighting Standards

It is the purpose and intent of these Regulations to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, while maintaining nighttime safety, utility, and security.

Exhibit-A

912.03.03 Screening of a B-2, CLM, M-I, or PLI tract or a parking lot from an R-1/R-2, R-3, or R-4/R-O zone may be by a fence, wall, or vegetation that is no less than three (3) feet in height when planted. The screening must be designed and established so that no less than seventy-five (75%) percent of any thirty-six (36) square foot portion of the entire screening is opaque. Only the first six (6) feet in height is used to determine the area of the screening. The opaqueness of vegetation used as screening is measured as of its growth in July and after the third full growing season.

912.04 General Landscaping and Parking Lot Landscaping Standards

912.04.01 Except as provided below, general landscaping and parking lot landscaping must contain no less than sixty (60%) percent live vegetative cover and include shrubs, bushes, or trees. If this live vegetative cover consists entirely of plants that do not require supplemental water or irrigation once established, or consists entirely of plants that are native to Lewis and Clark County, then those areas may contain as little as fifty (50%) percent live vegetative cover. The projected drip line of an average shrub, bush, or tree of that species at five (5) years of age may be used in calculating minimum vegetative coverage. The remainder of the area may be covered in inorganic materials that are permeable to water.

912.04.02 When space permits, additional trees must be planted no more than thirty (30) feet apart in landscape islands within the boundaries of the parking lot that have planted trees to meet the requirement in Subsection 912.02.02. All trees must be expected to grow to at least twenty (20) feet in height when mature. Deciduous trees must be no less than 1.5-inch caliper at time of planting. Evergreen trees must be no less than five (5) feet tall at time of planting.



912.04.03 Trees expected to grow to thirty (30) feet in height or less must be planted in a tree plot of no less than twenty (20) square feet. Trees expected to grow to more than thirty (30) feet in height must be planted in a tree plot of no less than forty-eight (48) square feet.

912.04.04 Trees within two (2) feet of any edge of a parking space must be protected from damage by vehicles by barriers such as curb stops, tree guards, rebar poles, or other types of vehicle obstructions.



912.05 Site Plan Required

912.05.01 A site plan showing the general landscaping and parking lot landscaping must be submitted for review and approval prior to constructing new buildings, changing building size, installing new parking lots, or changing the size of parking lots. The site plan must include the following:

Exhibit-A

foot length used to determine a parking space, that intersected portion is considered one parking space, regardless of size.

912 Landscaping

The intent of this Section is to contribute to the relief of heat, noise, wind, and glare through the proper placement of living plants and trees; providing screening and mitigation of potential conflicts between commercial and residential districts; encouraging water conservation, mitigating air pollution, and enhancing the beauty of the UR District.

912.01 General Landscaping

912.01.01 The provisions of this Section apply to tracts in all zones and to all uses except for tracts with only a single residential dwelling unit, two (2) residential dwelling units, three (3) residential dwelling units, or mobile home or recreational vehicle parks.


912.01.02 All areas of a tract that are not covered by buildings, parking lots, utility poles and boxes, and walking or nonmotorized paths must be landscaped as provided in Subsection 912.04.

912.02 Parking Lot Landscaping

For parking lots on tracts for which this Section requires landscaping, the minimum landscaping requirements are as follows:

912.02.01 All parking lots, whether gravel or other surface, must have at least thirty (30) square feet of landscaping per vehicle parking space within the boundaries of the parking lot.

912.02.02 Any edge of a parking space must be within thirty-five (35) feet of the trunk of a tree.



912.02.03 All qualified trees on a tract may be used to satisfy Subsection 912.02.02, whether installed as general landscaping pursuant to Subsection 912.01, screening pursuant to Subsection 911.03, parking lot landscaping pursuant to this Section, or any other required landscaping.

912.03 Screening

912.03.01 The side of a tract in a B-2, CLM, M-I, or PLI (commercial) zone that is adjacent to an R-1/R-2, R-3, or R-4/R-O (residential) zone, except driveways, walkways, and approaches, must be screened from that residential zone. A commercial tract is considered adjacent to a residential district even if it is separated by a public or private right-of-way/easement.

912.03.02 All parking lots on tracts adjacent to R-1/R-2, R-3, or R-4/R-O (residential) zones and for which landscaping is required under this Section must be screened from the residential districts. A parking lot tract is considered adjacent to a residential district even if it is separated by a public or private right-of-way/easement.

Exhibit-A

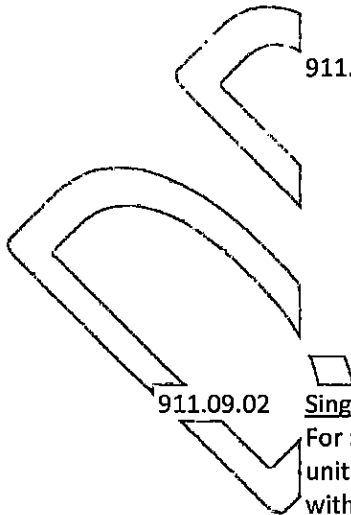
containing the use. Each uninterrupted twenty (20) linear feet in the portion of the public street designated for public parking of vehicles located within imaginary extensions of the property boundaries onto the street is one parking space. If the boundary extensions intersect any continuous twenty (20) foot length used to determine a parking space, that intersected portion is considered one parking space, regardless of size. Recognition of this space does not create a property interest in the on-street parking and does not guarantee permanent availability of that space within public right-of-way.

911.09.01.02

For every two (2) bicycle spaces on the property above the number required for the minimum bicycle space requirements, one required off-street parking space requirement is satisfied. The maximum reduction allowed under this subsection is twenty (20%) percent of the minimum off-street parking spaces required. This reduction cannot reduce the number of required accessible parking spaces. Bicycle spaces must hold a bike upright, allow for securing the bicycle to an immovable object, be clearly visible, provide shelter from weather elements, and not conflict with pedestrian and vehicle traffic.

911.09.01.03

Worship facilities may reduce on-site parking requirements by ninety (90%) percent if the applicant shows the required number of parking spaces can be met by other private or public parking spaces located within one thousand (1000) feet of the property. The applicant must demonstrate that these off-site spaces are primarily used during noncompeting operating hours and there are pedestrian facilities to connect the off-site parking to the property.



911.09.02

Single-, two- and multiple-dwelling unit residential uses:

For residential uses containing a single-dwelling unit or a two-dwelling unit located in any zoning district; or a multiple-dwelling unit located within an R-3, R-4, R-O, or B-2 Zone, on-street parking spaces may satisfy the off-street parking requirements, on a one for one basis, for each legal on-street parking space on a public street right-of-way that is immediately adjacent to the property containing the use. Each uninterrupted twenty (20) linear feet in the portion of the public street designated for public parking of vehicles located within imaginary extensions of the property boundaries onto the street is one parking space. If the boundary extensions intersect any continuous twenty (20)

Exhibit-A

- the lot, parcel, or tract containing the parking area;
and
- 911.07.03.03 Adequate pedestrian access between the parking lot and the use is provided.

911.08 Pedestrian Access and Bicycle Space Requirements

911.08.01 Pedestrian pathways must be located through parking areas to provide the shortest feasible connection from the parking area to building entryways, public sidewalks, and transit stops. Pedestrian pathways in and through parking areas must be designed and constructed to meet the following criteria:

- 911.08.01.01 Limit conflict between pedestrians and vehicular traffic;
- 911.08.01.02 Be clearly delineated using techniques such as contrasting textured or colored material, striping, segregation of pathway from vehicle travel lanes, and raised pathway surfaces; and
- 911.08.01.03 Must be a minimum of five (5) feet wide.

911.08.02 Vehicle stops or curbing must be installed in parking lots where necessary to prevent vehicles from encroaching over sidewalks, pedestrian pathways, entryway areas, driveways, streets, alleys, or more than two (2) feet into landscaped areas.

911.08.03 Parking lots that have ten (10) or more parking spaces must provide three (3) bicycle spaces within fifty (50) feet of a main building entryway. Parking lots that have fifty (50) or more parking spaces must provide additional secure bicycle parking equal to five (5%) percent of the total number of parking spaces in excess of ten (10). Bicycle spaces must hold a bike upright, allow for securing the bicycle to an immovable object, and not conflict with pedestrian and vehicle traffic.



911.09 Parking Space Reductions

A reduction in the minimum required number of off-street parking spaces is permitted in this Section. Parking space reductions under this Section may not exceed fifty (50%) percent of the minimum off-street requirement, except as provided in subsection 911.09.01.03 of this Section. Required off-street parking spaces may be reduced as follows:

911.09.01 Nonresidential uses:

- 911.09.01.01 On-street parking spaces may satisfy the off-street parking requirements, on a one for one basis, for each legal on-street parking space on a public street right-of-way that is immediately adjacent to the property

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residence, two-dwelling unit residence, or three-dwelling unit residence.

911.05.02 All off-street parking spaces and access areas must be improved with a minimum of two (2) inches of asphalt concrete paving on a suitable base, or comparable section of portland cement concrete, or textured concrete with colored aggregate, pavers, or other suitable material which may include permeable alternatives, in accordance with specifications established by City of Helena engineering design standards. Required off-street parking must be completed prior to the occupancy of the building.

911.06 Non-conforming Parking

911.06.01 Any lot, parcel, or tract, or use of a lot, parcel, or tract, which on the effective date of this Section, or any amendment hereto, is nonconforming as to compliance with the parking required under this Section, the amount and location of parking on the lot, parcel, or tract, may be continued in the same manner as if it were conforming.

911.06.02 Except for existing single-dwelling unit residences, the parking requirements of this Section apply to the lot, parcel, or tract when the off-street parking is reconstructed or changed, or if the gross floor area of any building on the lot, parcel, or tract is increased by more than twenty-five (25%) percent.

911.07 Off-site and Shared Parking

911.07.01 Required off-street parking must be located on the same lot, parcel, tract, or combination of lots, parcels, or tracts under a common ownership and used for a common purpose, except as otherwise provided in this Section.



911.07.02 Required off-street parking for buildings and uses located in the B-2, CLM, M-I, and PLI Zones may be located within seven hundred (700) feet of the buildings and uses, as measured along a straight line between the two (2) nearest points of the building containing the main use and the off-site parking use.

911.07.03 The Zoning Administrator may authorize the shared use of off-street parking areas by different buildings and uses, if the following conditions are met:

911.07.03.01 The uses do not have similar operating hours or other conflicting demands;

911.07.03.02 The buildings must be located within seven hundred (700) feet of the shared off-street parking area, as measured by a straight line between the two (2) nearest points of the building containing the use and

Exhibit-A

- 911.03.01.84 Specialized food production (manufacturing/production area): 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.85 Tavern: 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.86 Utility, distributed power: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.87 Utility, major: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.88 Utility, minor: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.89 Vehicle fuel sales (without convenience store): 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.90 Vehicle fuel sales (if combined with convenience store): 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.91 Vehicle repair: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.92 Vehicle sales and rental: 1 space/1,000 sq. ft. g.f.a.
- 911.03.01.93 Vehicle services: 1 space/1,000 sq. ft. g.f.a.
- 911.03.01.94 Veterinary clinic, large or small animals: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.95 Warehouse: 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.96 Worship facility: 0.25 space/seat

911.03.02 For uses not specifically provided for in this Section, the Zoning Administrator may determine the minimum number of parking spaces required, using as a guide the listed use which most closely resembles the use proposed.

911.04  ADA Accessible Parking



911.04.01 Accessible parking spaces must be provided, located, designed, and signed according to the federal Americans with Disabilities Act (ADA) and the regulations and ADA accessibility guidelines promulgated by the United States Department of Justice.

911.04.02 The required number of off-street parking spaces may be reduced to accommodate changes in the number of accessible parking spaces to comply with the federal Americans with Disabilities Act, Americans with Disabilities Act Amendment Act, and the regulations and ADA accessibility guidelines promulgated by the United States Department of Justice. A variance is not required if this change reduces the number of off-street parking spaces below the minimum off-street parking requirement.

911.05 Off-street Parking Design Standards

911.05.01 Off street parking spaces must be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives, rights-of-way, or ramps for all uses, except for tracts with only a single-dwelling unit

Exhibit-A

- 911.03.01.54 Indoor entertainment, sports and recreation (all uses with the exception of theaters for movies and performing arts): 4.37 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.55 Indoor entertainment, sports and recreation (theaters for movies and performing arts): 0.25 space/seat
- 911.03.01.56 Industrial, heavy: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.57 Industrial, light: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.58 Industrial, park: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.59 Instructional facility: 0.31 space/student
- 911.03.01.60 Junkyard: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.61 Manufactured housing sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.62 Mini-storage facility/Storage facility, Self service: 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.63 Mobile home park: 2 spaces/dwelling unit
- 911.03.01.64 Motor vehicle wrecking facility: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.65 Open space: None required
- 911.03.01.66 Outdoor entertainment, sports and recreation: 0.25 space/seat
- 911.03.01.67 Parking lot: Not applicable
- 911.03.01.68 Parking structure: Not applicable
- 911.03.01.69 Parks/playgrounds: None required
- 911.03.01.70 Prerelease center: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.71 Public safety facility: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.72 Railroad yard: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.73 Recycling: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.74 Residence, single-dwelling unit: 2 spaces/dwelling unit
- 911.03.01.75 Residence, two-dwelling units: 2 spaces/dwelling unit
- 911.03.01.76 Residence, multiple-dwelling units (3 or more units): 1 space/dwelling unit (same requirement regarding housing for older persons)
- 911.03.01.77 Restaurant: 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.78 Restaurant, drive-in (21 or more seats): 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.79 Restaurant, drive-in (less than 21 seats): 0.5 space/seat
- 911.03.01.80 Sexually-oriented business: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.81 Shopping center: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.82 Silviculture: None required
- 911.03.01.83 Specialized food production (area used for on-site consumption): 14 spaces/1,000 sq. ft. g.f.a.

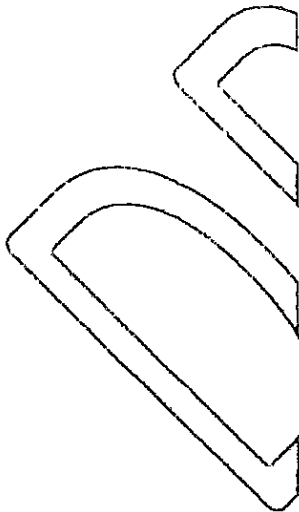


Exhibit-A

911.03.01.25	Contractor yard: 0.5 space/1,000 sq. ft. g.f.a.; no less than 1 on site space must be provided
911.03.01.26	Correctional facility: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.27	Country inn: 0.89 space/room plus 1 space/dwelling unit
911.03.01.28	Crematorium: 1.19 spaces/1,000 sq. ft. g.f.a.
911.03.01.29	Daycare, adult (up to 12): 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.30	Daycare center (13 or more children): 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.31	Daycare, family: None required
911.03.01.32	Daycare, group: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.33	Educational facility (higher education): 0.31 space/student
911.03.01.34	Educational facility (elementary/middle school): 0.12 space/student
911.03.01.35	Educational facility (high school): 0.31 space/student
911.03.01.36	Emergency shelter: 1 space/3 rooms
911.03.01.37	Equipment rental, large: 2.92 spaces/1,000 sq. ft. g.f.a.
911.03.01.38	Equipment rental, small: 2.92 spaces/1,000 sq. ft. g.f.a.
911.03.01.39	Financial services: 3 spaces/1,000 sq. ft. g.f.a.; stacking lanes for each drive up and ATM do not count toward the on-site parking requirement
911.03.01.40	Forestry: None required
911.03.01.41	Freight terminal: 0.5 space/1,000 sq. ft. g.f.a.
911.03.01.42	Fuel tank farm: 0.5 space/1,000 sq. ft. g.f.a.
911.03.01.43	Funeral home: 0.25 space/seat
911.03.01.44	General repair: 1.19 spaces/1,000 sq. ft. g.f.a.
911.03.01.45	General/professional services: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.46	General/specialty sales (all uses with the exception of furniture/carpet/appliance stores, grocery stores, and machinery sales): 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.47	General/specialty sales: Furniture/carpet/appliance store: 1 space/1,000 sq. ft. g.f.a.
911.03.01.48	General/specialty sales: Grocery store: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.49	General/specialty sales: Machinery sales: 1.5 spaces/1,000 sq. ft. g.f.a.
911.03.01.50	Healthcare center: 4.11 spaces/1,000 sq. ft. g.f.a.
911.03.01.51	Healthcare facility: 1.8 spaces/bed
911.03.01.52	Horticulture: None required
911.03.01.53	Hotel/motel: 0.89 space/room

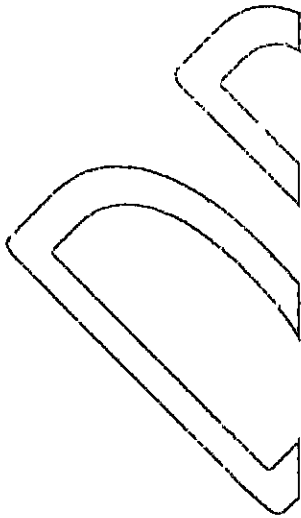


Exhibit-A

and adheres to a policy that demonstrates intent to house persons fifty-five (55) or older.

911.03 Minimum Number of Off-street Parking Spaces Required

911.03.01 The minimum number of off-street parking spaces required for each land use, unless parking reductions are allowed. All calculations are rounded up to the nearest whole number.

- 911.03.01.01 Administrative government agency: 3.0 spaces/1,000 square feet (sq. ft.) gross floor area (g.f.a.)
- 911.03.01.02 Administrative services: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.03 Agriculture: None required
- 911.03.01.04 Agricultural commodity storage facility: 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.05 Agriculture supply sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.06 Airport: None required
- 911.03.01.07 Animal shelter: 2.79 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.08 Apiculture: None required
- 911.03.01.09 Artisan shop: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.10 Auction sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.11 Bed and breakfast: 0.89 space/room plus 1 space/dwelling unit
- 911.03.01.12 Boarding/rooming house, 1– 3 residents: 1 space/room for rent plus 2 additional spaces if part of building is used as a single-dwelling unit
- 911.03.01.13 Boarding/rooming house, 4 – 20 residents: 1 space/room for rent plus 2 additional spaces if part of building is used as a single-dwelling unit
- 911.03.01.14 Bus terminal (office space): 3.0 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.15 Bus terminal (storage): 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.16 Campground/RV park: 1 space/RV or tent space
- 911.03.01.17 Casino: 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.18 Commercial kennel: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.19 Community center: 4 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.20 Community cultural facility: 2 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.21 Community residential facility, type I, 1 – 12 residents: 1 space for each 3 sleeping area rooms
- 911.03.01.22 Community residential facility, type II, 13 or more residents: 1 space for each 3 sleeping area rooms
- 911.03.01.23 Composting: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.24 Construction material sales: 3.29 spaces/1,000 sq. ft. g.f.a.

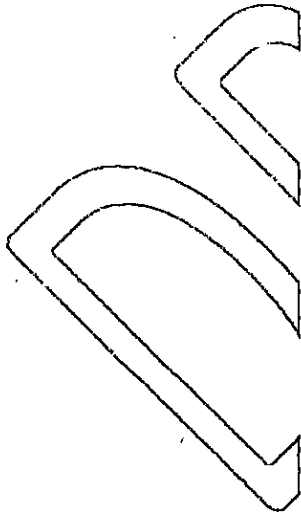


Exhibit-A

909.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

909.11 Landscaping Standards
See landscaping standards in Section 912.

909.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

910 Water and Sewer Requirements
All newly created lots (boundary line adjustments/relocations excluded) must connect to municipal water and/or sewer systems when feasible or install a new public water and sewer system with the ability to connect to a municipal system in the future, with the exception of the following:

- 910.01 All newly created lots are a minimum of two acres in size;
- 910.02 Easements/right-of-ways are reserved for the future extension of utilities (water, sewer, etc.) and the transportation network; and
- 910.02 Building envelopes are implemented that will allow for future resubdivision of the lot(s) at an urban density.

