

SECTION 8 SUBURBAN RESIDENTIAL MIXED-USE DISTRICT (SR)

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801 IntentAdd SR District intent802 Suburban Residential -10 (Low-density Development – Ten (10) acres)
Intent802.01 Principal Uses

Only one (1) principal use is allowed on each parcel. The following principal uses are allowable: (The uses for the SR-10 Zone are the same as the uses found in the RR District.)

802.01.01 Agriculture

802.01.02 Apiculture

802.01.03 Community Residential Facility – Type-I

802.01.04 Community Uses:

802.01.04.01 Education Facility

802.01.04.02 Library

802.01.04.03 Open space/trails

802.01.04.04 Park

802.01.04.05 Public Facilities (without outdoor training)

802.01.05 Day-care Facility

802.01.05.01 Adult Daycare

802.01.05.02 Family Daycare

802.01.05.03 Group Daycare

802.01.06 Forestry

802.01.07 Horticulture

802.01.08 Residence

802.01.08.01 A single dwelling unit residence per parcel

802.01.08.02 A two – dwelling unit residence per parcel

802.01.09 Septic Waste and Domestic Sludge Application

802.01.10 Silviculture

802.01.11 Telecommunication Facility

802.01.12 Temporary Use

802.01.13 Utility Site

802.01.14 Worship Facility

802.02 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:

802.02.01 Accessory Uses and Buildings

802.02.02 Home Occupations, in compliance with Section 16, of these Regulations.

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

802.03 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: (The conditional uses for the SR-10 Zone are the same as the conditional uses found in the RR District.)

802.03.01 Airstrip

802.03.02 Aircraft Hangars when in association with properties within or adjoining an airstrip

802.03.03 Animal Hospital, Veterinary Clinic

802.03.04 Batch Plant (concrete, mortar, or asphalt; not including temporary batch plants)

802.03.05 Bank/Financial Institution

802.03.06 Bar/Lounge

802.03.07 Bed and Breakfast Establishment

802.03.08 Building materials - wholesale/retail

802.03.09 Camp/ Retreat Center

802.03.10 Cemetery

802.03.11 Community Residential Facility, Type-II

802.03.12 Contractor's storage yard

802.03.13 Daycare Center

- 802.03.14 Equipment Rental
- 802.03.15 Extractive Industries
- 802.03.16 Funeral Home
- 802.03.17 General/Professional Services
- 802.03.18 General Repair
- 802.03.19 Greenhouse/Plant Nursery
- 802.03.18 Health Care Facility
- 802.03.19 Heliport
- 802.03.20 Hotel (including conference or convention facilities)
- 802.03.21 Industrial (must not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the parcel boundary)
- 802.03.22 Indoor Entertainment, Sports, and Recreation
- 802.03.23 Jail/Correctional Facility
- 802.03.24 Kennel
- 802.03.25 Medical Marijuana Dispensary
- 802.03.26 Medical Marijuana Grow Operation
- 802.03.27 Medical Marijuana Provider
- 802.03.28 Motor Vehicle Graveyard
- 802.03.29 Motor Vehicle Wrecking Facility
- 802.03.30 Motorized vehicle/equipment - service/repair and incidental sales
- 802.03.31 Outdoor Sports and Recreation
- 802.03.32 Outdoor Entertainment
- 802.03.33 Parking Lot - public or private
- 802.03.34 Propane Distribution/storage facility
- 802.03.35 Public Facilities (with outdoor training)

- 802.03.36 Recycling Facility/solid waste transfer facility
- 802.03.37 Renewable Energy Facilities
- 802.03.38 Research and Development Facility
- 802.03.39 Residence
 - 802.04.39.01 Multiple – Dwelling Unit Residence per parcel
- 802.03.40 Restaurant
- 802.03.41 Retail
- 802.03.42 Satellite Earth Station
- 802.03.43 Storage Facility, Self Service
- 802.03.44 Vehicle Fuel Sales
- 802.03.45 Vehicle Repair
- 802.03.46 Vehicle Sales and Rental
- 802.03.47 Warehouse
- 802.03.48 Water/Wastewater Treatment Facility

802.04 Special Exception Uses

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

- 802.04.01 Agricultural
- 802.04.02 Apiculture
- 802.04.03 Community Residential Facility – Type-1
- 802.04.04 Day Care Facility
 - 802.04.04.01 Adult Daycare
 - 802.04.04.02 Family Daycare
 - 802.04.04.03 Group Daycare
- 802.04.05 Forestry
- 802.04.06 Horticulture
- 802.04.07 Silviculture
- 802.04.08 Telecommunication Facility

802.05 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.

802.05.01 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.

802.05.01.1 Lot Design

- a. 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.
- b. 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.
- c. 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.
- d. 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 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 9th parcel, seventy-two (72) acres

in size, is to be preserved as open space and/or a resource use(s). Under this development scenario, 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.

