

SECTION 9 URBAN RESIDENTIAL MIXED-USE DISTRICT (UR)

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901 Intent
Add UR District Intent

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, apiculture, forestry, horticulture, silviculture
- 902.02.02 Boarding/rooming house (1-3 residents)
- 902.02.03 Community residential facility, Type I (1 to 12 residents)
- 902.02.04 Day care, adult (up to 12 adults)
- 902.02.05 Day care, family (up to 6 children)
- 902.02.06 Day care, group (7 to 12 children)
- 902.02.07 On-site construction office
- 902.02.08 Open space
- 902.02.09 Parks/playgrounds
- 902.02.10 Residence, single-dwelling unit
- 902.02.11 Residence, two-dwelling units
- 902.02.12 Trails
- 902.02.13 Utility, distributed power
- 902.02.14 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.
- 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 Day care 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)

Comments received from ZAP: Make a principal use so as not to segregate social classes.

- 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.

Comments received from ZAP: 60%; increase maximums or no maximum; concerns about irrigating too much grass with 40% maximum lot coverage and being at odds with STEEP Analysis results.

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. Comments received from ZAP: Increase to 42 feet

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

902.10 Parking Standards

The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01.

902.11 Landscaping Standards

See landscaping standards in Section 911.

902.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.

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, apiculture, forestry, horticulture, silviculture
- 903.02.02 Boarding/rooming house (1-3 residents)
- 903.02.03 Community residential facility, Type I (1 to 12 residents)
- 903.02.04 Day care, adult (up to 12 adults)
- 903.02.05 Day care, family (up to 6 children)
- 903.02.06 Day care, group (7 to 12 children)
- 903.02.07 On-site construction office
- 903.02.08 Open space
- 903.02.09 Parks/playgrounds
- 903.02.10 Residence, single-dwelling unit
- 903.02.11 Residence, two-dwelling units
- 903.02.12 Residence, multiple-dwelling units (3 or more units)
- 903.02.13 Trails
- 903.02.14 Utility, distributed power
- 903.02.15 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.

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 Day care 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.

Comments received from ZAP: Increase maximums or no maximum; concerns about irrigating too much grass with 40% maximum lot coverage and being at odds with STEEP Analysis results.

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.

Comments from ZAP: 42 feet.

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

903.10 Parking Standards
 The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01

903.11 Landscaping Standards
 See landscaping standards in Section 911.

903.12 Lighting Standards

All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.

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, apiculture, forestry, horticulture, silviculture
- 904.02.04 Boarding/rooming house (1-3 residents)
- 904.02.05 Boarding/rooming house (4-20 residents)
- 904.02.06 Community residential facility, Type I (1 to 12 residents)
- 904.02.07 Community residential facility, Type II (13 or more residents)
- 904.02.08 Day care, adult (up to 12 adults)
- 904.02.09 Day care, family (up to 6 children)
- 904.02.10 Day care, group (7 to 12 children)
- 904.02.11 General/professional services
- 904.02.12 Health care center
- 904.02.13 Instructional facility
- 904.02.14 Mobile home park
- 904.02.15 On-site construction office
- 904.02.16 Open space
- 904.02.17 Parks/playgrounds
- 904.02.18 Residence, single-dwelling unit
- 904.02.19 Residence, two-dwelling units
- 904.02.20 Residence, multiple-dwelling units (3 or more units)
- 904.02.21 Restaurant
- 904.02.22 Trails
- 904.02.23 Utility, distributed power
- 904.02.24 Utility, minor
- 904.02.25 Worship facility

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 Day care 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 no allowed)
- 904.04.11 Health care 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.

Comments received from ZAP: Increase maximums or no maximum; concerns about irrigating too much grass with 60% maximum lot coverage and being at odds with STEEP Analysis results

904.07 Minimum Setbacks

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

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.

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

904.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01

904.11 Landscaping Standards
See landscaping standards in Section 911.

904.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.

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, apiculture, forestry, horticulture, silviculture
- 905.02.04 Boarding/rooming house (1-3 residents)
- 905.02.05 Community residential facility, Type I (1 to 12 residents)
- 905.02.06 Day care, adult (up to 12 adults)
- 905.02.07 Day care, family (up to 6 children)
- 905.02.08 Day care, group (7 to 12 children)
- 905.02.09 General/professional services
- 905.02.10 Healthcare center
- 905.02.11 Instructional facility
- 905.02.12 On-site construction office
- 905.02.13 Open space
- 905.02.14 Parks/playgrounds
- 905.02.15 Residence, single-dwelling unit
- 905.02.16 Residence, two-dwelling units
- 905.02.17 Restaurant
- 905.02.18 Trails
- 905.02.19 Utility, distributed power
- 905.02.20 Utility, minor
- 905.02.21 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 Day care 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: a lot(s) that contains floodway and/or 100-year floodplain shall have a minimum lot area of ten (10) acres.