911 Parking Standards

911.01 Intent of Off-street Parking Requirements
The intent of these parking requirements is to ensure that a reasonable amount of off-street parking is created for development and to lessen hazardous conditions on streets. The intent of this Section is further defined by these objectives for parking:

- 911.01.01 Ensure adequate bicycle parking and increase the number of walking and biking trips used for travel between buildings and uses.
- 911.01.02 Encourage infill development and pedestrian activity.
- 911.01.03 Reduce the emission of greenhouse gases from the driving of internal combustion engine powered vehicles that have an impact on climate change.

911.02 Definition
For purposes of this Section, the following term and its derivations shall have the meaning given herein:

Housing for Older Persons: Dwelling units operated under any State or federal program that are specifically designed and operated for elderly persons or any dwelling unit that is operated for occupancy by at least one person fifty-five (55) years of age or older per unit in at least eighty percent (80%) of the occupied units

Exhibit-A

909.02.30 Worship Facility

Taverns that are accessory to a principal use are allowed.

909.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

909.03.01 Accessory Uses and Buildings

909.03.02 Temporary Uses, in compliance with Section 15 of these Regulations.

909.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

909.04.01 Bus Terminal

909.04.02 Cemeteries, Mausoleums, Columbariums

909.04.03 Correctional Facility

909.04.04 Emergency Shelter

909.04.05 Pre-release Center

909.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

909.06 Maximum Lot Coverage

No maximum.

909.07 Minimum Setbacks

Front: No minimum.

Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

Side: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

909.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located with a required setback.

909.09 Building Height

Maximum building height: sixty (60) feet.

Exhibit-A

908.11 Landscaping Standards
See landscaping standards in Section 912.

908.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

909 PLI

909.01 Intent
The PLI (Public Lands and Institutions) Zone provides for and applies only to public and quasi-public institutional uses and lands, and recreational, educational, and public service activities for the general benefit of the citizens of the County.

909.02 Principal Uses
The following principal uses are allowable in the PLI Zone:

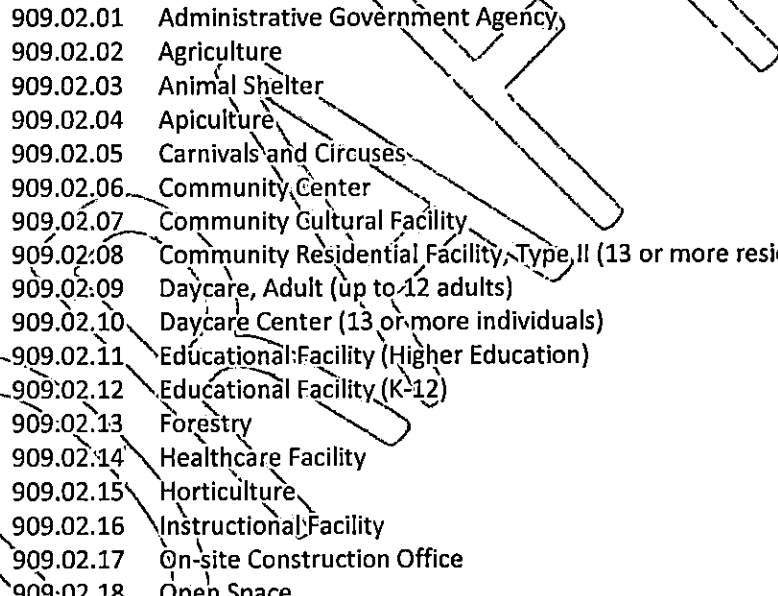
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- 909.02.01 Administrative Government Agency
 - 909.02.02 Agriculture
 - 909.02.03 Animal Shelter
 - 909.02.04 Apiculture
 - 909.02.05 Carnivals and Circuses
 - 909.02.06 Community Center
 - 909.02.07 Community Cultural Facility
 - 909.02.08 Community Residential Facility, Type II (13 or more residents)
 - 909.02.09 Daycare, Adult (up to 12 adults)
 - 909.02.10 Daycare Center (13 or more individuals)
 - 909.02.11 Educational Facility (Higher Education)
 - 909.02.12 Educational Facility (K-12)
 - 909.02.13 Forestry
 - 909.02.14 Healthcare Facility
 - 909.02.15 Horticulture
 - 909.02.16 Instructional Facility
 - 909.02.17 On-site Construction Office
 - 909.02.18 Open Space
 - 909.02.19 Outdoor Concerts and Theatrical Performances
 - 909.02.20 Outdoor Entertainment, Sports, and Recreation
 - 909.02.21 Parking Lot
 - 909.02.22 Parking Structure
 - 909.02.23 Parks/Playgrounds
 - 909.02.24 Public Safety Facility
 - 909.02.25 Silviculture
 - 909.02.26 Trails
 - 909.02.27 Utility, Distributed Power
 - 909.02.28 Utility, Major
 - 909.02.29 Utility, Minor

Exhibit-A

subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 908.03.01 Accessory Uses and Buildings
- 908.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 908.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

908.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 908.04.01 Animal Shelter
- 908.04.02 Correctional Facility
- 908.04.03 Fuel Tank Farm
- 908.04.04 Motor Vehicle Wrecking Facility
- 908.04.05 Outdoor Entertainment, Sports and Recreation

908.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

908.06 Maximum Lot Coverage

No maximum.

908.07 Minimum Setbacks

Front: Fifteen (15) feet.

Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

Side: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

908.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located with a required setback.

908.09 Building Height

Maximum building height: sixty (60) feet.

908.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

205 Exclusion of Uses

Uses not specifically listed, or reasonably similar to those uses listed, in any particular zone district shall be deemed to be excluded from the particular zone district.

Uses listed in any particular zone district shall be deemed to be excluded from any other zone district, unless such use is specifically listed in the other zone district.

206 Inclusion of a Use Not Listed

Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator when such use is reasonably similar to those uses listed.

Uses not specifically listed, or not reasonably similar to those uses listed, or not interpreted for inclusion by the Zoning Administrator, in a specific zone district, may be added to the appropriate zone district upon the approval by the BoCC in accordance with the procedure set forth in Section 107.

207 Community Decay and Litter

All land must be in compliance with the Lewis and Clark County Ordinance to Control Community Decay (Document No. 3152137), as amended, and Ordinance No. 2013-01: An Ordinance to Control Litter in Lewis and Clark County and Establishing Procedures for its Enforcement (Document No. 3247987), as amended, on file with the Lewis and Clark County Clerk and Recorder.

208 Minimum Area

208.01 The area of a lot required for the purpose of complying with the provisions of these Regulations shall not be included as part of the area required for another lot.

208.02 A minimum lot area shall not be required for public facilities, public services, utility service facilities, telecommunication facilities, or major facilities of a public utility and telecommunication facilities.

208.03 Lots conforming to the minimum lot area requirements of a zone district that are reduced in land area due to land acquisition by a governmental entity shall be considered conforming to the minimum lot area requirements of the specific district for principal uses, accessory uses, conditional uses, and special exception uses, as if its size had not been reduced.

208.04 Lots approved to be created through the exemption process as listed in Section 76-3-207, MCA shall comply with all aspects of these Regulations, including but not limited, to lot size.

208.05 Lots approved to be created through the exemption process as listed in Section 76-3-201, MCA shall comply with all aspects of these Regulations, however, are exempt from the zone district minimum lot size.

Exhibit-B

209 Lot Requirements

Buildings must conform to the dimensional standards for a lot as follows:

209.01 Lot coverage may not exceed the limitations of the zone/district within which the lot is located.

209.02 The standards for setbacks of buildings from property lot lines are:

209.02.01 No portion of any building, including decks, with the exception of roof eaves (2-foot maximum overhang), fences, stair steps, and landscaping ornaments, may be located in any lot line setback.

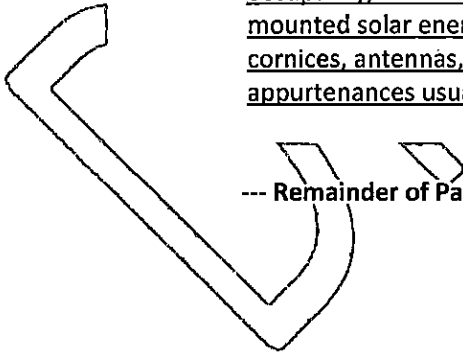
209.02.02 A lot that has more than one front lot line must provide a front lot line setback for each front lot line. When a lot has more than one front lot line, the remaining lot lines are rear lot lines and no side lot line setback is required. The remaining rear lot lines must meet the minimum rear lot line setback for the zone/district in which it is located.

209.02.03 The vehicular entrance of a garage must be set back at least twenty (20) feet, measured in a straight line from the vehicular entrance of the garage to the lot line of the property that abuts the public street/road right-of-way or the public street/road right-of-way itself, whichever is closest to the garage, and has a driveway approach.

209.03 The standards for height of buildings are:

209.03.01 A building or structure may not exceed the height limitations of the zone/district within which it is located.

209.03.02 Height limitations for any zone/district do not apply to the following: roof mounted church spires, penthouses or domes not used for human occupancy, belfries, cupolas, chimneys, water tanks, elevator housings, roof mounted solar energy systems, skylights, ventilators, silos, parapet walls, cornices, antennas, streetlights, utility poles, and necessary mechanical appurtenances usually carried above the roof level.



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SECTION 3 DEFINITIONS

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301 Rules of Construction

301.01 The particular controls the general.

301.02 In case of any difference of meaning or implication between the text of these Regulations and the captions for each section, the text shall control.

301.03 The words "shall", "must", and "will" are always mandatory, and not merely directory. The word "may" is permissive.

301.04 Words used in the present tense include the future, unless the context clearly indicates the contrary.

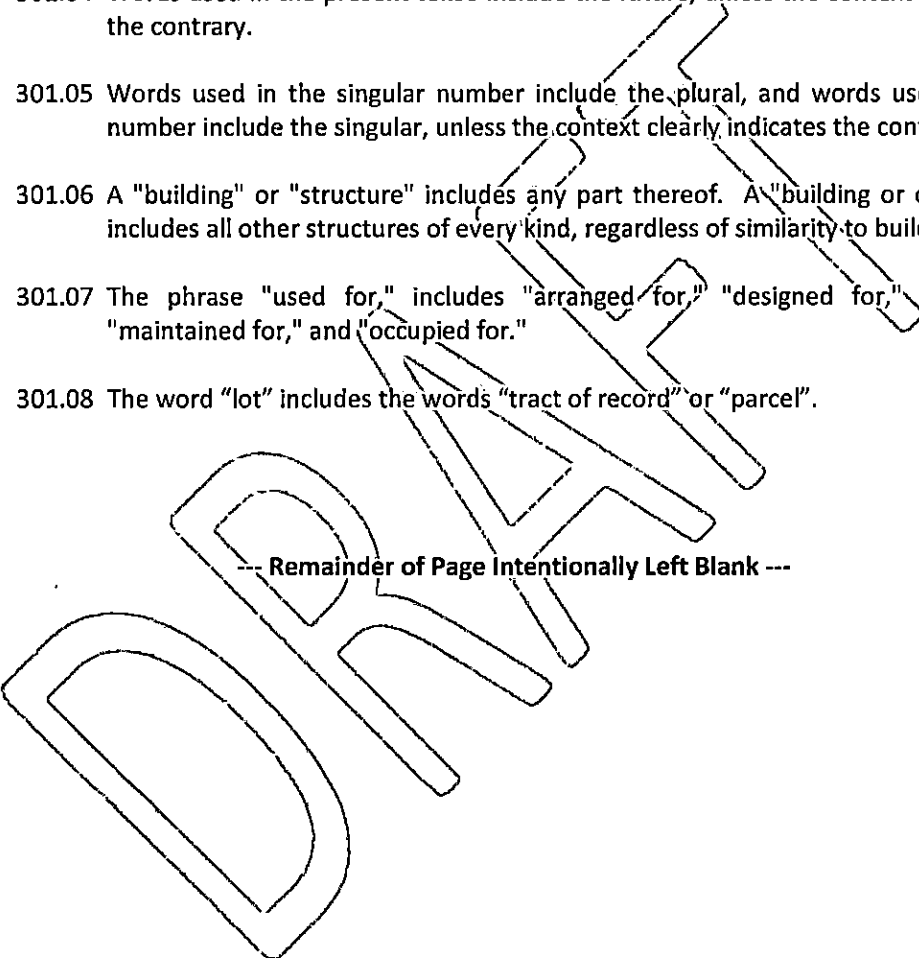
301.05 Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

301.06 A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.

301.07 The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

301.08 The word "lot" includes the words "tract of record" or "parcel".

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302 Definitions

Unless specifically defined in this section, or otherwise determined by the BeOCC, words or phrases used in these Regulations shall be interpreted so as to give them the meaning they have in common usage in the English language, and to give these Regulations their most reasonable application.

Abandoned: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abutting: Having a common border with or separated from such a common border by a (public and/or private) right-of-way, alley, or easement (for such features including but not necessarily limited to, streets, railroads, or irrigation canals.) When a common border is simply via a corner-to-corner connection, the subject lot and/or parcel shall be deemed to be abutting, adjacent, or adjoining. (also see "adjacent" and "adjoining")

Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use.

Adjacent: Having a common border with or separated from such a common border by a (public and/or private) right-of-way, alley, or easement (for such features including but not necessarily limited to, streets, railroads, or irrigation canals.) When a common border is simply via a corner-to-corner connection, the subject lot and/or parcel shall be deemed to be abutting, adjacent, or adjoining. (also see "adjoining" and "abutting")

Adjoining: Having a common border with or separated from such a common border by a (public and/or private) right-of-way, alley, or easement (for such features including but not necessarily limited to, streets, railroads, or irrigation canals.) When a common border is simply via a corner-to-corner connection, the subject lot and/or parcel shall be deemed to be abutting, adjacent, or adjoining. (also see "adjacent" and "abutting")

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: For the purposes of these Zoning Regulations, Sections 41-2-103 and 81-8-701, MCA, as amended, shall rule.

Agricultural Activities, Youth Oriented: Special activities oriented toward children and held for educational, instructional, or recreational purposes, including but not necessarily limited to 4-H.

Exhibit-B

Agriculture 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.

Aircraft Hangar: A building or structure designed to hold aircraft.

Airport: Any area of land (including buildings and water bodies) designed for the landing, take-off, loading, unloading, or parking, of aircraft (fixed-wing or rotary) for business or commercial purposes and generally intended for both public and private use, including all necessary facilities for passenger and cargo loading, fixed based operations (FBOs), maintenance and fueling facilities and housing of aircraft.

Airstrip: An area designed for the landing or take-off of aircraft (fixed-wing or rotary) for the benefit of the landowner/lessee and not to be used for commercial purposes. Generally, as a paved, graveled, or dirt surface for a non-FAA sanctioned airport operation.

Alteration: A change or rearrangement of the structural parts in of the existing facilities or an enlargement by extending the sides or increasing the height or depth or moving a building or structure from one location or position to another.

Animal Boarding: See Kennel.

Animal Hospital, 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.

Animal Shelter: A place that temporarily houses stray animals and may include a crematorium.

Animal Therapeutic Facility: Therapy that involves individuals interacting with animals, most frequently, but not limited to, horses using specially trained therapists that work with the individual and the animal. Such therapy may be beneficial to people with a variety of special needs, including but not limited to, children with autism. Examples are therapeutic horseback riding or hippotherapy.

Animated Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Changeable Copy, Digital, Electronic Sign)

Annexation: The process by which land in an unincorporated area becomes part of a nearby municipality.

Apiculture: The keeping and management of honey bees.

Applicant: Any person, firm or corporation, or other entity that proposes an application under these Regulations; often also referred to as an Authorized Representative.

Approach: The point where a driveway meets a road or where a road intersects another road.

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.

Exhibit-B

~~**Bank/Financial Institution:** A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.~~

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt. (not a Temporary Batch Plant)

Bed and Breakfast: A private, owner- or manager-occupied residence that is used as a private residence but in which: 1. breakfast is served and is included in the charge for a guest room; and 2. the number of daily guests served does not exceed eighteen (18).

Board of Adjustment (BOA): An appointed board authorized under Title 76, Chapter 2, Part 2, MCA, with the authority to hear and decide administrative appeals and variances from the requirements of these Regulations.

Board of County Commissioners (BoCC): The Board of County Commissioners of Lewis and Clark County; sometimes referred to as the "governing body".

Boarding/Rooming House: A building in which separate sleeping rooms are rented that provide sleeping accommodations for three (3) or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services to be provided by the facility.

Borrow Site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc., where the material is removed from the legally described site and characterized by a short-term operation and removal of a limited quantity of earthen material.

Buffer Area: An area of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

Building: A structure, including its projections and extensions, constructed for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Envelope: The designated area of a lot within which a structure(s) can be built and which is depicted or described on a certificate of survey, plat, covenant, deed, or other document filed or recorded with the Lewis and Clark County Clerk and Recorder.

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.

Exhibit-B

3. The height of a stepped or terraced building is the maximum height of any segment of the building.

Bulk Requirements: Include, but are not limited to, 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.

Camp/Retreat Center: A centrally managed facility that provides full service lodging, dining, or cooking facilities, and on-site recreational activities for overnight guests or members. A camp/retreat center may include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and/or pack trips. A camp/retreat center may also include corporate or religious retreats or conference facilities. Activities shall be provided on-site to the extent possible. Adjacent lands and waterways may be used to supplement on-site activities if proper required licenses, permits, and/or agreements are obtained.

Campground/RV Park: A place for camping using tents, cabins, or recreational vehicles. This includes accessory uses such as a laundromat and retail sales for the convenience of campground guests. A place, publicly or privately owned, used for camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes. (see Recreational Vehicle Park)

Carnivals and Circuses: A traveling amusement show that is open to the public and usually includes rides, games, sideshows, and animals.

Casino: An establishment licensed for on premises consumption of alcoholic beverages which:

1. Is licensed for and has six (6) or more video gaming machines or gambling devices; or
2. Is licensed for and used to conduct any of the following types of gambling: calcutta pools, live card games, live card game tournaments, and live keno.

Cemetery: A place and/or building, or portion thereof, that is used, or is intended, for the interring / burial of the deceased. A cemetery may include associated uses such as columbarium's, crematories, and mausoleums.

Centralized Wastewater Treatment System: See Wastewater Treatment System, Centralized.

Centralized Water System: See Water System, Centralized.

Certificate of Survey (COS): A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations and parcel features.

Changeable Copy Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Animated, Digital, and Electronic Sign)

Church: See Worship Facility.

Exhibit-B

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured but excluding therefrom inpatient and overnight accommodations.

Cluster Development: A grouping of lots designed to concentrate building sites onto a smaller area in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other adjacent lands to remain undeveloped.

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 persons dependent on drugs and/or alcohol.
 - (e) An assisted living facility.
2. A maternity home, including administrative offices, services for childcare, counseling, classroom training, independent living training, and support groups.

Composting Facility: A place used for collecting, processing, and mixing leaves, straw, grasses, and other like vegetable matter with other materials to produce fertilizer and soil conditioner, including storage and manipulation of materials prior to, during, and following composting.

Conditional Use: A use that may be allowed in a specified zone district(s) if the use meets certain requirements. However, without the additional requirements of the conditional use process, it would likely not be appropriate throughout the zoning district.

Conditional Use Permit: The documented evidence of authority granted by the Board of County Commissioners to locate a conditional use at a particular location.

Exhibit-B

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.

Consolidated City and County Planning Board: (CCCPB), also see "Planning Board".

Conservation Easement: An easement or restriction, running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction as defined by Sections 76-6-101 through 76-6-110 and Sections 201 through 212, MCA. A conservation easement may also prohibit the further subdivision, division, or development of the open space lots or parcels, as provided for in Sections 70-17-201 through 70-17-206 and 76-3-509, MCA.

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 material, machinery, or repair, including trucks and heavy equipment, shops, and office space.

Correctional Facility: Includes County prisons and jails for the detention of persons awaiting trial or sentenced as punishment for criminal offenses, including youth detention facilities.

Country Inn/Guest Ranch: 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 used for the cremation of human dead.

Day-Care Facility:

A facility which provides daily care and supervision of children, or persons with a disability, 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.

Exhibit-B

Group Day-Care: A private residence or other structure in which supplemental care is provided on a regular basis for seven (7) to twelve (12) children.

Density: The number of units per area of measure, for example, the number of dwelling units per acre.

Department: The Lewis and Clark County Community Development and Planning Department (CDP)

Developer: An owner, or any person authorized by the owner, who intends to improve or to construct improvements upon the owner's property.