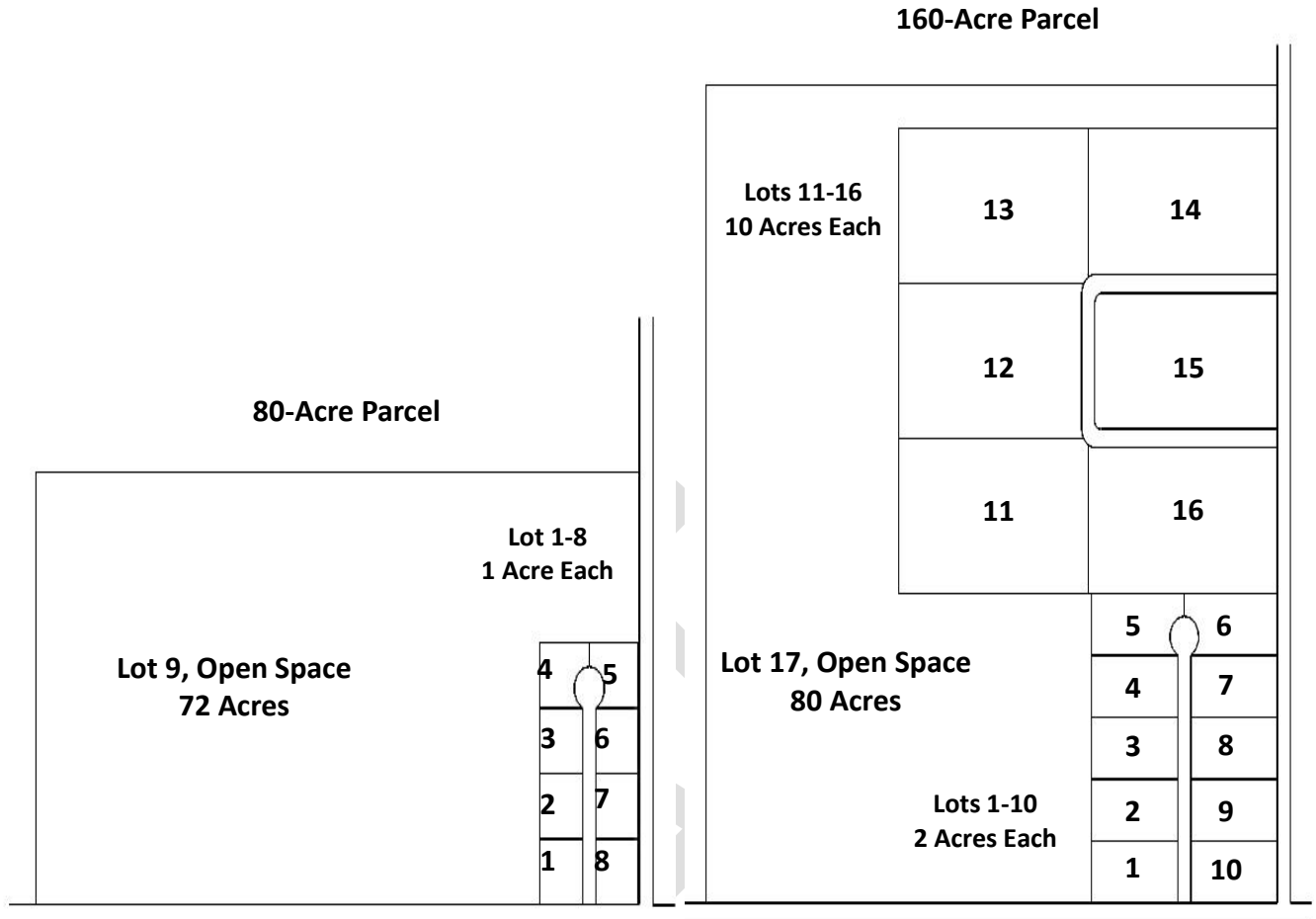


Figure 1 – Alternative layouts for clustered development (for illustrative purposes only, as many other scenarios are possible.)

802.05.01.2 Open Space Standards

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

- a. 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;
- b. Be accessible via a road and/or trail easement filed with the Lewis and Clark County Clerk and Recorder’s office;
- c. 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;

- d. 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;
- e. 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,
- f. Be located adjacent to the one (1) or more lots to be developed.

For projects that address the development constraints of road conditions and rural fire protection, smaller parcel sizes and/or greater densities may be permitted through a PD as detailed in Section 21. (The Growth Policy requires that these two constraints be mitigated either under rezoning or through a PD, instead of all five (water, flooding, and wastewater excluded). These DRAFT Regulations would require the development to go through a PD.)

802.06 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.

802.07 Minimum Setbacks (The setbacks in the SR-10 Zone are the same as those in the RR District.)

802.07.01 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) (Thoughts on the specified setbacks below (smaller/larger)?)

Front: Ten (10) feet.

Side: Ten (10) feet.

Rear: Ten (10) feet.

807.07.02 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: **(Thoughts on the specified setbacks below (smaller/larger)?)**

Front: Ten (10) feet.

Side: Ten (10) feet.

Rear: Ten (10) feet.

802.07.03 Conditional Use:
Same as Principal unless otherwise defined with the CUP.

802.08 Encroachments (Setbacks)

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

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

802.09 Building Height

Maximum building height: thirty-five (35) feet **(The maximum building height in the SR-10 Zone is the same maximum building height in the RR District.)**

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.