905.06 Maximum Lot Coverage

Sixty (60%) percent. Additional 5% for porch attached to front or side. **Comments received from ZAP: 70% or no maximum.**

905.07 Minimum Setbacks

Front: No minimum.
Rear: No minimum.
Side: No minimum.

905.08 Building Height

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

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

- 905.09 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01
- 905.10 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.
- 906 B-2 Comments received from ZAP: Would like to see some form-based zoning included.
- 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, apiculture, forestry, horticulture, silviculture
 - 906.02.04 Agriculture supply sales
 - 906.02.05 Artisan shop
 - 906.02.06 Auction sales
 - 906.02.07 Bed and breakfast
 - 906.02.08 Boarding/rooming house (1-3 residents)
 - 906.02.09 Boarding/rooming house (4-20 residents)
 - 906.02.10 Bus terminal
 - 906.02.11 Carnivals and circuses
 - 906.02.12 Community center
 - 906.02.13 Community cultural facility
 - 906.02.14 Community residential facility, Type I (1 to 12 residents)
 - 906.02.15 Community residential facility, Type II (13 or more residents)
 - 906.02.16 Construction material sales
 - 906.02.17 Country inn, guest ranch
 - 906.02.18 Day care, adult (up to 12 adults)
 - 906.02.19 Day care center (13 or more individuals)
 - 906.02.20 Day care, family (up to 6 children)
 - 906.02.21 Day care, group (7 to 12 children)
 - 906.02.22 Equipment rental, large
 - 906.02.23 Equipment rental, small
 - 906.02.24 Financial services
 - 906.02.25 Funeral home
 - 906.02.26 General/professional services
 - 906.02.27 General repair

- 906.02.28 General retail sales
- 906.02.29 Health care center
- 906.02.30 Health care facility
- 906.02.31 Hotel/motel, lodge, resort
- 906.02.32 Indoor entertainment, sports and recreation
- 906.02.33 Instructional facility
- 906.02.34 Itinerant outdoor sales
- 906.02.35 Manufactured/mobile/modular housing sales
- 906.02.36 Medical marijuana dispensary
- 906.02.37 On-site construction office
- 906.02.38 Open space
- 906.02.39 Outdoor concerts and theatrical performances
- 906.02.40 Parking lot
- 906.02.41 Parks/playgrounds
- 906.02.42 Public safety facility
- 906.02.43 Residence, single-dwelling unit
- 906.02.44 Residence, two-dwelling units
- 906.02.45 Residence, multiple-dwelling units (3 or more units)
- 906.02.46 Restaurant
- 906.02.47 Restaurant, drive-in
- 906.02.48 Specialized food production
- 906.02.49 Tavern
- 906.02.50 Trails
- 906.02.51 Utility, distributed power
- 906.02.52 Utility, minor
- 906.02.53 Vehicle fuel sales
- 906.02.54 Vehicle sales and rental
- 906.02.55 Vehicle services
- 906.02.56 Veterinary clinic, small animals
- 906.02.57 Worship facility

Residential uses are allowed by right in a story that is above a retail or commercial use. A CUP is required for residential uses that are above industrial uses.

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 facility
- 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.
 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. **Comments received from ZAP: Want to see large, nice buildings with small parking areas.**

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

- 906.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01. **Comments received from ZAP: Want to see small parking areas with large, nice buildings.**
- 906.11 Landscaping Standards
See landscaping standards in Section 911.
- 906.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.
- 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, apiculture, forestry, horticulture, silviculture
 - 907.02.05 Agriculture supply sales
 - 907.02.06 Artisan shop
 - 907.02.07 Auction sales
 - 907.02.08 Boarding/rooming house (1-3 residents)
 - 907.02.09 Boarding/rooming house (4-20 residents)
 - 907.02.10 Bus terminal
 - 907.02.11 Carnivals and circuses
 - 907.02.12 Commercial kennel, animal boarding, stables or other animal-related services
 - 907.02.13 Community center
 - 907.02.14 Composting facility/landfill
 - 907.02.15 Construction material sales
 - 907.02.16 Contractor yard
 - 907.02.17 Crematorium
 - 907.02.18 Educational facility (Higher Education)
 - 907.02.19 Equipment rental, large
 - 907.02.20 Equipment rental, small
 - 907.02.21 Freight terminal
 - 907.02.22 Funeral home
 - 907.02.23 General/professional services
 - 907.02.24 General repair
 - 907.02.25 General retail sales
 - 907.02.26 Indoor entertainment, sports and recreation