Digital Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Animated, Changeable Copy, and Electronic Sign)

Driveway: An access point onto a road that services a residential or non-residential parcel of land; it is not a street or roadway.

Dwelling Unit: Any building, or portion thereof, designed to provide complete, independent, and permanent living facilities for one family.

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. An easement may be for either public or private benefit. An easement is not the same as a setback.

Educational Facility (Higher-Education): A place and/or building, or portion thereof, for colleges, universities, community colleges, and vocational schools.

Educational Facility (K-12): A place and/or building, or portion thereof, for pre-schools, elementary, middle/junior high, or high schools.

Electronic Sign: A class of signs, utilizing electronic, mechanical, or computer technology (and/or any combination thereof), and with the capability of a changeable display of graphic images or message content. (see Animated, Changeable Copy, and Digital Sign)

Emergency Shelter: Temporary housing and ancillary services for primarily indigent, needy, homeless, or transient individuals, including crisis intervention centers.

Equipment Rental: Rental equipment and supplies, such as hand tools, party equipment, lawn care, yard equipment, trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings.

Equipment Rental, Large: Rental of large equipment and supplies, including trucks, vertical lifts, forklifts, backhoes, heavy equipment, and modular buildings.

Equipment Rental, Small: Rental of small equipment and supplies, including hand tools, party equipment, lawn care, and yard equipment.

Existing Licensed Premises: Licensed premises that were licensed, or which had a pending application before the Montana Department of Revenue, for the retail sale of alcoholic beverages for on-premises consumption prior to the enactment of these zoning Regulations and which have continuously operated under said license(s).

Exhibit-B

Extractive Industries: Mining operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel, and/or any mineral. The site may also include areas for commercial operations (retail or wholesale) of the sand, rock, soil, gravel, or any mineral.

Family: One (1) 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.

Forestry: The act of planting and managing trees and forests.

Freight Terminal: A place and/or building, or portion thereof, that is used or is intended for unloading, loading or storage of freight for routing or reshipment.

Fuel Tank Farm: The commercial bulk storage of petroleum products or any other fuel.

Funeral Home: A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes mortuaries and may include a crematorium.

Garage:

Private - A building, or portion thereof, including carports, in which motor vehicles used by the landowners, resident tenants, or their guests, are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles. A public garage may include above and below ground structured parking.

General Repair: A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, small engine repair such as lawn mowers and snowblowers, and the like. The term does not include repair of vehicles or industrial equipment.

General Retail Sales: The retail sale of a diverse product line of consumer goods and products.

General Sales: A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

General/Professional Services: A place and/or building, or portion thereof, that is used or is intended for providing professional and personal care services where customers come to the property for the service, including services such as engineering, accounting, legal, architectural, surveying, medical, dental, real estate, insurance, photography, fitness, weight loss, postal, hairstyling, pet grooming, copying and printing, and laundry and dry-cleaning services.

Greenhouse/Plant Nursery: A place and/or building, or portion thereof, used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines, may include wholesale and retail sales of product propagated, cultivated, or grown.

Exhibit-B

Gravel Pit: See Extractive Industries.

Grade: The elevation of the finished surface of the ground.

Growth Policy: The Lewis and Clark County Growth Policy, as may be amended from time to time by the Board of County Commissioners.

Healthcare Center: A place providing medical services for prevention, diagnosis, treatment, or rehabilitation, including dental clinics, doctors' offices, and outpatient medical facilities.

Health Care Facility: All or a portion of an institution, building, or agency, private or public, excluding federal facilities, whether organized for profit or not, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any individual. The term includes chemical dependency facilities, critical access hospitals, end-stage renal dialysis facilities, home health agencies, home infusion therapy agencies, hospices, hospitals, infirmaries, long term care facilities, intermediate care facilities for the developmentally disabled, medical assistance facilities, mental health centers, outpatient centers for primary care, outpatient centers for surgical services, rehabilitation facilities, residential care facilities, and residential treatment facilities. A place used or intended to provide health services, medical treatment, nursing care, or rehabilitative or preventive care to any person or individual. This term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long term care facilities such as hospitals and nursing homes, medical assistance facilities, mental health centers, public health centers, residential treatment facilities, and rehabilitation facilities.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: See Section 16.

Horticulture: The production, keeping, maintenance, or cultivation of a garden or orchard to grow fruits, vegetables, flowers, or ornamental plants, excluding medical marijuana grow operations.

Hospital: See Health-Care Facility.

Hotel: 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. A building or structure kept, used, maintained as, or advertised as to be a hotel, motel, inn, motor court, tourist court, or public lodging house; and a place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

Indoor Entertainment, Sports, and Recreation: A place and/or building, or portion thereof, that is used for indoor activities such as movie theaters, dance halls, theaters for performing arts, bowling alleys, skating rinks, billiard and pool halls, arcades, rifle and pistol ranges, athletic clubs, courts and training centers, and gyms.

Industrial Park: A planned and coordinated development designed to accommodate a variety of and more than two (2) industrial uses with common systems of access and service and combined parking areas, where the uses meet the overall land area requirements, but make use of different combinations of building uses, or where standards are established for appearance of buildings and grounds by common consent.

Exhibit-B

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. Typical uses include 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 of premade goods, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Infrastructure: Public facilities and services that typically include, streets, sewers, water, schools, police and fire buildings, libraries, hospitals, parks, trails, etc. to serve public demand and safety.

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.

Jail: See Correctional Facility.

Junkyard: A place for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

Kennel: ~~A place housing any combination of five (5) 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. A building, enclosure, or portion of any premises in or at which domesticated animals over the age of six (6) months are boarded, are kept for hire or for sale, or are kept or maintained by any person other than the owners thereof, or a building, enclosure, or portion of any premises in or at which five (5) or more dogs over the age of six (6) months are kept or maintained. (see Animal Boarding)~~

Landfill: An area of land or an excavation where wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Exhibit-B

Land Use: As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

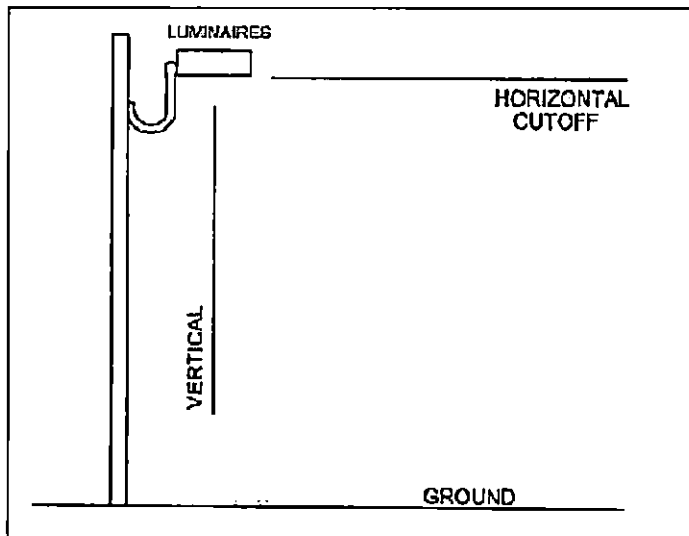
Land Use, Accessory: Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

Land Use, Principal: The dominant land use of a parcel of land.

Library: A public or non-profit facility in which books, periodicals, audio or video recordings, film, and comparable materials are kept for use or loaning to patrons of the facility. Such use may also offer the use of computers and the incidental or periodic sale of surplus books.

Light Fixture: A complete lighting unit (luminaire) consisting of a lamp or lamps and ballasting (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Light Fixture - Full Cutoff: A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir.



Light Glare: The sensation produced by a light source that is sufficiently brighter than the ambient lighting level to which the eyes are adapted causing annoyance, discomfort, or loss in visual performance and visibility. The magnitude depends on such factors as the size, position, brightness of the source; and the brightness of the ambient lighting level., which is generally defined as all available light surrounding a subject sign at any point in time with the subject sign light source extinguished.

Light Pollution: Any adverse effect of manmade light, including but not limited to, light trespass, up-lighting, the distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

Light Source: Artificial light emitted directly from a fixture lamp, lens, or mirror. Light which is reflected after leaving the fixture does not constitute a light source.

Exhibit-B

Light Trespass: Any form of artificial illumination emanating from a light fixture that penetrates other property and creates a direct glare source that exceeds one-half ($\frac{1}{2}$) foot-candles in a vertical plane at the subject property line.

Loading Area, Off-street: An off-street space generally located at or near a building entrance to allow service pickups and deliveries by commercial vehicles.

Lot: See Tract of Record.

Lot, Corner: A lot at the junction of and fronting on two (2) or more intersecting streets.

Lot Coverage: The portion of a lot, stated in terms of percentage, that is covered by all buildings and structures located on the lot, but does not include the first two (2) feet of roof eave extensions measured from the outside wall of the building, uncovered decks, fences, walls, or pools.

Lot, Double-Fronted or Through: A lot having frontage on two (2) more or less parallel streets.

Lot, Flag: A lot with access provided by a narrower corridor from a street to the larger bulk area of the lot.

Lot, Interior: A lot that abuts only one (1) street.

Lot Line: Any boundary of a lot. The classification of lot lines are:

Front: The lot line bounding a lot that is adjacent to any street. On a corner lot or double-fronted lot, each lot line separating the lot from a street is considered a front lot line. (See Lot Line Diagrams)

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly shaped lots, the rear lot line shall be deemed to be a line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks. (See Lot Line Diagrams)

Side: Any property boundary line which is neither a front lot line nor rear lot line. (See Lot Line Diagrams)

Exhibit-B

Lot Line Diagrams

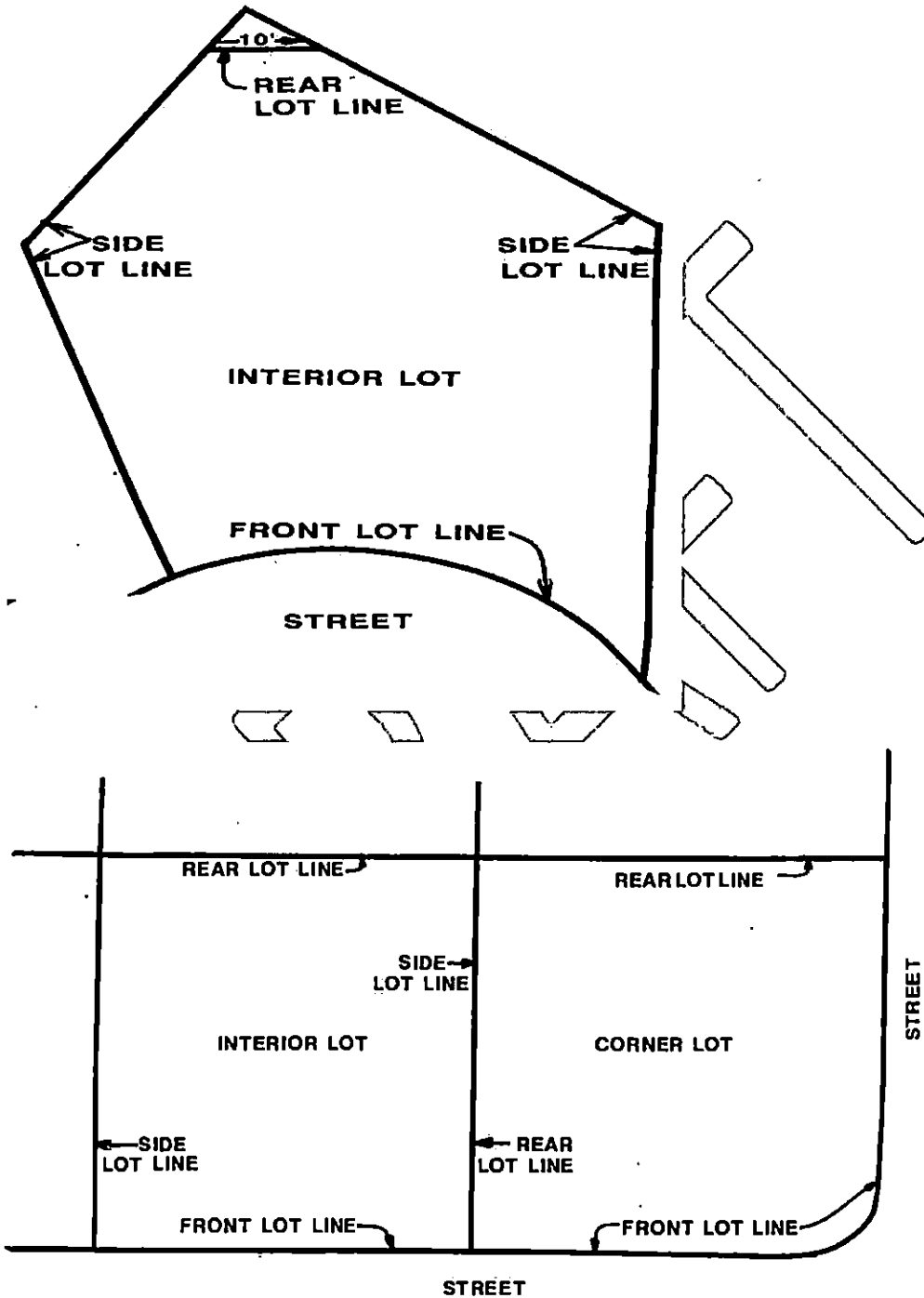


Exhibit-B

M.C.A.: Montana Code Annotated or MCA (State of Montana statutes.)

Manufactured Home: A dwelling for a single household, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least one thousand (1,000) square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and 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 or houstrailer, as defined in Section 15-1-101, MCA.

Manufactured/Mobile/Modular Housing Sales: The on-site display and sale of mobile homes, modular homes, and manufactured housing.

Medical Marijuana Dispensary: Premises, approved by the State of Montana Department of Health and Human Services as an "Adult-use Dispensary" or "Medical Marijuana Dispensary", from which a provider of marijuana infused products dispenses marijuana related products to a registered medical marijuana cardholder and/or adults.

Medical Marijuana Grow Operation: An enterprise or facility engaged in growing medical marijuana for commercial purposes.

Medical Marijuana Provider: A person licensed by the State of Montana Department of Health and Human Services to assist a registered cardholder, as allowed under Montana Code Annotated. The term does not include the cardholder's treating physician or referral physician.

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning

Mini-Storage Facility/Storage Facility, Self-Service: A place and/or building, or portion thereof, which is divided into multiple storage units or a parcel of land rented, leased, or owned for storage of personal property. The term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing. An on-site manager/caretaker may reside at the facility.

Mini Storage Facility: See Storage Facility, Self Service.

Mobile Home: Forms of housing known as "trailers", "houstrailers", or "trailer coaches" exceeding eight (8) feet in width or forty-five (45) feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, houstrailer, or trailer coach up to eight (8) feet in width or forty-five (45) feet in length used as a principal residence.

Mobile Home Park: A parcel of land that has been planned and improved for the placement of mobile and/or manufactured homes for residential use.

Mobile Home Space: The designated portion of a mobile home park designed for the accommodation of one mobile or manufactured home, and its accessory structure(s) for the exclusive use of the occupants.

Modular Home: A sectional, prefabricated dwelling unit residence set on a permanent foundation on the subject parcel, 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.

Exhibit-B

Motel: See Hotel.

Motor Vehicle Graveyard: A collection point, established by a county, for junk motor vehicles prior to their disposal.

Motor Vehicle Wrecking Facility: A facility buying, selling, or dealing in four or more vehicles a year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification.

Noise Level (Ambient): The average equivalent sound level (LEQ) occurring during a six (6) minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Non-Residential Use: Any use not requiring or providing facilities for individuals to live on the premises including uses of property or land containing or suitable for agricultural, commercial, recreational, or industrial purposes rather than private dwellings.

Noxious Weed: Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

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: A place used for recreation or long-term preservation and conservation of wildlife habitat, cultural, historic, or natural resources, agricultural interests, or aesthetic values of its natural state.

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 principal or conditionally permitted building(s) to be used only for the shelter or storage of vehicles or other personal property owned or operated by the landowner.

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. ~~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 outdoor spectator type uses or events, including, but not limited to, racetracks, motocross courses, sports arenas, concerts, and zoos.~~

Exhibit-B

Outdoor Sports and Recreation: A place and/or structure, or portion thereof, that is used or is intended for outdoor entertainment of all types; the term includes swimming pools, tennis courts, golf courses, golf driving ranges, paintball fields, firearms ranges, archery ranges, and the like.

Owner of Record: The person or persons who are listed in the official County records as the legal owners of a tract of record.

Parcel: See Tract of Record.

Parent Parcel: The original tract or tracts of record from which new parcels are created.

Park: A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public.; The term includes developed and undeveloped areas and neighborhood recreation centers.

Parking Lot: An open area, other than a public right-of-way, used for public or private off-street parking of motor vehicles.

Parking Space, Off-Street: A space located off of any travel right-of-way / easement that is available for parking a motor vehicle.

Parking Structure: A multilevel structure used for off street parking of motor vehicles.

Part 1 Zoning: Zoning adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 1, Montana Code Annotated.

Part 2 Zoning: Zoning adopted pursuant to the enabling authority of Title 76, Chapter 2, Part 2, Montana Code Annotated.

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. (see Principal Use)

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.

Planned Development: A tract of land developed as an integrated unit. The Planned Development Overlay Zone District is often referred to simply as a "(PD)." They are is unique and based upon a plan which allows for flexibility of design, setting, and density not otherwise possible under the prevailing zone district Regulations.

Planning Board: The Consolidated City and County Planning Board, created pursuant to Title 76, Chapter 1, Part 1, MCA.

Plat: A graphical representation of a subdivision; , and which includes, but is not limited to the terms, Preliminary, Amended, and Final, as all such terms are more particularly defined within MCA and the most current adopted Subdivision Regulations of Lewis and Clark County, Montana.

Porch: A covered structure that has no solid walls and at least one open side that is attached to the front exterior of a building.

Exhibit-B

Prerelease Center: A community corrections facility or program as defined by state law.

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The dominant, main, or primary use of a parcel of land. (see Permitted Use.)

Prison: See Correctional Facility.

Propane Distribution/Storage Facility: Any facility where the primary function is to store liquid petroleum gas prior to further distribution, where liquid petroleum gas is received by cargo tank motor vehicle, railroad tank car, or pipeline, and distributed by portable container delivery, by cargo tank motor vehicle, or through gas piping.

~~**Public Facilities:** Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, law enforcement facilities, parks and streets.~~

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.

Public Services: Services and facilities provided to the general community by government or quasi-public entities. Examples include roads and bridges, emergency services, schools and libraries, water and wastewater treatment systems, and solid waste disposal.

Railroad Yard: A place used for switching, loading, unloading, service, maintenance, and storage of railroad cars and engines.

Recreational Vehicle (RV): A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use that either has its own motor power or is mounted on or towed by another vehicle; and which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation. The term includes, but is not limited to, travel trailers, camping trailers, truck campers, and motor homes.

Recreational Vehicle Park: See Campground.

Recreational Vehicle Space: A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle.

Recycling Facility: A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. The term shall not include a junk yard.

Registered Architect: An individual licensed to practice architecture in Montana.

Registered Professional Land Surveyor: An individual licensed to practice surveying in Montana.

Exhibit-B

Registered Professional Engineer: An individual licensed to practice engineering in Montana.

Regulation: That which is required, unless an explicit exception is made.

Regulations: The Lewis and Clark County Helena Valley Zoning Regulations.

Renewable Energy Facility: A site, together with its accessory facilities, where energy is generated using renewable resources. Such sites may include but are not limited to solar farms, wind turbines, or geothermal facilities.

Research and Development Facility: A place and/or building, or portion thereof, that is intended to be used in the research and testing activities associated with discovering new or improved products, methods, processes, or services.

Residence: (**NOTE: The following information regarding the proposed amendments to the regulations will be removed at the time of the adoption of a final resolution. Amendments made by the Commission following the Planning Board's recommendation are shown as follows: Additions have been **BOLDED**, *italicized*, and underlined, and deletions are shown with a strikethrough and have been underlined.)

Single-Dwelling Unit Residence: A single building situated on one (1) lot that contains one (1) dwelling unit for residential occupancy by one (1) family.