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

802.10 Parking Standards **(The parking standards in the SR-10 Zone are the same as the parking standards in the RR District.)**

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:

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

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

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

802.10.04 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.

- 802.10.05 Public Facility: four (4) spaces per one thousand (1,000) square feet of gross floor space.
- 802.10.06 Funeral Home; Worship Facility: one (1) space for every four (4) seats.
- 802.10.07 Vehicle Fuel Sales: one (1) space for each two (2) employees, excluding spaces to serve the gas pumps.
- 802.10.08 Bank Financial Institution (Walk-in Only): 0.63 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.09 Bank Financial Institution (Walk-in with Drive-up): 4.23 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.10 Health Care Center; Animal Hospital; Veterinary Clinic: 4.11 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.11 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.
- 802.10.12 Crematorium; General Repair; Light Industrial; Vehicle Repair: 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.13 Vehicle Sales and Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.14 Equipment Rental: 2.1 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.15 Hotel: 0.89 spaces per room
- 802.10.16 Indoor/Outdoor Entertainment, Sports, and Recreation; Outdoor Concerts and Theatrical Performances: 0.26 spaces per seat.
- 802.10.17 Specialized Food Production; Artisan Shop (with Production and Manufacturing): 1.59 spaces per one thousand (1,000) square feet of gross floor area.
- 802.10.18 Community Residential Facility (Type II): one (1) space for each three (3) dwelling units.
- 802.10.19 Residence: two (2) spaces for each residential dwelling unit.
- 802.10.20 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.

802.10.21 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.

802.10.22 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.

803 Suburban Residential - 1 (Low-density Development – One (1) acre)

(Lots in a low-density development would be allowed to install rural-type infrastructure (narrower roads with ditches, on-site water and wastewater, etc.)) (Thoughts regarding the performance standards for this Zone?)

(Principal Uses/Accessory Uses/Conditional Uses: Special Exception Uses: Same as SR-10
Minimum Lot Area: one (1) acre (Should lot clustering be allowed for a low-density development in the SR-1 Zone?)

Maximum Gross Density: one (1) acre

Minimum Setbacks: ten (10) feet from all property lines or road easements/right-of-way

Encroachments: allowance for utility distribution lines and certain fencing to encroach into setbacks

Building Height: same as in SR-10

Parking Standards: same as SR-10

Lighting Standards: Section 806)

(What are your thoughts regarding the outline above for the SR-1 Zone? What changes or additions would you like to see be made?)

804 Suburban Residential -1/2 (Medium-density Development)

(Lots in a medium-density development would be required to install a mix of urban and rural-type infrastructure (wider roads with curb and gutter, public water or wastewater, etc.)) (Thoughts regarding the performance standards for this Zone?)

(Principal Uses/Accessory Uses/Conditional Uses: Special Exception Uses:

Minimum Lot Area: one-half acre

Minimum Setbacks: ten (10) feet from all property lines or road easements/right-of-way

Encroachments: allowance for utility distribution lines and certain fencing to encroach into setbacks

Building Height: same as in SR-10

Parking Standards: same as SR-10

Lighting Standards: Section 806)

(What are your thoughts regarding the outline above for the SR-1/2 Zone? What changes or additions would you like to see be made?)

805 Suburban Residential - 1/4 (High-density Development)

(Lots in a high-density development would be required to install urban-type infrastructure (wider roads with curb and gutter and sidewalks, public water, public wastewater, etc. In these areas, one of the zones found in the UR District would be selected, and the regulations for that

zone would be applied to the parcels) (Thoughts regarding the performance standards for this Zone?)

(Principal Uses/Accessory Uses/Conditional Uses: Special Exception Uses: Similar to Urban zones (R-1/R-2, R-3, R-4/R-O, R-U, B-2, M-I, CLM, or PLI))

Minimum Lot Area: one-quarter (1/4) acre

Minimum Setbacks: same as urban zone

Encroachments: allowance for utility distribution lines and certain fencing to encroach into setbacks

Building Height: same as allowed under urban zone

Parking Standards: same as allowed under urban parking requirements

Lighting Standards: Section 806)

What are your thoughts regarding the outline above for the SR-1/4 Zone? What changes or additions would you like to see be made?)

806 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.

806.01 Residential Outdoor Lighting

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

806.02 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.

806.03 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.

806.04 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.

806.05 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.

806.06 Exemptions

- 806.06.01 Fixtures producing two thousand eight hundred fifty (2,850) average lumens (equivalent of a one hundred fifty (150) watt incandescent bulb) or less.
- 806.06.02 American Flag illumination
- 806.06.03 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.
- 806.06.04 Seasonal Lighting
Seasonal lighting used for the celebration of commonly acknowledged holidays and special events.
- 806.06.05 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.
- 806.07 Prohibited Lighting
The following types of lights are prohibited within the Rural Residential Mixed-Use Zone District.
- 806.07.01 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.
- 806.07.02 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.
- 806.07.03 When projected above a horizontal plane, beacons, laser source lights, strobe lights, or any similar high intensity light used for promotional or entertainment purposes.
- 806.07.04 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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