- 907.02.27 Industrial, light
- 907.02.28 Instructional facility
- 907.02.29 Itinerant outdoor sales
- 907.02.30 Manufactured/mobile/modular housing sales
- 907.02.31 Medical marijuana dispensary
- 907.02.32 Mini-storage facility
- 907.02.33 On-site construction office
- 907.02.34 Open space
- 907.02.35 Outdoor concerts and theatrical performances
- 907.02.36 Parking lot
- 907.02.37 Parking structure
- 907.02.38 Parks/playgrounds
- 907.02.39 Public safety facility
- 907.02.40 Railroad yard
- 907.02.41 Recycling center
- 907.02.42 Residence, single-dwelling unit
- 907.02.43 Residence, two-dwelling units
- 907.02.44 Specialized food production
- 907.02.45 Trails
- 907.02.46 Utility, distributed power
- 907.02.47 Utility, minor
- 907.02.48 Vehicle fuel sales
- 907.02.49 Vehicle repair
- 907.02.50 Vehicle sales and rental
- 907.02.51 Vehicle services
- 907.02.52 Veterinary clinic, large animals
- 907.02.53 Veterinary clinic, small animals
- 907.02.54 Warehouse
- 907.02.55 Worship facility

Residential uses are allowed by right in a story that is above a retail or commercial use. A CUP is required for residential uses that are above industrial uses.

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 Day care, adult (up to 12 adults)
- 907.04.08 Day care center (13 or more individuals)
- 907.04.09 Day care, family (up to 6 children)
- 907.04.10 Day care, 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 Medical 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.
- 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.

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

- 907.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01.
- 907.11 Landscaping Standards
See landscaping standards in Section 911.
- 907.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.

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, apiculture, forestry, horticulture, silviculture
- 908.02.03 Agriculture supply sales
- 908.02.04 Artisan shop
- 908.02.05 Boarding/rooming house (1-3 residents)
- 908.02.06 Boarding/rooming house (4-20 residents)
- 908.02.07 Carnivals and circuses
- 908.02.08 Commercial kennel, animal boarding, stables or other animal-related services
- 908.02.09 Composting facility/landfill
- 908.02.10 Construction material sales
- 908.02.11 Contractor yard
- 908.02.12 Crematorium
- 908.02.13 Equipment rental, large
- 908.02.14 Equipment rental, small
- 908.02.15 Freight terminal
- 908.02.16 Funeral home
- 908.02.17 General repair
- 908.02.18 Indoor entertainment, sports and recreation
- 908.02.19 Industrial, heavy
- 908.02.20 Industrial, light
- 908.02.21 Industrial park
- 908.02.22 Instructional facility
- 908.02.23 Junkyard

- 908.02.24 Manufactured/mobile/modular housing sales
- 908.02.25 Medical marijuana dispensary
- 908.02.26 Mini-storage facility
- 908.02.27 On-site construction office
- 908.02.28 Open space
- 908.02.29 Outdoor concerts and theatrical performances
- 908.02.30 Parking lot
- 908.02.31 Parking structure
- 908.02.32 Public safety facility
- 908.02.33 Railroad yard
- 908.02.34 Recycling center
- 908.02.35 Residence, single-dwelling unit
- 908.02.36 Specialized food production
- 908.02.37 Trails
- 908.02.38 Utility, distributed power
- 908.02.39 Utility, major
- 908.02.40 Utility, minor
- 908.02.41 Vehicle repair
- 908.02.42 Vehicle services
- 908.02.43 Veterinary clinic, large animals
- 908.02.44 Veterinary clinic, small animals
- 908.02.45 Warehouse

Residential uses are allowed by right in a story that is above a retail or commercial use. A CUP is required for residential uses that are above industrial uses.

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 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.

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

908.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01.

908.11 Landscaping Standards
See landscaping standards in Section 911.

908.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.