Two-Dwelling Unit Residence: A single building situated on one (1) 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 (2) buildings situated on one (1) lot that each contain one (1) dwelling unit for occupancy by one (1) family.

Multiple-Dwelling Unit Residence: In the RR District, Multiple-Dwelling Unit Residence is considered a single building, *on one (1) lot* containing three (3) or more dwelling units for occupancy by three (3) or more families living separately from each other, including condominiums. In the UR and SR Districts, Multiple-Dwelling Unit Residence is considered a single building on one (1) lot that contains three (3) or more dwelling units for occupancy by three (3) *or more* families living separately from each other, or three (3) or more separate *multiple* buildings situated on one (1) lot that each contain one (1) *or more* dwelling units for occupancy by one (1) *or more* families, including condominiums. *This definition excludes the first Two-Dwelling Unit Residence in which there are two separate buildings situated on the same lot that each contain one (1) dwelling unit for occupancy by one (1) family when there are no other dwelling units located, or to be located on that same lot.*

Residential Use: Any use of a residence by its occupants as a regular and consistent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Restaurant: A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages primarily for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. The term does not include a grocery store with a food service section.

Exhibit-B

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.

Retail: An establishment where the principal use is the selling or renting of goods or merchandise to the general public for personal or household consumption and rendering of services incidental to the sale of such goods.

Rezoning: A revision of the Helena Valley Zone District Map.

Right-of-Way: That land which the Montana Department of Transportation, County or City has title to, or right of use, for public roads and appurtenances, including utilities; A strip of land dedicated or acquired for public use as public way.

Riparian Area: Defined by the University of Montana's Riparian and Wetland Research Program as the "green zone", which lies between channels of flowing water and uplands, and which serves several functions, including the following: water storage and aquifer recharge; filtering of chemical and organic wastes; sediment trapping; bank building and maintenance; flow energy dissipation; and primary biotic production. Riparian areas provide important habitat for many species of wildlife.

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

School: See Education Facility (Higher Education/K-12)

School Property: Property owned, leased, or exclusively possessed by a public school district that is used for educational purposes or school sanctioned activities for primary and secondary education students. This includes school buildings and adjacent land, playgrounds, athletic fields, stadiums, and other places used by primary and secondary education students for educational purposes or school sponsored events. It does not include property owned by commercially operated or postsecondary schools or school district property that is not regularly occupied or used by students for school activities.

Septic Waste and Domestic Sludge Application: Otherwise known as "Applied to the land surface" in ARM 17.50.802(3) means the uniform application of liquid or semi-liquid waste material at a rate closely approximating that which will result in maximum benefit to the crop or vegetative cover in the field, without ponding, runoff, or leaching.

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line, except when adjacent to the right-of-way, the measurement shall be from the closest right-of-way line.

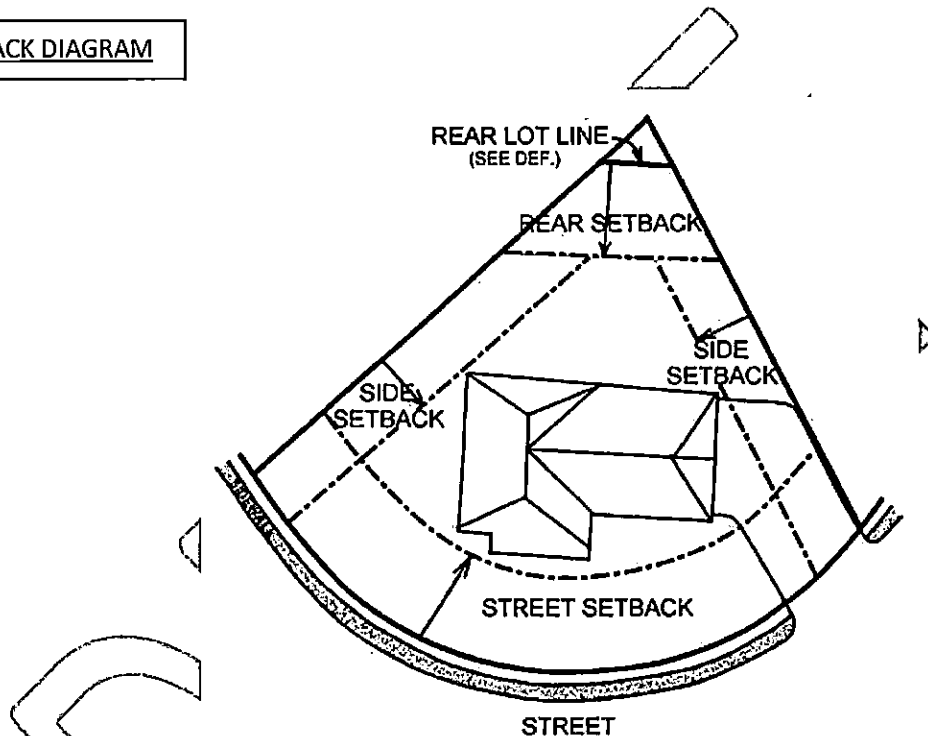
Front: A setback (sometimes called a Street Setback) extending across the full width of the lot and parallel to the right-of-way line, measured perpendicular to the right-of-way line. (See Setback Diagram)

Rear: A setback extending across the full width of the lot and parallel to the rear lot line, measured perpendicular to the rear lot line, except that on pie shaped lots, a chord is to be drawn at a length of ten (10) feet in order to establish the rear lot line for the purpose of setback measurement. (See Setback Diagram)

Exhibit-B

Side: A setback extending from the front lot line to the rear setback and parallel to the side lot line. (See Setback Diagram)

SETBACK DIAGRAM



Sexually-oriented Business: A business that primarily offers sexually-oriented goods, services, and entertainment for compensation including escort agencies, nude modeling studios, sexual encounter centers, and related services.

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.

Silviculture: The growing and cultivation of trees.

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.

Exhibit-B

Staff: Lewis and Clark County employees with a role in reviewing or administering the provisions contained in these Regulations.

State: The State of Montana.

Storage Facility, Self Service: A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade. Also known as mini-storage or mini-warehousing. An on-site manager/caretaker may reside at the facility.

Structure: Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, wholesale business tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other similar objects.

Subdivision: A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any re-subdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

Subject Land: Real property which is the subject of these Regulations.

Surveyor: See Registered Professional Land Surveyor.

Tavern: Any establishment licensed by the state of Montana with a quota restricted license for the retail sale of any alcoholic beverage for on premises consumption. A restaurant that has a quota restricted license and gambling license is a tavern. This does not include premises upon which any alcoholic beverage is catered and sold for on premises consumption to persons attending a special event; premises upon which alcoholic beverages are served pursuant to a special alcohol beverage license; or premises upon which the alcohol beverage license is restricted to premises with a special use or ownership. Sale of alcoholic beverages on property for which only special licenses have been issued is considered an accessory use to the property's primary use.

Telecommunication Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Temporary Uses: Those uses temporary in nature with a defined commencement and termination dates which comply with Section 15 of these regulations.

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 townhouse.

Exhibit-B

Tract of Record: An individual parcel of land, 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 County Clerk and Recorder's office. (See Lot and Parcel)

Trail: Public pedestrian trails that are predominately used for recreational and leisure purposes.

Utility Distributed Power: 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.

Utility Major: Facilities for water and wastewater treatment and solid waste transfer stations.

Utility Minor: Facilities other than a major or distributed power utility, including water system wells, wastewater lift stations, water pumping stations, water tanks and towers, stormwater control facilities, and water, wastewater, and stormwater drainage lines.

Utility Sites: Parcels of land and necessary improvements 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, gas pipelines, and communications facilities.

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.

Veterinary Clinic, Large Animal: A large animal veterinary clinic specializes in the care and treatment of livestock such as cattle, hogs, sheep, goats, horses, llamas, ostriches and emus.

Veterinary Clinic, Small Animal: 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.

Exhibit-B

Warehouse: A building or portion thereof used to store goods and materials for wholesale, temporary storage, and distribution, including moving and storage facilities, or a truck terminal that stores freight for reshipment or routing.

Wastewater Treatment System, Centralized: A shared, multi-user, public, or municipal wastewater treatment system.

Wastewater Treatment System, Individual: Any form of wastewater treatment system that serves or is intended to serve one service connection.

Water System, Centralized: A shared, multi-user, public, or municipal water system.

Water System, Individual: Any form of water system that serves that serves or is intended to serve one service connection.

Wind Energy Conversion System: Any mechanism, including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included.

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.

Zoning Administrator: The Director of the Lewis and Clark County Community Development and Planning Department (CDP) unless another person is appointed by the Board of County Commissioners.

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Exhibit-B

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SECTION 7 RURAL RESIDENTIAL MIXED-USE DISTRICT (RR)

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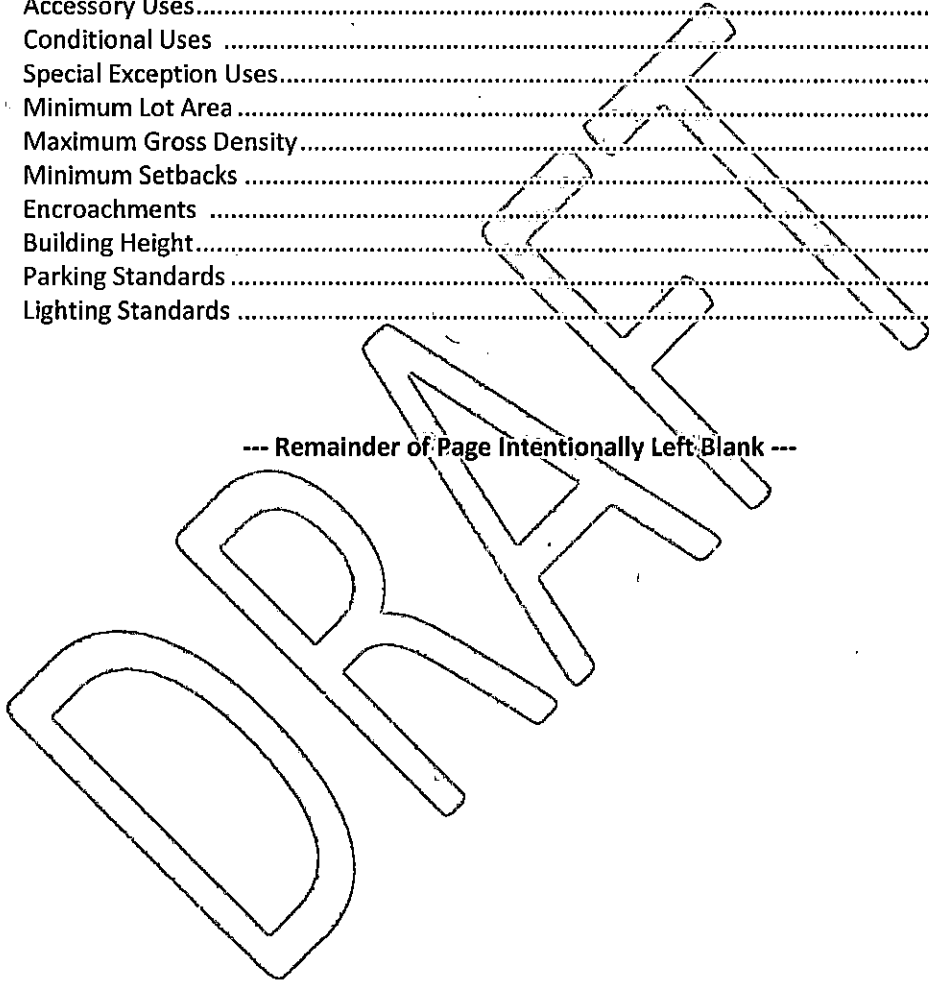


Exhibit-B

701 Intent

To provide for lower density residential development, along with an opportunity for continued agricultural activities, within the rural areas of the Helena Valley. Also, on a limited basis, to provide areas for non-residential uses in balance with residential development and agricultural activities as an integral part of the community providing essential services and employment opportunities. Non-residential development within this district should be permitted in compact centers rather than in extended strips of development along roadways to provide for orderly development, minimized traffic congestion, and to provide for safe pedestrian movement.

Urban development within this district is strongly discouraged. Expansion of urban development into rural areas is a matter of public concern because of the challenges in satisfactorily addressing the impacts associated with the five key issues identified in the Growth Policy. Those key issues (fire, water, wastewater, roads, and flooding) along with the potential for conflicts between agricultural and urban activities support the lower development intensity levels of the Rural Residential Mixed-Use zone district. Development or use of land in this district is permitted only in accordance with the provisions herein.

702 Principal Uses

Only one (1) principal use is allowed on each parcel. The following principal uses are allowable in the Rural Residential Mixed-Use District:

- 702.01 Agriculture
- 702.02 Apiculture
- 702.03 Community Residential Facility – Type-I
- ~~702.04 Community Uses:~~
 - ~~702.04.01 Education Facility~~
 - ~~702.04.02 Library~~
 - ~~702.04.03 Open space/trails~~
 - ~~702.04.04 Park~~
 - ~~702.04.05 Public Facilities (without outdoor training)~~
- ~~702.05 Day-care Facility~~
 - ~~702.05.01 Adult Daycare~~
 - ~~702.05.02 Family Daycare~~
 - ~~702.05.03 Group Daycare~~
 - ~~Education Facility~~
- 702.06 Forestry
- 702.07 Horticulture
- 702.07 Library
- 702.08 Open Space/Trails
- 702.09 Park
- 702.10 Public Safety Facilities (without outdoor training)
- ~~702.08~~ 702.11 Residence
 - ~~702.08~~ 702.11.01 A single dwelling unit residence per parcel
 - ~~702.08~~ 702.11.02 A two – dwelling unit residence per parcel
- ~~702.09~~ 702.12 Septic Waste and Domestic Sludge Application
- ~~702.10~~ 702.13 Silviculture
- ~~702.11~~ 702.14 Telecommunication Facility
- ~~702.12~~ 702.15 Temporary Use

- 702.136 Utility Site
- 702.147 Worship Facility

703 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel, be subordinate to and serve such principal use, be subordinate in area, extent, and purpose to such principal use, and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 703.01 Accessory Uses and Buildings
- 703.02 Home Occupations, in compliance with Section 16 of these Regulations.
- 703.03 Temporary Uses, in compliance with Section 15 of these Regulations.

704 Conditional Uses

The following uses are permitted, upon approval of a Conditional Use Permit (CUP) by the Board of Adjustment (BOA), in accordance with Section 14 of these Regulations:

- 704.01 Airstrip
- 704.02 Aircraft Hangars when in association with properties within or adjoining an airstrip
- ~~704.03 Animal Hospital, Veterinary Clinic~~
- 704.043 Batch Plant (concrete, mortar, or asphalt; not including temporary batch plants)
- ~~704.054 Bank/Financial Institution~~
- ~~704.06 Bar/Lounge~~
- 704.075 Bed and Breakfast Establishment
- ~~704.08 Building materials, wholesale/retail~~
- ~~704.096 Camp/Retreat Center~~
- 704.07 Campground/RV Park
- ~~704.08 Casino~~
- ~~704.1009 Cemetery~~
- 704.110 Community Residential Facility, Type-II
Construction Material Sales
- 704.121 Contractor's storage yard
- ~~704.12 Correctional Facility~~
- 704.13 Daycare Center
- 704.14 Equipment Rental
- 704.15 Extractive Industries
- ~~704.16 Financial Services~~
- ~~704.167 Funeral Home/Crematorium~~
- 704.178 General/Professional Services
- 704.189 General Repair
- 704.20 General Retail Sales
- ~~704.1921 Greenhouse/Plant Nursery~~
- 704.202 Health-Care Facility
- ~~704.213 Heliport~~
- 704.224 Hotel (including conference or convention facilities)

Exhibit-B

- 704.235 Industrial (must not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the parcel boundary)
- 704.245 Indoor Entertainment, Sports, and Recreation
 - ~~704.25 Jail/Correctional Facility~~
 - 704.26 Kennel
 - 704.27 Landfill
 - 704.278 Marijuana Dispensary
 - 704.289 Marijuana Grow Operation
 - 704.2930 Marijuana Provider
 - 704.31 Mini-Storage/Storage Facility, Self Service
 - 704.302 Motor Vehicle Graveyard
 - 704.313 Motor Vehicle Wrecking Facility
 - ~~704.32 Motorized vehicle/equipment service/repair and incidental sales~~
 - 704.334 Outdoor Entertainment Sports and Recreation
 - ~~704.34 Outdoor Entertainment~~
 - 704.35 Parking Lot - public or private
 - 704.36 Propane Distribution/Storage Facility
 - 704.37 Public Safety Facilities (with outdoor training)
 - 704.38 Recycling Facility/solid waste transfer facility
 - 704.39 Renewable Energy Facilities
 - 704.40 Research and Development Facility
 - 704.41 Residence
 - 704.41.01 Multiple – Dwelling Unit Residence per parcel
 - 704.42 Restaurant
 - ~~704.43 Retail~~
 - 704.443 Satellite Earth Station
 - ~~704.45 Storage Facility, Self Service~~
 - 704.45 Tavern
 - 704.46 Vehicle Fuel Sales
 - ~~704.47 Vehicle Repair~~
 - 704.48 Vehicle Sales and Rental
 - 704.49 Vehicle Services
 - 704.49.01 Veterinary Clinic, Large Animals
 - 704.49.02 Veterinary Clinic, Small Animals
 - 704.4950 Warehouse
 - 704.501 Water/Wastewater Treatment Facility

A conditional use may also be the principal use of a parcel of land, and only one principal use per parcel is allowed.

705 Special Exception Uses

The following uses are allowed in addition to an established principal use, an accessory use, or conditional uses:

- 705.01 Agricultural
- 705.02 Apiculture
- 705.03 Community Residential Facility – Type-1
- 705.04 Day-Care Facility
 - 705.04.01 Adult Daycare

Exhibit-B

- 705.04.02 Family Daycare
- 705.04.03 Group Daycare
- 705.05 Forestry
- 705.06 Horticulture
- 705.07 Silviculture
- 705.08 Telecommunication Facility

706 Minimum Lot Area

The minimum parcel size shall be ten (10) Acres, with two exceptions: Cluster Design or Planned Development (PD).

In order to permit creative and environmentally sensitive site design, smaller parcel sizes may be permitted through the use of a Cluster Design as detailed below.

706.01 Cluster Design

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, with the balance of the property maintained in open space.

706.01.01 Lot Design (NOTE: 706.01 through 706.02 have been renumbered)

706.01.01.1 The minimum size of parcels to be developed is the effective minimum size allowable under the Administrative Rules of Montana adopted by the Montana Department of Environmental Quality under Title 76, Chapter 4, MCA.

706.01.01.2 Apart from any parcel that will remain as undeveloped open space, the maximum size of each parcel to be developed in a cluster development is two (2) acres.

706.01.01.3 To reduce the potential for groundwater depletion due to the concentration of wells, the maximum number of parcels to be developed in a cluster development is ten (10). Additional non-clustered lots can be included in a subdivision plan for a cluster development to achieve the maximum density allowed under the Rural Residential Mixed-Use District as shown in Figure 1.

706.01.01.4 The minimum amount of land preserved in a cluster development is equal to the base density of ten (10) acres per parcel, minus the area in new lots planned for development. For example, an eighty (80)-acre parcel can be divided into eight (8) lots (80 acres ÷ a base density of 10 acres per lot).

In the eighty (80) acre example below in Figure 1, each of the eight (8) cluster lots is one (1) acre in size as allowed under DEQ rules for water and wastewater. The ninth parcel, seventy-two (72) acres in size, is to be preserved as open space and/or a resource use(s). Under this development scenario,

Exhibit-B

approximately ninety (90) percent of the parcel is maintained in open space, and the need for road construction is minimized

The one hundred sixty (160) acre example below in Figure 1, shows a second example of development of a one hundred sixty (160) acre parcel. A one hundred sixty (160) acre parcel of land can be divided into sixteen (16) lots planned for development (160 acres ÷ a base density of 10 acres per lot). Each of the ten (10) cluster lots (the maximum number of cluster lots allowed) planned for development is two (2) acres in size. An added six (6) non-clustered lots of ten (10) acres each are allowed on the parcel being subdivided to achieve the full development potential of the quarter section of land. The 17th parcel, eighty (80) acres in size, is to be preserved as open space and/or a resource use(s). Under this development scenario, approximately half of the parcel is maintained in open space, and the need for road construction is minimized.

Numerous other combinations and configurations are possible so long as they comply with the provisions for cluster development and the density restrictions.

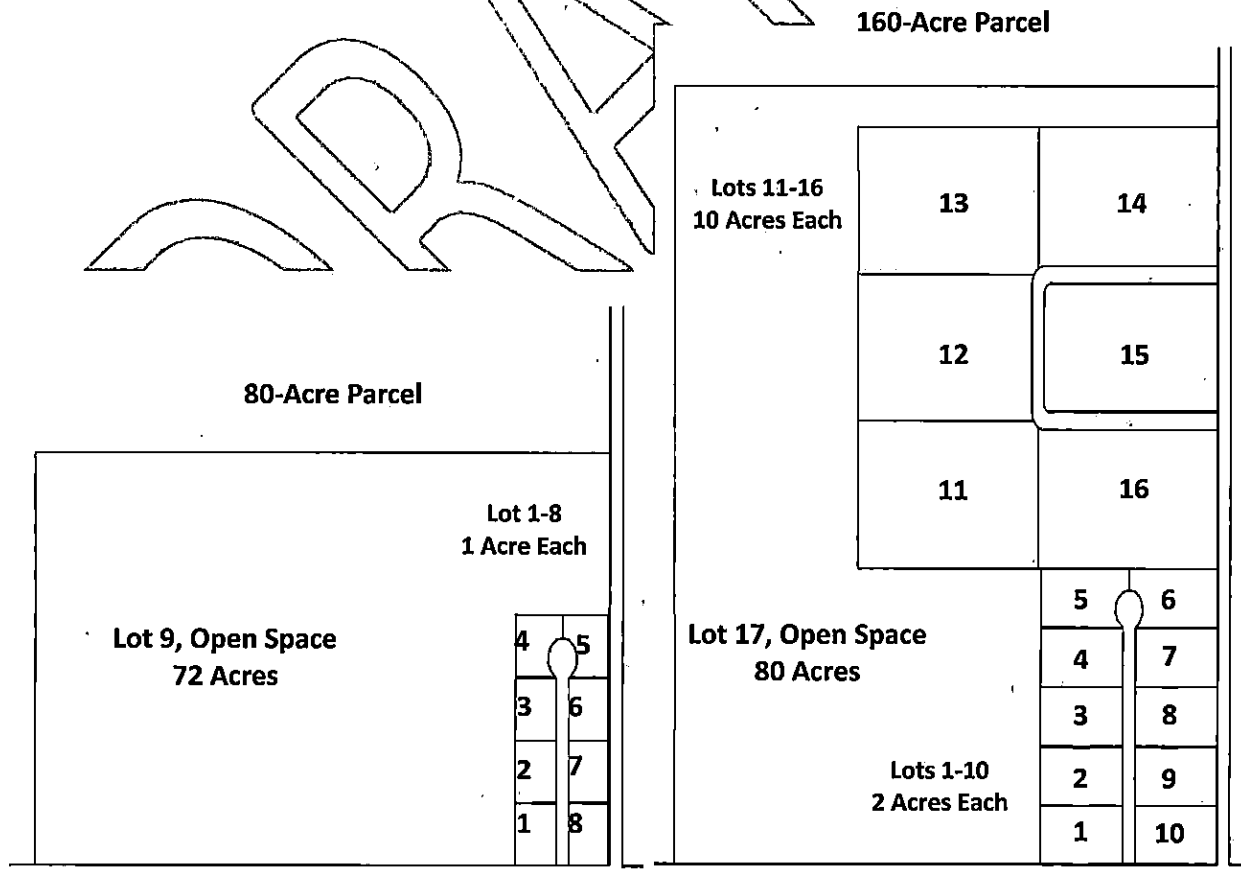


Figure 1 – Alternative layouts for clustered development (for illustrative purposes only, as many other scenarios are possible.)

706.01.02 Open Space Standards

The land preserved in open space and/or a resource use(s) must:

706.01.02.1 Be maintained on a long-term basis through a revocable covenant prohibiting further subdivision, division, or development of the open space and/or resource use parcel. Revocation of said covenant requires approval by the BoCC. Revocations may be considered if zoning and/or development constraint conditions no longer require density to be limited on the subject property;

706.01.02.2 Be accessible via a road and/or trail easement filed with the Lewis and Clark County Clerk and Recorder's office;

706.01.02.3 Be identified on a final subdivision plat or certificate of survey (COS) (for exemptions from subdivision). The final subdivision plat or COS shall include a notation as to the official recordation location of the revocable covenant;

706.01.02.4 Include a plan for ongoing use and maintenance as open space and/or a resource 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;

706.01.02.5 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, and scenic resources such as hillsides or forested areas; and,

706.01.02.6 Be located adjacent to the one (1) or more lots to be developed.

707 Maximum Gross Density

The gross density shall not exceed one (1) parcel per ten (10) acres, unless the parcel is located in an approved PD that allows for greater densities.

708 Minimum Setbacks

708.01 Principal Use for parcels ten (10) acres or greater in size: (also applies to Special Exception Uses)

- Front: Twenty-five (25) feet.
- Side: Twenty-five (25) feet.
- Rear: Twenty-five (25) feet.

Principal Use for parcels under ten (10) acres in size: (also applies to Special Exception Uses)

- Front: Ten (10) feet.
- Side: Ten (10) feet.
- Rear: Ten (10) feet.

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708.02 Accessory Use for parcels ten (10) acres or greater in size:

Front: Twenty-five (25) feet.

Side: Fifteen (15) feet.

Rear: Fifteen (15) feet.

Accessory Use for parcels under ten (10) acres in size:

Front: Ten (10) feet.

Side: Ten (10) feet.

Rear: Ten (10) feet.

708.03 Conditional Use:

Same as Principal Use unless otherwise defined with the CUP.

709 Encroachments (Setbacks)

709.01 Utility distribution lines and related equipment may be located within a required setback.

709.02 Fences and walls in excess of forty-two (42) inches in height are not allowed in the front setback.

710 Building Height

Maximum building height: thirty-five (35) feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

710.01 The height of an antenna shall be no greater than the distance to the nearest lot line.

711 Parking 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 Manual, 5th Edition, 2019" or as otherwise 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 this zoning district:

711.01 Community Residential Facility (Type I): two (2) spaces for each one thousand (1,000) square feet of gross floor area.

711.02 Educational Facility (K-12): one (1) space for each three (3) employees, plus five (5) spaces.

711.03 Educational Facility (Higher Education): 0.19 spaces per student.

711.04 Day-Care Facility: one (1) space for every two (2) employees, plus two (2) additional parking spaces, plus one (1) loading space for every eight (8) clients.

711.05 Public Safety Facility: four (4) spaces per one thousand (1,000) square feet of gross floor space.

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- 711.06 Funeral Home; Worship Facility: one (1) space for every four (4) seats.
- 711.07 Vehicle Fuel Sales: one (1) space for each two (2) employees, excluding spaces to serve the gas pumps.
- 711.08 ~~Bank Financial Institution Services (Walk-in Only): 0.63~~ 3 spaces per one thousand (1,000) square feet of gross floor area; stacking lanes for each drive up and ATM do not count toward the on-site parking requirement
- ~~711.09 Bank Financial Institution Services (Walk-in with Drive-up): 4.23 spaces per one thousand (1,000) square feet of gross floor area.~~
- 711.1009 Health-Care Center; Healthcare Facility; Animal Hospital; Veterinary Clinic: 4.11 spaces per one thousand (1,000) square feet of gross floor area.
- 711.110 Administrative Government Agency; Bus Terminal (if operated by a Government Agency); Public Safety Facility: 3.84 spaces per one thousand (1,000) square feet of gross floor area.
- 711.121 Crematorium; General Repair; Light Industrial; Vehicle Repair: 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 711.132 Vehicle Sales and Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 711.143 Equipment Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 711.154 Hotel: 0.89 spaces per room
- 711.165 Indoor/Outdoor Entertainment, Sports, and Recreation; Outdoor Concerts and Theatrical Performances: 0.26 spaces per seat.
- 711.176 Specialized Food Production; Artisan-Shop (with Production and Manufacturing): 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 711.187 Community Residential Facility (Type II): one (1) space for each three (3) dwelling units.
- 711.198 Residence: two (2) spaces for each residential dwelling unit.
- 711.2019 Kennel or Other Animal-Related Services; General/Professional Services; General Retail Sales: 4.1 spaces per one thousand (1,000) square feet of gross floor area.
- 711.210 Bed and Breakfast; Camping and Retreat Center: one (1) space for each room for rent, plus two (2) additional spaces if a portion of the building is used as a single dwelling unit residence.
- 711.221 Other Uses: For any other use not specifically mentioned or provided for in this Section, the Zoning Administrator shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed.

712 Lighting Standards

It is the purpose and intent of these Regulations to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, while maintaining nighttime safety, utility, and security.

712.01 Residential Outdoor Lighting

All exterior light fixtures shall be of a full-cutoff design except as otherwise permitted below.

712.02 Commercial Outdoor Lighting

All light fixtures shall be of a full-cutoff design. Light fixtures attached to a pole may not exceed a height of thirty-four (34) feet from the ground to the bottom of the fixture. Any existing fixtures out of compliance with this regulation shall be brought into conformance at the time of the replacement of the pole or fixture.

712.03 Feature Lighting

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing that the light beam is narrowly focused so as not to exceed the width and height upon the object being illuminated; and the light is directed on the feature being lit and not directly upwards.

712.04 Signs

Illuminated signs shall be illuminated in such a manner that the light therefrom shall shine only on the sign or on the property on which it is located and shall not shine onto any other property, in any direction, except by indirect reflection.

712.05 Communication Towers

Lighting for towers and structures shall comply with the minimum mandates contained in the appropriate Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations or other State requirements. The more restrictive requirements shall apply in the event of a conflict between the regulations.

712.06 Exemptions

712.06.1 Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.

712.06.2 American Flag illumination

712.06.3 Temporary Construction Sites

Lighting for nighttime security, provided the owner submits a lighting mitigation plan for approval that includes the duration, number, location, and height of each light source, and hours of operation.

712.06.4 Seasonal Lighting

Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.

712.06.5 Emergency Lighting

Lights used during emergencies or by police, fire, public works and/or public

Exhibit-B

utility personnel in their official duties are exempt from these Regulations.

712.07 Prohibited Lighting

The following types of lights are prohibited within the Rural Residential Mixed-Use Zone District.

712.07.1 The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light. Lighting that could be confused for a traffic control device.

712.07.2 Lighting designed for the creation of sky glow to attract attention (whether stationary or moving), in excess of the lighting used to provide safety, security, and utility.

712.07.3 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.

712.07.4 Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting with total per-source level not exceeding an average of two thousand eight hundred fifty (2,850) lumens.

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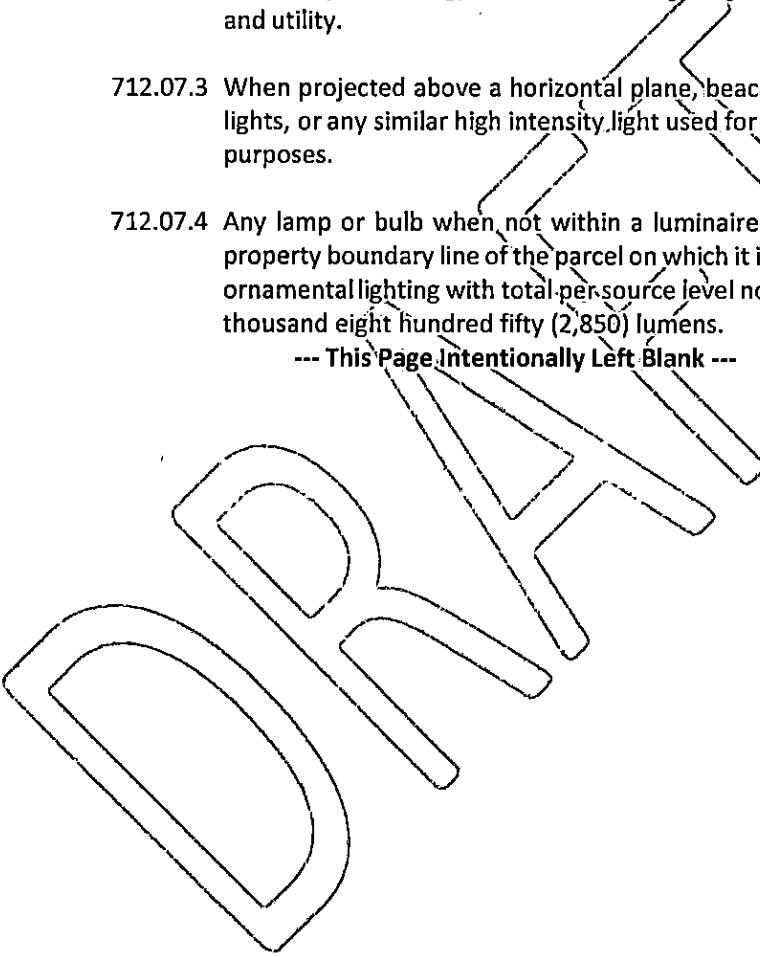


Exhibit-B

SECTION 8 SUBURBAN RESIDENTIAL MIXED-USE DISTRICT (SR)

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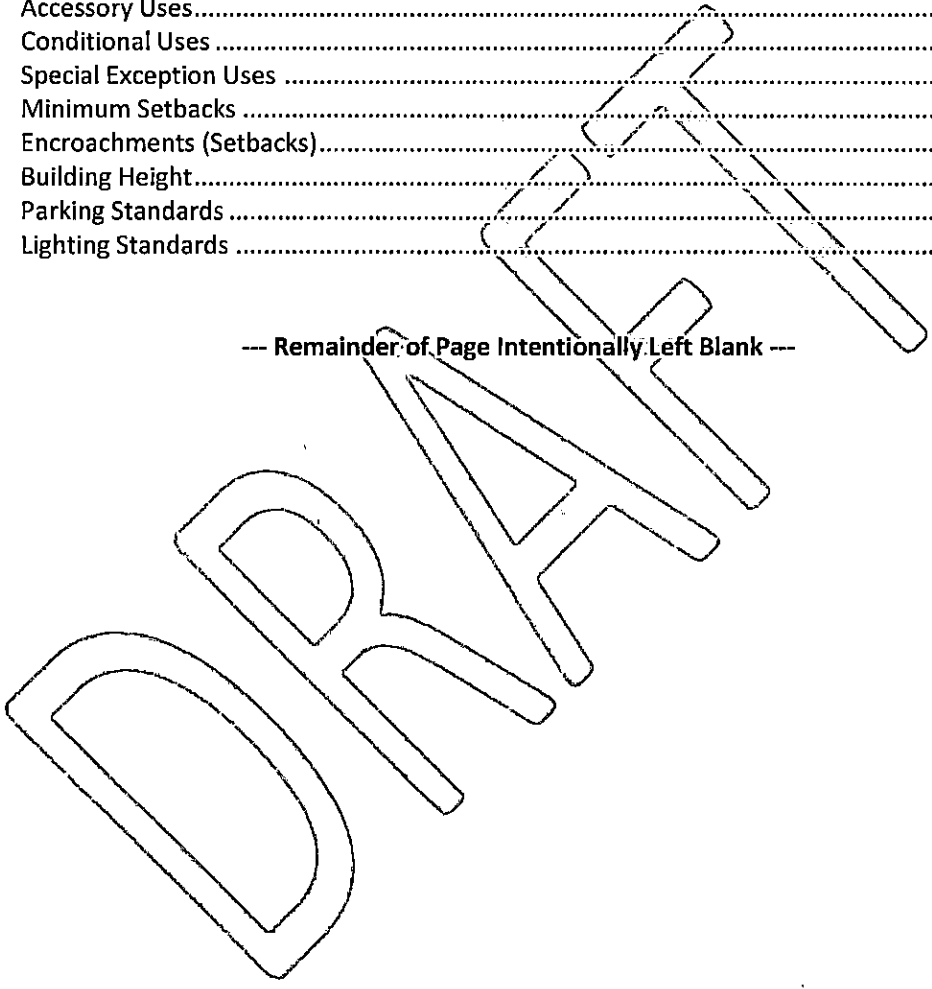


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801 Intent

The Suburban Residential Mixed-use (SR) Zone District is intended to include a mix of suburban development where road and floodplain constraints are absent, and rural development in areas that are constrained by road conditions and floodplains.

802 Principal Uses

Only one (1) principal use is allowed on each parcel. The following principal uses are allowable:

- 802.01 Agriculture
- 802.02 Apiculture
- 802.03 Community Residential Facility – Type-I
- 802.04 Daycare Facility:
 - 802.04.01 Adult Daycare
 - 802.04.02 Family Daycare
 - 802.04.03 Group Daycare
- 802.05 Education Facility
- 802.06 Forestry
- 802.07 Horticulture
- 802.08 Library
- 802.09 Open Space/Trails
- 802.10 Park
- 802.11 Public Safety Facility (without outdoor training)
- 802.12 Residence:
 - 802.12.01 A Single-dwelling Unit Residence per parcel
 - 802.12.02 A Two-dwelling Unit Residence per parcel
- 802.13 Septic Waste and Domestic Sludge Application
- 802.14 Silviculture
- 802.15 Telecommunication Facility (excluding Satellite Earth Station)
- 802.16 Temporary Use
- 802.17 Utility, Major
- 802.18 Utility, Minor
- 802.19 Worship Facility

803 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel, be subordinate to and serve such principal use, be subordinate in area, extent, and purpose to such principal use, and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 803.01 Accessory Uses and Buildings
- 803.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 803.03 Temporary Uses, in compliance with Section 15 of these Regulations.

804 Conditional Uses

The following uses are permitted, upon approval of a Conditional Use Permit (CUP) by the Board of Adjustment (BOA), in accordance with Section 14, of these Regulations:

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- 804.01 Airstrip
- 804.02 Aircraft Hangars when in association with properties within or adjoining an airstrip
- 804.03 Batch Plant (concrete, mortar, or asphalt; not including temporary batch plants)
- 804.04 Bed and Breakfast Establishment
- 804.05 Building materials - wholesale/retail
- 804.06 Camp/ Retreat Center
- 804.07 Campground/RV Park
- 804.08 Casino
- 804.09 Cemetery
- 804.10 Community Residential Facility, Type-II
- 804.11 Composting Facility/Landfill
- 804.12 Construction Material Sales
- 804.13 Contractor's storage yard
- 804.14 Correctional Facility
- 804.15 Daycare Center
- 804.16 Equipment Rental
- 804.17 Extractive Industries
- 804.18 Financial Services
- 804.19 Funeral Home
- 804.20 General/Professional Services
- 804.21 General Repair
- 804.22 General Retail Sales
- 804.23 Healthcare Facility
- 804.24 Heliport
- 804.25 Hotel (including conference or convention facilities)
- 804.26 Industrial, Heavy
- 804.27 Industrial, Light
- 804.28 Industrial Park
- 804.29 Indoor Entertainment, Sports, and Recreation
- 804.30 Kennel
- 804.31 Marijuana Dispensary
- 804.32 Marijuana Grow Operation
- 804.33 Marijuana Provider
- 804.34 Mini-storage/Storage Facility, Self Service
- 804.35 Motor Vehicle Graveyard
- 804.36 Motor Vehicle Wrecking Facility
- 804.37 Outdoor Entertainment, Sports, and Recreation
- 804.38 Parking Lot
- 804.39 Propane Distribution/Storage Facility
- 804.40 Public Safety Facility (with outdoor training)
- 804.41 Recycling Facility
- 804.42 Renewable Energy Facilities
- 804.43 Research and Development Facility
- 804.44 Residence
 - 804.44.01 Multiple – Dwelling Unit Residence per parcel
- 804.45 Restaurant
- 804.46 Retail
- 804.47 Satellite Earth Station

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- 804.48 Tavern
- 804.49 Utility Distributed Power
- 804.50 Vehicle Fuel Sales
- 804.51 Vehicle Repair
- 804.52 Vehicle Sales and Rental
- 804.53 Vehicle Services
- 804.54 Veterinary Clinic, Large Animals
- 804.55 Veterinary Clinic, Small Animals
- 804.56 Warehouse
- 804.57 Water/Wastewater Treatment Facility

A conditional use may also be the principal use of a parcel of land, and only one principal use per parcel is allowed.

805 Special Exception Uses

The following uses are allowed in addition to an established principal use, an accessory use, or conditional uses:

- 805.01 Agricultural
- 805.02 Apiculture
- 805.03 Community Residential Facility – Type-1
- 805.04 Daycare Facility
 - 805.04.01 Adult Daycare
 - 805.04.02 Family Daycare
 - 805.04.03 Group Daycare
- 802.05 Forestry
- 802.06 Horticulture
- 802.07 Silviculture
- 802.08 Telecommunication Facility (excluding Satellite Earth Station)

806 Minimum Setbacks

806.01 Principal Use for parcels ten (10) acres or greater in size: (also applies to Special Exception Uses)

- Front: Twenty-five (25) feet.
- Side: Twenty-five (25) feet.
- Rear: Twenty-five (25) feet.

Principal Use for parcels under ten (10) acres in size: (also applies to Special Exception Uses)

- Front: Ten (10) feet.
- Side: Ten (10) feet.
- Rear: Ten (10) feet.

806.02 Accessory Use for parcels ten (10) acres or greater in size:

- Front: Twenty-five (25) feet.
- Side: Fifteen (15) feet.
- Rear: Fifteen (15) feet.

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Accessory Use for parcels under ten (10) acres in size:

- Front: Ten (10) feet.
- Side: Ten (10) feet.
- Rear: Ten (10) feet.

806.03 Conditional Use:

Same as Principal unless otherwise defined with the CUP.

807 Encroachments (Setbacks)

807.01 Utility distribution lines and related equipment may be located within a required setback.

807.02 Fences and walls in excess of forty-two (42) inches in height are not allowed in the front setback.

808 Building Height

Maximum building height: thirty-five (35) feet.

808.01 The height of an antenna shall be no greater than the distance to the nearest lot line.

809 Parking 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 Manual, 5th Edition, 2019" or as otherwise 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 the SR=10 and SR-1 zones:

809.01 Community Residential Facility (Type I): two (2) spaces for each one thousand (1,000) square feet of gross floor area.

809.02 Educational Facility (K-12): one (1) space for each three (3) employees, plus five (5) spaces.

809.03 Educational Facility (Higher Education): 0.19 spaces per student.

809.04 Daycare Facility: one (1) space for every two (2) employees, plus two (2) additional parking spaces, plus one (1) loading space for every eight (8) clients.

809.05 Public Safety Facility: four (4) spaces per one thousand (1,000) square feet of gross floor space.

809.06 Funeral Home; Worship Facility: one (1) space for every four (4) seats.

809.07 Vehicle Fuel Sales: one (1) space for each two (2) employees, excluding spaces to serve the gas pumps.

809.08 Financial services: three (3) spaces/1,000 square feet of gross floor area; stacking lanes for each drive up and ATM do not count toward the on-site parking requirement.

Exhibit-B

- 809.09 Healthcare Center; Healthcare Facility; Veterinary Clinic: 4.11 spaces per one thousand (1,000) square feet of gross floor area.
- 809.10 Administrative Government Agency; Bus Terminal (if operated by a Government Agency); Public Safety Facility: 3.84 spaces per one thousand (1,000) square feet of gross floor area.
- 809.11 Crematorium; General Repair; Light Industrial; Vehicle Repair: 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 809.12 Vehicle Sales and Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 809.13 Equipment Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 809.14 Hotel: 0.89 spaces per room
- 809.15 Indoor/Outdoor Entertainment, Sports, and Recreation; Outdoor Concerts and Theatrical Performances: 0.26 spaces per seat.
- 809.16 Specialized Food Production; Artisan Shop (with Production and Manufacturing): 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 809.17 Community Residential Facility (Type II): one (1) space for each three (3) dwelling units.
- 809.18 Residence: two (2) spaces for each residential dwelling unit.
- 809.19 Kennel or Other Animal-Related Services; General/Professional Services; General Retail Sales: 4.1 spaces per one thousand (1,000) square feet of gross floor area.
- 809.20 Bed and Breakfast; Camping and Retreat Center: one (1) space for each room for rent, plus two (2) additional spaces if a portion of the building is used as a single dwelling unit residence.
- 809.21 Other Uses: For any other use not specifically mentioned or provided for in this Section, the Zoning Administrator shall determine the standards to be applied for parking, using as a guide the listed use which most closely resembles the use proposed.

810 Lighting Standards

It is the purpose and intent of these Regulations to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, while maintaining nighttime safety, utility, and security.

810.01 Residential Outdoor Lighting

All exterior light fixtures shall be of a full-cutoff design except as otherwise permitted below.

810.02 Commercial Outdoor Lighting

All light fixtures shall be of a full-cutoff design. Light fixtures attached to a pole may

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not exceed a height of thirty-four (34) feet from the ground to the bottom of the fixture. Any existing fixtures out of compliance with this regulation shall be brought into conformance at the time of the replacement of the pole or fixture.

810.03 Feature Lighting

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing that the light beam is narrowly focused so as not to exceed the width and height upon the object being illuminated; and the light is directed on the feature being lit and not directly upwards.

810.04 Signs

Illuminated signs shall be illuminated in such a manner that the light therefrom shall shine only on the sign or on the property on which it is located and shall not shine onto any other property, in any direction, except by indirect reflection.

810.05 Communication Towers

Lighting for towers and structures shall comply with the minimum mandates contained in the appropriate Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations or other State requirements. The more restrictive requirements shall apply in the event of a conflict between the regulations.

810.06 Exemptions

810.06.01 Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.

810.06.02 American Flag illumination

810.06.03 Temporary Construction Sites

Lighting for nighttime security, provided the owner submits a lighting mitigation plan for approval that includes the duration, number, location, and height of each light source, and hours of operation.

810.06.04 Seasonal Lighting

Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.

810.06.05 Emergency Lighting

Lights used during emergencies or by police, fire, public works and/or public utility personnel in their official duties are exempt from these Regulations.

810.07 Prohibited Lighting

The following types of lights are prohibited within the Rural Residential Mixed-Use Zone District.

810.07.01 The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light. Lighting that could be confused for a traffic control device.

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- 810.07.02 Lighting designed for the creation of sky glow to attract attention (whether stationary or moving), in excess of the lighting used to provide safety, security, and utility.
- 810.07.03 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.
- 810.07.04 Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting with total per source level not exceeding an average of two thousand eight hundred fifty (2,850) lumens.

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Exhibit-B

SECTION 9 URBAN RESIDENTIAL MIXED-USE DISTRICT (UR)

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901 Intent

The Urban Residential Mixed-use (UR) Zone District is intended to accommodate urban levels of development on public infrastructure, including sewer, water, stormwater, and transportation. The constraints to development are addressed through the infrastructure improvements, and in the case of flood hazards, through infrastructure and density controls.

902 R-1/R-2

902.01 Intent

The R-1/R-2 (residential) Zone provides for residential dwellings and limited nonresidential development that protects and enhances the residential nature of the area.

902.02 Principal Uses

The following principal uses are allowable in the R-1/R-2 Zone:

- 902.02.01 Agriculture
- 902.02.02 Apiculture
- 902.02.03 Boarding/Rooming House (1-3 residents)
- 902.02.04 Community Residential Facility, Type I (1 to 12 residents)
- 902.02.05 Daycare, Adult (up to 12 adults)
- 902.02.06 Daycare, Family (up to 6 children)
- 902.02.07 Daycare, Group (7 to 12 children)
- 902.02.08 Forestry
- 902.02.09 Horticulture
- 902.02.10 On-site Construction Office
- 902.02.11 Open Space
- 902.02.12 Parks/Playgrounds
- 902.02.13 Residence, Single-dwelling Unit
- 902.02.14 Residence, Two-dwelling Units
- 902.02.15 Silviculture
- 902.02.16 Trails
- 902.02.17 Utility, Distributed Power
- 902.02.18 Utility, Minor

902.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel, be subordinate to and serve such principal use, be subordinate in area, extent, and purpose to such principal use, and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 902.03.01 Accessory Uses and Buildings
- 902.03.02 Home Occupations, in compliance with Section 16, of these Regulations.

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902.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

902.04 Conditional Uses

The following uses are permitted, upon approval of a Conditional-Use Permit (CUP) by the Board of Adjustment (BoA), in accordance with Section 14, of these Regulations:

- 902.04.01 Bed and Breakfast
- 902.04.02 Community Cultural Facility
- 902.04.03 Community Residential Facility, Type II (13 or more residents)
- 902.04.04 Daycare Center (13 or more individuals)
- 902.04.05 Educational Facility (Higher Education)
- 902.04.06 Educational Facility (K-12)
- 902.04.07 Mobile Home Park
- 902.04.08 Parking Lot
- 902.04.09 Public Safety Facility
- 902.04.10 Residence, Multiple-dwelling Units (3 or more units)
- 902.04.11 Worship Facility

902.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

902.06 Maximum Lot Coverage

Forty (40%) percent.

902.07 Minimum Setbacks

Front: Ten (10) feet.
Rear: Ten (10) feet.
Side: Eight (8) feet.

902.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located within a required setback.

902.09 Building Height

Maximum building height: thirty (30) feet.

902.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

902.11 Landscaping Standards

See landscaping standards in Section 912.

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902.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

903 R-3

903.01 Intent

The R-3 (residential) Zone provides for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

903.02 Principal Uses

The following principal uses are allowable in the R-3 Zone:

- 903.02.01 Agriculture
- 903.02.02 Apiculture
- 903.02.03 Boarding/Rooming House (1-3 residents)
- 903.02.04 Community Residential Facility, Type I (1 to 12 residents)
- 903.02.05 Daycare, Adult (up to 12 adults)
- 903.02.06 Daycare, Family (up to 6 children)
- 903.02.07 Daycare, Group (7 to 12 children)
- 903.02.08 Forestry
- 903.02.09 Horticulture
- 903.02.10 On-site Construction Office
- 903.02.11 Open Space
- 903.02.12 Parks/Playgrounds
- 903.02.13 Residence, Single-dwelling Unit
- 903.02.14 Residence, Two-dwelling Units
- 903.02.15 Residence, Multiple-dwelling Units (3 or more units)
- 903.02.16 Silviculture
- 903.02.17 Trails
- 903.02.18 Utility, Distributed Power
- 903.02.19 Utility, Minor

903.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 903.03.01 Accessory Uses and Buildings
- 903.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 903.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

Exhibit-B

903.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 903.04.01 Artisan Shop
- 903.04.02 Bed and Breakfast
- 903.04.03 Community Cultural Facility
- 903.04.04 Community Residential Facility, Type II (13 or more residents)
- 903.04.05 Country Inn, Guest Ranch
- 903.04.06 Daycare Center (13 or more individuals)
- 903.04.07 Educational Facility (Higher Education)
- 903.04.08 Educational Facility (K-12)
- 903.04.09 General/Professional Services
- 903.04.10 General Repair (*outdoor storage not allowed)
- 903.04.11 Mobile Home Park
- 903.04.12 Parking Lot
- 903.04.13 Public Safety Facility
- 903.04.14 Worship Facility

903.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

903.06 Maximum Lot Coverage

Forty (40%) percent.

903.07 Minimum Setbacks

Front: Ten (10) feet.
Rear: Ten (10) feet.
Side: Six (6) feet.

903.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located within a required setback.

903.09 Building Height

Maximum building height: thirty-six (36) feet.

903.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01

903.11 Landscaping Standards

See landscaping standards in Section 912.

Exhibit-B

903.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

904 R-4/R-O

904.01 Intent

The R-4/R-O (residential-office) Zone provides for a compatible mix of higher density residential development with professional and business offices and associated service uses.

904.02 Principal Uses

The following principal uses are allowable in the R-4/R-O Zone:

- 904.02.01 Administrative Government Agency
- 904.02.02 Administrative Services
- 904.02.03 Agriculture
- 904.02.04 Apiculture
- 904.02.05 Boarding/Rooming House (1-3 residents)
- 904.02.06 Boarding/Rooming House (4-20 residents)
- 904.02.07 Community Residential Facility, Type I (1 to 12 residents)
- 904.02.08 Community Residential Facility, Type II (13 or more residents)
- 904.02.09 Daycare, Adult (up to 12 adults)
- 904.02.10 Daycare, Family (up to 6 children)
- 904.02.11 Daycare, Group (7 to 12 children)
- 904.02.12 Forestry
- 904.02.13 General/Professional Services
- 904.02.14 Healthcare Center
- 904.02.15 Horticulture
- 904.02.16 Instructional Facility
- 904.02.17 Mobile Home Park
- 904.02.18 On-site Construction Office
- 904.02.19 Open Space
- 904.02.20 Parks/Playgrounds
- 904.02.21 Residence, Single-dwelling Unit
- 904.02.22 Residence, Two-dwelling Units
- 904.02.23 Residence, Multiple-dwelling Units (3 or more units)
- 904.02.24 Restaurant
- 904.02.25 Silviculture
- 904.02.26 Trails
- 904.02.27 Utility, Distributed Power
- 904.02.28 Utility, Minor
- 904.02.29 Worship Facility

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904.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 904.03.01 Accessory Uses and Buildings
- 904.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 904.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

904.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 904.04.01 Artisan Shop
- 904.04.02 Bed and Breakfast
- 904.04.03 Community Cultural Facility
- 904.04.04 Country Inn, Guest Ranch
- 904.04.05 Daycare Center (13 or more individuals)
- 904.04.06 Educational Facility (Higher Education)
- 904.04.07 Educational Facility (K-12)
- 904.04.08 Emergency Shelter
- 904.04.09 Financial Services
- 904.04.10 General Repair (*outdoor storage not allowed)
- 904.04.11 Healthcare Facility
- 904.04.12 Indoor Entertainment, Sports and Recreation
- 904.04.13 Parking Lot
- 904.04.14 Public Safety Facility

904.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

904.06 Maximum Lot Coverage

Sixty (60%) percent.

904.07 Minimum Setbacks

- Front: Ten (10) feet.
- Rear: Ten (10) feet.
- Side: Six (6) feet.

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904.08 Encroachments (Setbacks)
Utility distribution lines and related equipment may be located within a required setback.

904.09 Building Height
Maximum building height: forty-two (42) feet.

904.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01

904.11 Landscaping Standards
See landscaping standards in Section 912.

904.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

905 R-U

905.01 Intent
The R-U (residential-urban) Zone provides for stand-alone single or duplex structures, and a compatible mix of professional and business offices and associated service uses.

905.02 Principal Uses
The following principal uses are allowable in the R-U Zone:

- 905.02.01 Administrative Government Agency
- 905.02.02 Administrative Services
- 905.02.03 Agriculture
- 905.02.04 Apiculture
- 905.02.05 Boarding/Rooming House (1-3 residents)
- 905.02.06 Community Residential Facility, Type I (1 to 12 residents)
- 905.02.07 Daycare, Adult (up to 12 adults)
- 905.02.08 Daycare, Family (up to 6 children)
- 905.02.09 Daycare, Group (7 to 12 children)
- 905.02.10 Forestry
- 905.02.11 General/Professional Services
- 905.02.12 Healthcare Center
- 905.02.13 Horticulture
- 905.02.14 Instructional Facility
- 905.02.15 On-site Construction Office
- 905.02.16 Open Space
- 905.02.17 Parks/Playgrounds
- 905.02.18 Residence, Single-dwelling Unit

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- 905.02.19 Residence, Two-dwelling Units
- 905.02.20 Restaurant
- 905.02.21 Silviculture
- 905.02.22 Trails
- 905.02.23 Utility, Distributed Power
- 905.02.24 Utility, Minor
- 905.02.25 Worship Facility

905.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 905.03.01 Accessory Uses and Buildings
- 905.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 905.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

905.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 905.04.01 Artisan Shop
- 905.04.02 Bed and Breakfast
- 905.04.03 Community Cultural Facility
- 905.04.04 Community Residential Facility, Type II (13 or more residents)
- 905.04.05 Country Inn, Guest Ranch
- 905.04.06 Daycare Center (13 or more individuals)
- 905.04.07 Educational Facility (Higher Education)
- 905.04.08 Educational Facility (K-12)
- 905.04.09 Emergency Shelter
- 905.04.10 Financial Services
- 905.04.11 General Repair
- 905.04.12 Healthcare Facility
- 905.04.13 Indoor Entertainment, Sports and Recreation
- 905.04.14 Mobile Home Park
- 905.04.15 Parking Lot
- 905.04.16 Public Safety Facility

905.05 Minimum Lot Area

There is no minimum lot area, with one exception: all newly created lot(s) that contain floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

Exhibit-B

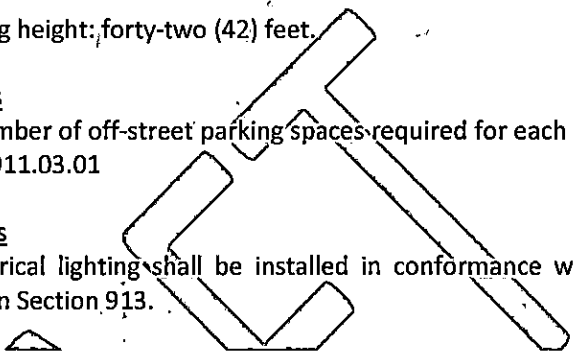
905.06 Maximum Lot Coverage
Sixty (60%) percent. Additional 5% for porch attached to front or side.

905.07 Minimum Setbacks
Front: No minimum.
Rear: No minimum.
Side: No minimum.

905.08 Building Height
Maximum building height: forty-two (42) feet.

905.09 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01

905.10 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.



906 B-2

906.01 Intent
The B-2 (general commercial) Zone provides for compatible residential uses and a broad range of commercial and service uses.

906.02 Principal Uses
The following principal uses are allowable in the B-2 Zone:

- 906.02.01 Administrative Government Agency
- 906.02.02 Administrative Services
- 906.02.03 Agriculture
- 906.02.04 Agriculture Supply Sales
- 906.02.05 Apiculture
- 906.02.06 Artisan Shop
- 906.02.07 Auction Sales
- 906.02.08 Bed and Breakfast
- 906.02.09 Boarding/Rooming House (1-3 residents)
- 906.02.10 Boarding/Rooming House (4-20 residents)
- 906.02.11 Bus Terminal
- 906.02.12 Carnivals and Circuses
- 906.02.13 Community Center
- 906.02.14 Community Cultural Facility
- 906.02.15 Community Residential Facility, Type I (1 to 12 residents)
- 906.02.16 Community Residential Facility, Type II (13 or more residents)
- 906.02.17 Construction Material Sales
- 906.02.18 Country Inn, Guest Ranch

Exhibit-B

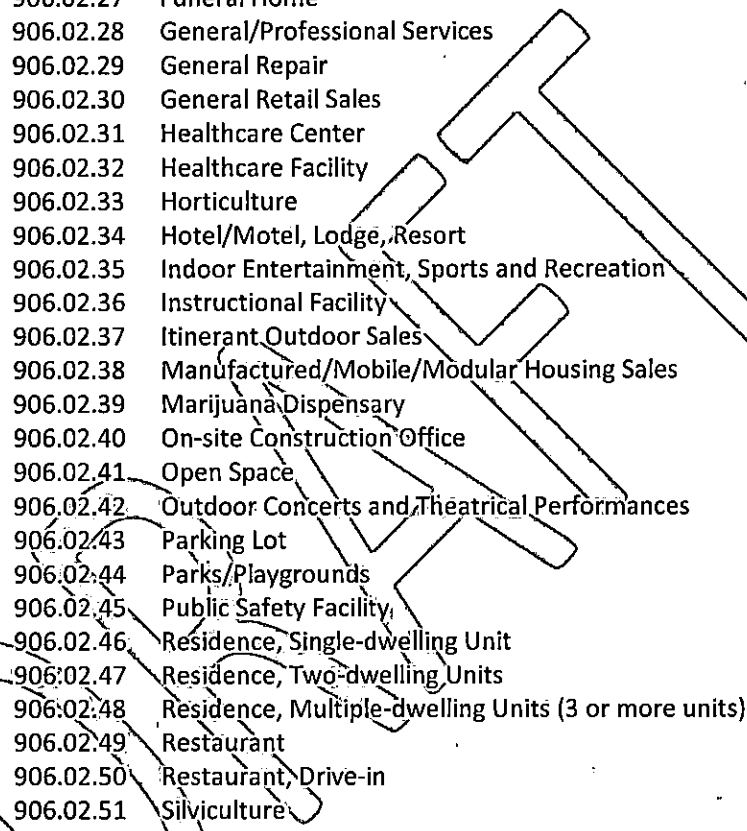
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- 906.02.19 Daycare, Adult (up to 12 adults)
 - 906.02.20 Daycare Center (13 or more individuals)
 - 906.02.21 Daycare, Family (up to 6 children)
 - 906.02.22 Daycare, Group (7 to 12 children)
 - 906.02.23 Equipment Rental, Large
 - 906.02.24 Equipment Rental, Small
 - 906.02.25 Financial Services
 - 906.02.26 Forestry
 - 906.02.27 Funeral Home
 - 906.02.28 General/Professional Services
 - 906.02.29 General Repair
 - 906.02.30 General Retail Sales
 - 906.02.31 Healthcare Center
 - 906.02.32 Healthcare Facility
 - 906.02.33 Horticulture
 - 906.02.34 Hotel/Motel, Lodge, Resort
 - 906.02.35 Indoor Entertainment, Sports and Recreation
 - 906.02.36 Instructional Facility
 - 906.02.37 Itinerant Outdoor Sales
 - 906.02.38 Manufactured/Mobile/Modular Housing Sales
 - 906.02.39 Marijuana Dispensary
 - 906.02.40 On-site Construction Office
 - 906.02.41 Open Space
 - 906.02.42 Outdoor Concerts and Theatrical Performances
 - 906.02.43 Parking Lot
 - 906.02.44 Parks/Playgrounds
 - 906.02.45 Public Safety Facility
 - 906.02.46 Residence, Single-dwelling Unit
 - 906.02.47 Residence, Two-dwelling Units
 - 906.02.48 Residence, Multiple-dwelling Units (3 or more units)
 - 906.02.49 Restaurant
 - 906.02.50 Restaurant, Drive-in
 - 906.02.51 Silviculture
 - 906.02.52 Specialized Food Production
 - 906.02.53 Tavern
 - 906.02.54 Trails
 - 906.02.55 Utility, Distributed Power
 - 906.02.56 Utility, Minor
 - 906.02.57 Vehicle Fuel Sales
 - 906.02.58 Vehicle Sales and Rental
 - 906.02.59 Vehicle Services
 - 906.02.60 Veterinary Clinic, Small Animals
 - 906.02.61 Worship Facility

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906.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 906.03.01 Accessory Uses and Buildings
- 906.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 906.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

906.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 906.04.01 Animal Shelter
- 906.04.02 Campground/RV Park
- 906.04.03 Casino
- 906.04.04 Commercial Kennel, Animal Boarding, Stables or other Animal-related Services
- 906.04.05 Contractor Yard
- 906.04.06 Educational Facility (Higher Education)
- 906.04.07 Educational Facility (K-12)
- 906.04.08 Emergency Shelter
- 906.04.09 Industrial, Light
- 906.04.10 Mini-storage/Storage Facility, Self Service
- 906.04.11 Mobile Home Park
- 906.04.12 Outdoor Entertainment, Sports and Recreation
- 906.04.13 Parking Structure
- 906.04.14 Pre-release Center
- 906.04.15 Shopping Center
- 906.04.16 Vehicle Repair
- 906.04.17 Veterinary Clinic, Large Animals
- 906.04.18 Warehouse

906.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

906.06 Maximum Lot Coverage

No maximum.

906.07 Minimum Setbacks

Front: No minimum.

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Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

Side: No minimum, unless abutting a residential zone and then the minimum setback is ten (10) feet.

906.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located with a required setback.

906.09 Building Height

Maximum building height: seventy-five (75) feet.

906.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

906.11 Landscaping Standards

See landscaping standards in Section 912.

906.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

907 CLM

907.01 Intent

The CLM (Commercial-Light Manufacturing) Zone provides for commercial and light manufacturing needs.

907.02 Principal Uses

The following principal uses are allowable in the CLM Zone:

- 907.02.01 Administrative Government Agency
- 907.02.02 Administrative Services
- 907.02.03 Agricultural Commodity Storage Facility
- 907.02.04 Agriculture
- 907.02.05 Agriculture Supply Sales
- 907.02.06 Apiculture
- 907.02.07 Artisan Shop
- 907.02.08 Auction Sales
- 907.02.09 Boarding/Rooming House (1-3 residents)
- 907.02.10 Boarding/Rooming House (4-20 residents)
- 907.02.11 Bus Terminal
- 907.02.12 Carnivals and Circuses
- 907.02.13 Commercial Kennel, Animal Boarding, Stables or other Animal-related Services

Exhibit-B

- 907.02.14 Community Center
- 907.02.15 Composting Facility/Landfill
- 907.02.16 Construction Material Sales
- 907.02.17 Contractor Yard
- 907.02.18 Crematorium
- 907.02.19 Educational Facility (Higher Education)
- 907.02.20 Equipment Rental, Large
- 907.02.21 Equipment Rental, Small
- 907.02.22 Forestry
- 907.02.23 Freight Terminal
- 907.02.24 Funeral Home
- 907.02.25 General/Professional Services
- 907.02.26 General Repair
- 907.02.27 General Retail Sales
- 907.02.28 Horticulture
- 907.02.29 Indoor Entertainment, Sports and Recreation
- 907.02.30 Industrial, Light
- 907.02.31 Instructional Facility
- 907.02.32 Itinerant Outdoor Sales
- 907.02.33 Manufactured/Mobile/Modular Housing Sales
- 907.02.34 Marijuana Dispensary
- 907.02.35 Mini-storage/Storage Facility, Self Service
- 907.02.36 On-site Construction Office
- 907.02.37 Open Space
- 907.02.38 Outdoor Concerts and Theatrical Performances
- 907.02.39 Parking Lot
- 907.02.40 Parking Structure
- 907.02.41 Parks/Playgrounds
- 907.02.42 Public Safety Facility
- 907.02.43 Railroad Yard
- 907.02.44 Recycling Center
- 907.02.45 Residence, Single-dwelling Unit
- 907.02.46 Residence, Two-dwelling Units
- 907.02.47 Silviculture
- 907.02.48 Specialized Food Production
- 907.02.49 Trails
- 907.02.50 Utility, Distributed Power
- 907.02.51 Utility, Minor
- 907.02.52 Vehicle Fuel Sales
- 907.02.53 Vehicle Repair
- 907.02.54 Vehicle Sales and Rental
- 907.02.55 Vehicle Services
- 907.02.56 Veterinary Clinic, Large Animals
- 907.02.57 Veterinary Clinic, Small Animals
- 907.02.58 Warehouse
- 907.02.59 Worship Facility

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907.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 907.03.01 Accessory Uses and Buildings
- 907.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 907.03.01 Temporary Uses, in compliance with Section 15 of these Regulations.

907.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 907.04.01 Animal Shelter
- 907.04.02 Campground/RV Park
- 907.04.03 Casino
- 907.04.04 Community Residential Facility, Type-I (1 to 12 residents)
- 907.04.05 Community Residential Facility, Type-II (13 or more residents)
- 907.04.06 Correctional Facility
- 907.04.07 Daycare, Adult (up to 12 adults)
- 907.04.08 Daycare Center (13 or more individuals)
- 907.04.09 Daycare, Family (up to 6 children)
- 907.04.10 Daycare, Group (7 to 12 children)
- 907.04.11 Educational Facility (K-12)
- 907.04.12 Emergency Shelter
- 907.04.13 Fuel Tank Farm
- 907.04.14 Industrial, Heavy
- 907.04.15 Industrial Park
- 907.04.16 Junkyard
- 907.04.17 Marijuana Grow Operation
- 907.04.18 Outdoor Entertainment, Sports and Recreation
- 907.04.19 Pre-release Center
- 907.04.20 Residence, Multiple-dwelling Units (3 or more units)
- 907.04.21 Restaurant
- 907.04.22 Sexually-oriented Business
- 907.04.23 Shopping Center
- 907.04.24 Tavern

907.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

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- 907.06 Maximum Lot Coverage
No maximum.
- 907.07 Minimum Setbacks
Front: Fifteen (15) feet.
Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.
Side: No minimum., unless abutting a residential zone and then the minimum setback is fifteen (15) feet.
- 907.08 Encroachments (Setbacks)
Utility distribution lines and related equipment may be located with a required setback.
- 907.09 Building Height
Maximum building height: sixty (60) feet.
- 907.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.
- 907.11 Landscaping Standards
See landscaping standards in Section 912.
- 907.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

908 M-I

908.01 Intent
The M-I (Manufacturing and Industrial) Zone provides for manufacturing and other industrial uses.

908.02 Principal Uses
The following principal uses are allowable in the M-I Zone:

- 908.02.01 Agricultural Commodity Storage Facility
- 908.02.02 Agriculture
- 908.02.03 Agriculture Supply Sales
- 908.02.04 Apiculture
- 908.02.05 Artisan Shop
- 908.02.06 Boarding/Rooming House (1-3 residents)
- 908.02.07 Boarding/Rooming House (4-20 residents)
- 908.02.08 Carnivals and Circuses

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- 908.02.09 Commercial Kennel, Animal Boarding, Stables or other Animal-related Services
- 908.02.10 Composting Facility/Landfill
- 908.02.11 Construction Material Sales
- 908.02.12 Contractor Yard
- 908.02.13 Crematorium
- 908.02.14 Equipment Rental, Large
- 908.02.15 Equipment Rental, Small
- 908.02.16 Forestry
- 908.02.17 Freight Terminal
- 908.02.18 Funeral Home
- 908.02.19 General Repair
- 908.02.20 Horticulture
- 908.02.21 Indoor Entertainment, Sports and Recreation
- 908.02.22 Industrial, Heavy
- 908.02.23 Industrial, Light
- 908.02.24 Industrial Park
- 908.02.25 Instructional Facility
- 908.02.26 Junkyard
- 908.02.27 Manufactured/Mobile/Modular Housing Sales
- 908.02.28 Marijuana Dispensary
- 908.02.29 Mini-storage/Storage Facility, Self-Service
- 908.02.30 On-site Construction Office
- 908.02.31 Open Space
- 908.02.32 Outdoor Concerts and Theatrical Performances
- 908.02.33 Parking Lot
- 908.02.34 Parking Structure
- 908.02.35 Public Safety Facility
- 908.02.36 Railroad Yard
- 908.02.37 Recycling Center
- 908.02.38 Residence, Single-dwelling Unit
- 908.02.39 Silviculture
- 908.02.40 Specialized Food Production
- 908.02.41 Trails
- 908.02.42 Utility, Distributed Power
- 908.02.43 Utility, Major
- 908.02.44 Utility, Minor
- 908.02.45 Vehicle Repair
- 908.02.46 Vehicle Services
- 908.02.47 Veterinary Clinic, Large Animals
- 908.02.48 Veterinary Clinic, Small Animals
- 908.02.49 Warehouse

908.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be

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subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

- 908.03.01 Accessory Uses and Buildings
- 908.03.02 Home Occupations, in compliance with Section 16, of these Regulations.
- 908.03.03 Temporary Uses, in compliance with Section 15 of these Regulations.

908.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

- 908.04.01 Animal Shelter
- 908.04.02 Correctional Facility
- 908.04.03 Fuel Tank Farm
- 908.04.04 Motor Vehicle Wrecking Facility
- 908.04.05 Outdoor Entertainment, Sports and Recreation

908.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

908.06 Maximum Lot Coverage

No maximum.

908.07 Minimum Setbacks

- Front: Fifteen (15) feet.
- Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.
- Side: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

908.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located with a required setback.

908.09 Building Height

Maximum building height: sixty (60) feet.

908.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

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908.11 Landscaping Standards
See landscaping standards in Section 912.

908.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

909 PLI

909.01 Intent
The PLI (Public Lands and Institutions) Zone provides for and applies only to public and quasi-public institutional uses and lands, and recreational, educational, and public service activities for the general benefit of the citizens of the County.

909.02 Principal Uses
The following principal uses are allowable in the PLI Zone:

- 909.02.01 Administrative Government Agency
- 909.02.02 Agriculture
- 909.02.03 Animal Shelter
- 909.02.04 Apiculture
- 909.02.05 Carnivals and Circuses
- 909.02.06 Community Center
- 909.02.07 Community Cultural Facility
- 909.02.08 Community Residential Facility, Type II (13 or more residents)
- 909.02.09 Daycare, Adult (up to 12 adults)
- 909.02.10 Daycare Center (13 or more individuals)
- 909.02.11 Educational Facility (Higher Education)
- 909.02.12 Educational Facility (K-12)
- 909.02.13 Forestry
- 909.02.14 Healthcare Facility
- 909.02.15 Horticulture
- 909.02.16 Instructional Facility
- 909.02.17 On-site Construction Office
- 909.02.18 Open Space
- 909.02.19 Outdoor Concerts and Theatrical Performances
- 909.02.20 Outdoor Entertainment, Sports, and Recreation
- 909.02.21 Parking Lot
- 909.02.22 Parking Structure
- 909.02.23 Parks/Playgrounds
- 909.02.24 Public Safety Facility
- 909.02.25 Silviculture
- 909.02.26 Trails
- 909.02.27 Utility, Distributed Power
- 909.02.28 Utility, Major
- 909.02.29 Utility, Minor

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909.02.30 Worship Facility

Taverns that are accessory to a principal use are allowed.

909.03 Accessory Uses

Each permitted accessory use shall be customarily incidental to the principal use established on the same parcel; be subordinate to and serve such principal use; be subordinate in area, extent, and purpose to such principal use; and contribute to the comfort, convenience, or necessity of users of such principal use.

The following uses shall be allowed only when a principal use has already been established on the parcel:

909.03.01 Accessory Uses and Buildings

909.03.02 Temporary Uses, in compliance with Section 15 of these Regulations.

909.04 Conditional Uses

The following uses are permitted, upon approval of a CUP by the BoA, in accordance with Section 14, of these Regulations:

909.04.01 Bus Terminal

909.04.02 Cemeteries, Mausoleums, Columbariums

909.04.03 Correctional Facility

909.04.04 Emergency Shelter

909.04.05 Pre-release Center

909.05 Minimum Lot Area

There is no minimum lot area, with one exception: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

909.06 Maximum Lot Coverage

No maximum.

909.07 Minimum Setbacks

Front: No minimum.

Rear: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

Side: No minimum, unless abutting a residential zone and then the minimum setback is fifteen (15) feet.

909.08 Encroachments (Setbacks)

Utility distribution lines and related equipment may be located with a required setback.

909.09 Building Height

Maximum building height: sixty (60) feet.

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909.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 911.03.01.

909.11 Landscaping Standards

See landscaping standards in Section 912.

909.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 913.

910 (**NOTE: The following information regarding the proposed amendments to the regulations will be removed at the time of the adoption of a final resolution. Amendments made by the Commission following the Planning Board's recommendation are shown as follows: Additions have been **BOLDED**, *italicized*, and underlined, and deletions are shown with a strikethrough.**)

~~**RESERVED. Water and Sewer Requirements**~~

~~All newly created lots (boundary line adjustments/relocations excluded) must connect to municipal water and/or sewer systems when feasible or install a new public water and sewer system with the ability to connect to a municipal system in the future, with the exception of the following:~~

~~910.01 All newly created lots are a minimum of two acres in size;~~

~~910.02 Easements/right of ways are reserved for the future extension of utilities (water, sewer, etc.) and the transportation network; and~~

~~910.02 Building envelopes are implemented that will allow for future resubdivision of the lot(s) at an urban density.~~

911 Parking Standards

911.01 Intent of Off-street Parking Requirements

The intent of these parking requirements is to ensure that a reasonable amount of off-street parking is created for development and to lessen hazardous conditions on streets. The intent of this Section is further defined by these objectives for parking:

911.01.01 Ensure adequate bicycle parking and increase the number of walking and biking trips used for travel between buildings and uses.

911.01.02 Encourage infill development and pedestrian activity.

911.01.03 Reduce the emission of greenhouse gases from the driving of internal combustion engine powered vehicles that have an impact on climate change.

911.02 Definition

For purposes of this Section, the following term and its derivations shall have the meaning given herein:

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Housing for Older Persons: Dwelling units operated under any State or federal program that are specifically designed and operated for elderly persons or any dwelling unit that is operated for occupancy by at least one person fifty-five (55) years of age or older per unit in at least eighty percent (80%) of the occupied units and adheres to a policy that demonstrates intent to house persons fifty-five (55) or older.

911.03 Minimum Number of Off-street Parking Spaces Required

911.03.01 The minimum number of off-street parking spaces required for each land use, unless parking reductions are allowed. All calculations are rounded up to the nearest whole number.

- 911.03.01.01 Administrative government agency: 3.0 spaces/1,000 square feet (sq. ft.) gross floor area (g.f.a.)
- 911.03.01.02 Administrative services: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.03 Agriculture: None required
- 911.03.01.04 Agricultural commodity storage facility: 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.05 Agriculture supply sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.06 Airport: None required
- 911.03.01.07 Animal shelter: 2.79 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.08 Apiculture: None required
- 911.03.01.09 Artisan shop: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.10 Auction sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.11 Bed and breakfast: 0.89 space/room plus 1 space/dwelling unit
- 911.03.01.12 Boarding/rooming house, 1 – 3 residents: 1 space/room for rent plus 2 additional spaces if part of building is used as a single-dwelling unit
- 911.03.01.13 Boarding/rooming house, 4 – 20 residents: 1 space/room for rent plus 2 additional spaces if part of building is used as a single-dwelling unit
- 911.03.01.14 Bus terminal (office space): 3.0 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.15 Bus terminal (storage): 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.16 Campground/RV park: 1 space/RV or tent space
- 911.03.01.17 Casino: 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.18 Commercial kennel: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.19 Community center: 4 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.20 Community cultural facility: 2 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.21 Community residential facility, type I, 1 – 12 residents: 1 space for each 3 sleeping area rooms

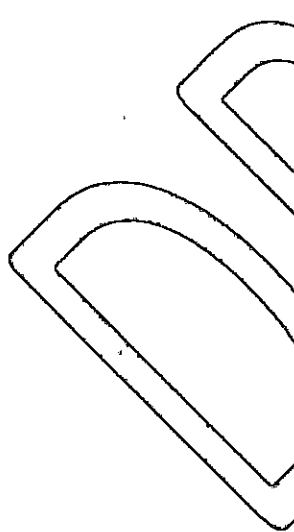
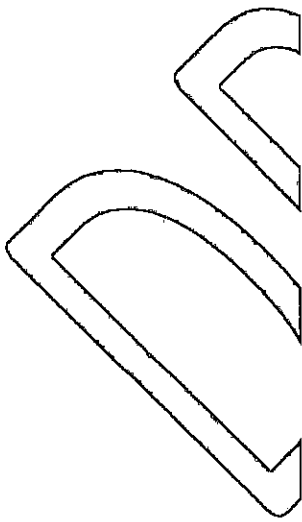


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911.03.01.22	Community residential facility, type II, 13 or more residents: 1 space for each 3 sleeping area rooms
911.03.01.23	Composting: 1.19 spaces/1,000 sq. ft. g.f.a.
911.03.01.24	Construction material sales: 3.29 spaces/1,000 sq. ft. g.f.a.
911.03.01.25	Contractor yard: 0.5 space/1,000 sq. ft. g.f.a.; no less than 1 on site space must be provided
911.03.01.26	Correctional facility: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.27	Country inn: 0.89 space/room plus 1 space/dwelling unit
911.03.01.28	Crematorium: 1.19 spaces/1,000 sq. ft. g.f.a.
911.03.01.29	Daycare, adult (up to 12): 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.30	Daycare center (13 or more children): 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.31	Daycare, family: None required
911.03.01.32	Daycare, group: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.33	Educational facility (higher education): 0.31 space/student
911.03.01.34	Educational facility (elementary/middle school): 0.12 space/student
911.03.01.35	Educational facility (high school): 0.31 space/student
911.03.01.36	Emergency shelter: 1 space/3 rooms
911.03.01.37	Equipment rental, large: 2.92 spaces/1,000 sq. ft. g.f.a.
911.03.01.38	Equipment rental, small: 2.92 spaces/1,000 sq. ft. g.f.a.
911.03.01.39	Financial services: 3 spaces/1,000 sq. ft. g.f.a.; stacking lanes for each drive up and ATM do not count toward the on-site parking requirement
911.03.01.40	Forestry: None required
911.03.01.41	Freight terminal: 0.5 space/1,000 sq. ft. g.f.a.
911.03.01.42	Fuel tank farm: 0.5 space/1,000 sq. ft. g.f.a.
911.03.01.43	Funeral home: 0.25 space/seat
911.03.01.44	General repair: 1.19 spaces/1,000 sq. ft. g.f.a.
911.03.01.45	General/professional services: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.46	General/specialty sales (all uses with the exception of furniture/carpet/appliance stores, grocery stores, and machinery sales): 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.47	General/specialty sales: Furniture/carpet/appliance store: 1 space/1,000 sq. ft. g.f.a.
911.03.01.48	General/specialty sales: Grocery store: 3 spaces/1,000 sq. ft. g.f.a.
911.03.01.49	General/specialty sales: Machinery sales: 1.5 spaces/1,000 sq. ft. g.f.a.
911.03.01.50	Healthcare center: 4.11 spaces/1,000 sq. ft. g.f.a.

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- 911.03.01.51 Healthcare facility: 1.8 spaces/bed
- 911.03.01.52 Horticulture: None required
- 911.03.01.53 Hotel/motel: 0.89 space/room
- 911.03.01.54 Indoor entertainment, sports and recreation (all uses with the exception of theaters for movies and performing arts): 4.37 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.55 Indoor entertainment, sports and recreation (theaters for movies and performing arts): 0.25 space/seat
- 911.03.01.56 Industrial, heavy: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.57 Industrial, light: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.58 Industrial, park: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.59 Instructional facility: 0.31 space/student
- 911.03.01.60 Junkyard: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.61 Manufactured housing sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.62 Mini-storage facility/Storage facility, Self service: 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.63 Mobile home park: 2 spaces/dwelling unit
- 911.03.01.64 Motor vehicle wrecking facility: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.65 Open space: None required
- 911.03.01.66 Outdoor entertainment, sports and recreation: 0.25 space/seat
- 911.03.01.67 Parking lot: Not applicable
- 911.03.01.68 Parking structure: Not applicable
- 911.03.01.69 Parks/playgrounds: None required
- 911.03.01.70 Prerelease center: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.71 Public safety facility: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.72 Railroad yard: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.73 Recycling: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.74 Residence, single-dwelling unit: 2 spaces/dwelling unit
- 911.03.01.75 Residence, two-dwelling units: 2 spaces/dwelling unit
- 911.03.01.76 Residence, multiple-dwelling units (3 or more units): 1 space/dwelling unit (same requirement regarding housing for older persons)
- 911.03.01.77 Restaurant: 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.78 Restaurant, drive-in (21 or more seats): 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.79 Restaurant, drive-in (less than 21 seats): 0.5 space/seat
- 911.03.01.80 Sexually-oriented business: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.81 Shopping center: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.82 Silviculture: None required

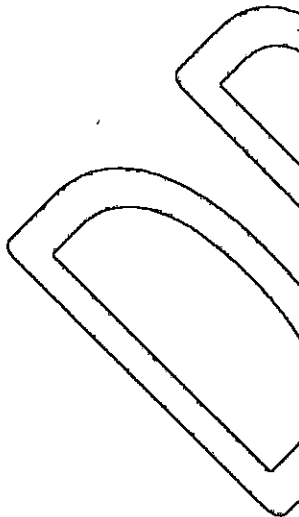
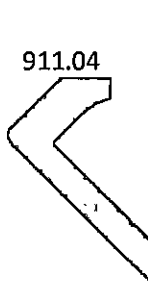


Exhibit-B

- 911.03.01.83 Specialized food production (area used for on-site consumption): 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.84 Specialized food production (manufacturing/production area): 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.85 Tavern: 14 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.86 Utility, distributed power: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.87 Utility, major: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.88 Utility, minor: 1.19 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.89 Vehicle fuel sales (without convenience store): 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.90 Vehicle fuel sales (if combined with convenience store): 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.91 Vehicle repair: 2.1 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.92 Vehicle sales and rental: 1 space/1,000 sq. ft. g.f.a.
- 911.03.01.93 Vehicle services: 1 space/1,000 sq. ft. g.f.a.
- 911.03.01.94 Veterinary clinic, large or small animals: 3 spaces/1,000 sq. ft. g.f.a.
- 911.03.01.95 Warehouse: 0.5 space/1,000 sq. ft. g.f.a.
- 911.03.01.96 Worship facility: 0.25 space/seat

911.03.02 For uses not specifically provided for in this Section, the Zoning Administrator may determine the minimum number of parking spaces required, using as a guide the listed use which most closely resembles the use proposed.

911.04  ADA Accessible Parking

911.04.01 Accessible parking spaces must be provided, located, designed, and signed according to the federal Americans with Disabilities Act (ADA) and the regulations and ADA accessibility guidelines promulgated by the United States Department of Justice.

911.04.02 The required number of off-street parking spaces may be reduced to accommodate changes in the number of accessible parking spaces to comply with the federal Americans with Disabilities Act, Americans with Disabilities Act Amendment Act, and the regulations and ADA accessibility guidelines promulgated by the United States Department of Justice. A variance is not required if this change reduces the number of off-street parking spaces below the minimum off-street parking requirement.

911.05 Off-street Parking Design Standards

911.05.01 Off street parking spaces must be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives, rights-of-way, or

Exhibit-B

ramps for all uses, except for tracts with only a single-dwelling unit residence, two-dwelling unit residence, or three-dwelling unit residence.

911.05.02 All off-street parking spaces and access areas must be improved with a minimum of two (2) inches of asphalt concrete paving on a suitable base, or comparable section of portland cement concrete, or textured concrete with colored aggregate, pavers, or other suitable material which may include permeable alternatives, in accordance with specifications established by City of Helena engineering design standards. Required off-street parking must be completed prior to the occupancy of the building.

911.06 Non-conforming Parking

911.06.01 Any lot, parcel, or tract, or use of a lot, parcel, or tract, which on the effective date of this Section, or any amendment hereto, is nonconforming as to compliance with the parking required under this Section, the amount and location of parking on the lot, parcel, or tract, may be continued in the same manner as if it were conforming.

911.06.02 Except for existing single-dwelling unit residences, the parking requirements of this Section apply to the lot, parcel, or tract when the off-street parking is reconstructed or changed, or if the gross floor area of any building on the lot, parcel, or tract is increased by more than twenty-five (25%) percent.

911.07 Off-site and Shared Parking



911.07.01 Required off-street parking must be located on the same lot, parcel, tract, or combination of lots, parcels, or tracts under a common ownership and used for a common purpose, except as otherwise provided in this Section.

911.07.02 Required off-street parking for buildings and uses located in the B-2, CLM, M-I, and PLI Zones may be located within seven hundred (700) feet of the buildings and uses, as measured along a straight line between the two (2) nearest points of the building containing the main use and the off-site parking use.

911.07.03 The Zoning Administrator may authorize the shared use of off-street parking areas by different buildings and uses, if the following conditions are met:

911.07.03.01 The uses do not have similar operating hours or other conflicting demands;

911.07.03.02 The buildings must be located within seven hundred (700) feet of the shared off-street parking area, as measured by a straight line between the two (2) nearest points of the building containing the use and

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- the lot, parcel, or tract containing the parking area;
and
- 911.07.03.03 Adequate pedestrian access between the parking lot and the use is provided.

911.08 Pedestrian Access and Bicycle Space Requirements

911.08.01 Pedestrian pathways must be located through parking areas to provide the shortest feasible connection from the parking area to building entryways, public sidewalks, and transit stops. Pedestrian pathways in and through parking areas must be designed and constructed to meet the following criteria:

- 911.08.01.01 Limit conflict between pedestrians and vehicular traffic;
- 911.08.01.02 Be clearly delineated using techniques such as contrasting textured or colored material, striping, segregation of pathway from vehicle travel lanes, and raised pathway surfaces; and
- 911.08.01.03 Must be a minimum of five (5) feet wide.

911.08.02 Vehicle stops or curbing must be installed in parking lots where necessary to prevent vehicles from encroaching over sidewalks, pedestrian pathways, entryway areas, driveways, streets, alleys, or more than two (2) feet into landscaped areas.

911.08.03 Parking lots that have ten (10) or more parking spaces must provide three (3) bicycle spaces within fifty (50) feet of a main building entryway. Parking lots that have fifty (50) or more parking spaces must provide additional secure bicycle parking equal to five (5%) percent of the total number of parking spaces in excess of ten (10). Bicycle spaces must hold a bike upright, allow for securing the bicycle to an immovable object, and not conflict with pedestrian and vehicle traffic.



911.09 Parking Space Reductions

A reduction in the minimum required number of off-street parking spaces is permitted in this Section. Parking space reductions under this Section may not exceed fifty (50%) percent of the minimum off-street requirement, except as provided in subsection 911.09.01.03 of this Section. Required off-street parking spaces may be reduced as follows:

911.09.01 Nonresidential uses:

- 911.09.01.01 On-street parking spaces may satisfy the off-street parking requirements, on a one for one basis, for each legal on-street parking space on a public street right-of-way that is immediately adjacent to the property

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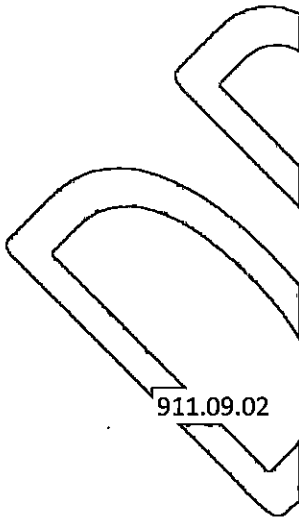
containing the use. Each uninterrupted twenty (20) linear feet in the portion of the public street designated for public parking of vehicles located within imaginary extensions of the property boundaries onto the street is one parking space. If the boundary extensions intersect any continuous twenty (20) foot length used to determine a parking space, that intersected portion is considered one parking space, regardless of size. Recognition of this space does not create a property interest in the on-street parking and does not guarantee permanent availability of that space within public right-of-way.

911.09.01.02

For every two (2) bicycle spaces on the property above the number required for the minimum bicycle space requirements, one required off-street parking space requirement is satisfied. The maximum reduction allowed under this subsection is twenty (20%) percent of the minimum off-street parking spaces required. This reduction cannot reduce the number of required accessible parking spaces. Bicycle spaces must hold a bike upright, allow for securing the bicycle to an immovable object, be clearly visible, provide shelter from weather elements, and not conflict with pedestrian and vehicle traffic.

911.09.01.03

Worship facilities may reduce on-site parking requirements by ninety (90%) percent if the applicant shows the required number of parking spaces can be met by other private or public parking spaces located within one thousand (1000) feet of the property. The applicant must demonstrate that these off-site spaces are primarily used during noncompeting operating hours and there are pedestrian facilities to connect the off-site parking to the property.



911.09.02

Single-, two- and multiple-dwelling unit residential uses:

For residential uses containing a single-dwelling unit or a two-dwelling unit located in any zoning district; or a multiple-dwelling unit located within an R-3, R-4, R-O, or B-2 Zone, on-street parking spaces may satisfy the off-street parking requirements, on a one for one basis, for each legal on-street parking space on a public street right-of-way that is immediately adjacent to the property containing the use. Each uninterrupted twenty (20) linear feet in the portion of the public street designated for public parking of vehicles located within imaginary extensions of the property boundaries onto the street is one parking space. If the boundary extensions intersect any continuous twenty (20)

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foot length used to determine a parking space, that intersected portion is considered one parking space, regardless of size.

912 Landscaping

The intent of this Section is to contribute to the relief of heat, noise, wind, and glare through the proper placement of living plants and trees; providing screening and mitigation of potential conflicts between commercial and residential districts; encouraging water conservation, mitigating air pollution, and enhancing the beauty of the UR District.

912.01 General Landscaping

912.01.01 The provisions of this Section apply to tracts in all zones and to all uses except for tracts with only a single residential dwelling unit, two (2) residential dwelling units, three (3) residential dwelling units, or mobile home or recreational vehicle parks.

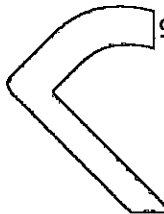
912.01.02 All areas of a tract that are not covered by buildings, parking lots, utility poles and boxes, and walking or nonmotorized paths must be landscaped as provided in Subsection 912.04.

912.02 Parking Lot Landscaping

For parking lots on tracts for which this Section requires landscaping, the minimum landscaping requirements are as follows:

912.02.01 All parking lots, whether gravel or other surface, must have at least thirty (30) square feet of landscaping per vehicle parking space within the boundaries of the parking lot.

912.02.02 Any edge of a parking space must be within thirty-five (35) feet of the trunk of a tree.



912.02.03 All qualified trees on a tract may be used to satisfy Subsection 912.02.02, whether installed as general landscaping pursuant to Subsection 912.01, screening pursuant to Subsection 911.03, parking lot landscaping pursuant to this Section, or any other required landscaping.

912.03 Screening

912.03.01 The side of a tract in a B-2, CLM, M-I, or PLI (commercial) zone that is adjacent to an R-1/R-2, R-3, or R-4/R-O (residential) zone, except driveways, walkways, and approaches, must be screened from that residential zone. A commercial tract is considered adjacent to a residential district even if it is separated by a public or private right-of-way/easement.

912.03.02 All parking lots on tracts adjacent to R-1/R-2, R-3, or R-4/R-O (residential) zones and for which landscaping is required under this Section must be screened from the residential districts. A parking lot tract is considered adjacent to a residential district even if it is separated by a public or private right-of-way/easement.

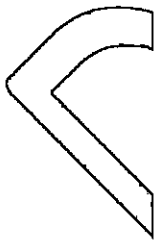
Exhibit-B

912.03.03 Screening of a B-2, CLM, M-I, or PLI tract or a parking lot from an R-1/R-2, R-3, or R-4/R-O zone may be by a fence, wall, or vegetation that is no less than three (3) feet in height when planted. The screening must be designed and established so that no less than seventy-five (75%) percent of any thirty-six (36) square foot portion of the entire screening is opaque. Only the first six (6) feet in height is used to determine the area of the screening. The opacity of vegetation used as screening is measured as of its growth in July and after the third full growing season.

912.04 General Landscaping and Parking Lot Landscaping Standards

912.04.01 Except as provided below, general landscaping and parking lot landscaping must contain no less than sixty (60%) percent live vegetative cover and include shrubs, bushes, or trees. If this live vegetative cover consists entirely of plants that do not require supplemental water or irrigation once established, or consists entirely of plants that are native to Lewis and Clark County, then those areas may contain as little as fifty (50%) percent live vegetative cover. The projected drip line of an average shrub, bush, or tree of that species at five (5) years of age may be used in calculating minimum vegetative coverage. The remainder of the area may be covered in inorganic materials that are permeable to water.

912.04.02 When space permits, additional trees must be planted no more than thirty (30) feet apart in landscape islands within the boundaries of the parking lot that have planted trees to meet the requirement in Subsection 912.02.02. All trees must be expected to grow to at least twenty (20) feet in height when mature. Deciduous trees must be no less than 1.5-inch caliper at time of planting. Evergreen trees must be no less than five (5) feet tall at time of planting.



912.04.03 Trees expected to grow to thirty (30) feet in height or less must be planted in a tree plot of no less than twenty (20) square feet. Trees expected to grow to more than thirty (30) feet in height must be planted in a tree plot of no less than forty-eight (48) square feet.

912.04.04 Trees within two (2) feet of any edge of a parking space must be protected from damage by vehicles by barriers such as curb stops, tree guards, rebar poles, or other types of vehicle obstructions.

912.05 Site Plan Required

912.05.01 A site plan showing the general landscaping and parking lot landscaping must be submitted for review and approval prior to constructing new buildings, changing building size, installing new parking lots, or changing the size of parking lots. The site plan must include the following:

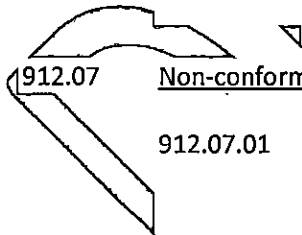
Exhibit-B

- 912.05.01.01 Location of proposed general and parking lot landscaping drawn to scale, which scale must be appropriate to the size of the project;
- 912.05.01.02 Location and dimensions of all existing and proposed buildings, project boundary lines, parking lots, roadways and rights-of-way/easements, delineation of sight distance triangles, walking and nonmotorized paths, and utility poles and boxes;
- 912.05.01.03 Location, installed size, species, and quantity of proposed trees, bushes, shrubs, or other vegetation, and organic and inorganic materials proposed for use; and
- 912.05.01.04 Estimated date of completion of the installation of the general and parking lot landscaping.

912.05.02 The approved general and parking lot landscaping plans may not be changed or altered without review and approval by the Zoning Administrator. All general and parking lot landscaping shown on an approved plan must be installed.

912.06 Maintenance

- 912.06.01 Landscaping must be maintained to sustain healthy trees, bushes, shrubs, and other vegetation.
- 912.06.02 Any tree, bush, shrub, or other vegetation that is necessary to meet the minimum requirements of this Section that is dead, diseased, or severely damaged must be removed and replaced with a comparable tree, bush, shrub, or other vegetation.



912.07 Non-conforming Landscaping

- 912.07.01 On the effective date of this Section, any tract or use of a tract that is nonconforming as to the amount and location of landscaping or trees required under this Section may be continued in the same manner as if it were conforming.
- 912.07.02 If the size of a building is changed or reconstructed, the landscaping requirements of this Section apply to the entire tract.
- 912.07.03 If a parking lot is reconstructed or the size of a parking lot is increased, the parking lot landscaping and tree requirements of this Section apply to the entire parking lot.

913 Lighting Standards

It is the purpose and intent of these Regulations to encourage lighting practices and systems that will minimize light pollution, glare, and light trespass, while maintaining nighttime safety, utility, and security.

Exhibit-B

913.01 Residential Outdoor Lighting

All exterior light fixtures shall be of a full-cutoff design except as otherwise permitted below.

913.02 Commercial Outdoor Lighting

All light fixtures shall be of a full-cutoff design. Light fixtures attached to a pole may not exceed a height of thirty-four (34) feet from the ground to the bottom of the fixture. Any existing fixtures out of compliance with this regulation shall be brought into conformance at the time of the replacement of the pole or fixture.

913.03 Feature Lighting

Monuments, natural terrestrial features, and buildings may be illuminated by upward directed light, providing that the light beam is narrowly focused so as not to exceed the width and height upon the object being illuminated; and the light is directed on the feature being lit and not directly upwards.

913.04 Signs

Illuminated signs shall be illuminated in such a manner that the light therefrom shall shine only on the sign or on the property on which it is located and shall not shine onto any other property, in any direction, except by indirect reflection.

913.05 Communication Towers

Lighting for towers and structures shall comply with the minimum mandates contained in the appropriate Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations or other State requirements. The more restrictive requirements shall apply in the event of a conflict between the regulations.

913.06 Exemptions

913.06.1 Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.

913.06.2 American Flag illumination

913.06.3 Temporary Construction Sites

Lighting for nighttime security, provided the owner submits a lighting mitigation plan for approval that includes the duration, number, location, and height of each light source, and hours of operation.

913.06.4 Seasonal Lighting

Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.

913.06.5 Emergency Lighting

Lights used during emergencies or by police, fire, public works and/or public utility personnel in their official duties are exempt from these Regulations.

Exhibit-B

913.07 Prohibited Lighting

The following types of lights are prohibited within the Urban Residential Mixed-Use Zone District.

913.07.1 The installation of any mercury vapor light fixture, lamp or replacement bulb for use as an outdoor light. Lighting that could be confused for a traffic control device.

913.07.2 Lighting designed for the creation of sky glow to attract attention (whether stationary or moving), in excess of the lighting used to provide safety, security, and utility.

913.07.3 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.

913.07.4 Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting with total per source level not exceeding an average of two thousand eight hundred fifty (2,850) lumens.

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Exhibit-B

DRAFT URBAN RESIDENTIAL MIXED-USE ZONE DISTRICT