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, apiculture, forestry, horticulture, silviculture

- 909.02.03 Animal shelter
- 909.02.04 Carnivals and circuses
- 909.02.05 Community center
- 909.02.06 Community cultural facility
- 909.02.07 Community residential facility, Type II (13 or more residents)
- 909.02.08 Day care, adult (up to 12 adults)
- 909.02.09 Day care center (13 or more individuals)
- 909.02.10 Educational facility (Higher Education)
- 909.02.11 Educational facility (K-12)
- 909.02.12 Health care facility
- 909.02.13 Instructional facility
- 909.02.14 On-site construction office
- 909.02.15 Open space
- 909.02.16 Outdoor concerts and theatrical performances
- 909.02.17 Outdoor entertainment, sports, and recreation
- 909.02.18 Parking lot
- 909.02.19 Parking structure
- 909.02.20 Parks/playgrounds
- 909.02.21 Public safety facility
- 909.02.22 Trails
- 909.02.23 Utility, distributed power
- 909.02.24 Utility, major
- 909.02.25 Utility, minor
- 909.02.26 Worship facility

Taverns that are accessory to a permitted 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.

Height limitations do not apply to the following: spires, belfries, cupolas, chimneys, water tanks, elevator housings, solar energy systems, streetlights, and utility poles.

909.10 Parking Standards
The minimum number of off-street parking spaces required for each land use can be found in Section 910.03.01.

909.11 Landscaping Standards
See landscaping standards in Section 911.

909.12 Lighting Standards
All outdoor electrical lighting shall be installed in conformance with the lighting standards found in Section 912.

910 Parking Standards

Comments received from ZAP: Disagree with using City parking requirements. Too auto-centric. Prefer maximums, not minimum. Not fully fleshed out. Excessive parking requirements that increase development costs (if possible, incorporate some form-based zoning concepts). Define off-street parking. Does it include a garage and driveway or other?

910.01 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:

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

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

910.03 Minimum Number of Off-street Parking Spaces Required

910.03.01 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.



- 910.03.01.1 Administrative government agency: 3.0 spaces/1,000 square feet (sq. ft.) gross floor area (g.f.a.)
- 910.03.01.2 Administrative services: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.3 Agriculture: None required
- 910.03.01.4 Agricultural commodity storage facility: 0.5 space/1,000 sq. ft. g.f.a.
- 910.03.01.5 Agriculture supply sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.6 Airport: None required
- 910.03.01.7 Animal shelter: 2.79 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.8 Apiculture: None required
- 910.03.01.9 Artisan shop: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.10 Auction sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.11 Bed and breakfast: 0.89 space/room plus 1 space/dwelling unit
- 910.03.01.12 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
- 910.03.01.13 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
- 910.03.01.14 Bus terminal (office space): 3.0 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.15 Bus terminal (storage): 0.5 space/1,000 sq. ft. g.f.a.
- 910.03.01.16 Campground/RV park: 1 space/RV or tent space

- 910.03.01.17 Casino: 14 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.18 Commercial kennel: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.19 Community center: 4 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.20 Community cultural facility: 2 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.21 Community residential facility, type I, 1 – 12 residents: 1 space for each 3 sleeping area rooms
- 910.03.01.22 Community residential facility, type II, 13 or more residents: 1 space for each 3 sleeping area rooms
- 910.03.01.23 Composting: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.24 Construction material sales: 3.29 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.25 Contractor yard: 0.5 space/1,000 sq. ft. g.f.a.; no less than 1 on site space must be provided
- 910.03.01.26 Correctional facility: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.27 Country inn: 0.89 space/room plus 1 space/dwelling unit
- 910.03.01.28 Crematorium: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.29 Daycare, adult (up to 12): 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.30 Daycare center (13 or more children): 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.31 Daycare, family: None required
- 910.03.01.32 Daycare, group: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.33 Educational facility (higher education): 0.31 space/student
- 910.03.01.34 Educational facility (elementary/middle school): 0.12 space/student
- 910.03.01.35 Educational facility (high school): 0.31 space/student
- 910.03.01.36 Emergency shelter: 1 space/3 rooms
- 910.03.01.37 Equipment rental, large: 2.92 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.38 Equipment rental, small: 2.92 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.39 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
- 910.03.01.40 Forestry: None required
- 910.03.01.41 Freight terminal: 0.5 space/1,000 sq. ft. g.f.a.
- 910.03.01.42 Fuel tank farm: 0.5 space/1,000 sq. ft. g.f.a.
- 910.03.01.43 Funeral home: 0.25 space/seat
- 910.03.01.44 General repair: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.45 General/professional services: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.46 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.
- 910.03.01.47 General/specialty sales: Furniture/carpet/appliance store: 1 space/1,000 sq. ft. g.f.a.

- 910.03.01.48 General/specialty sales: Grocery store: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.49 General/specialty sales: Machinery sales: 1.5 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.50 Healthcare center: 4.11 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.51 Healthcare facility: 1.8 spaces/bed
- 910.03.01.52 Horticulture: None required
- 910.03.01.53 Hotel/motel: 0.89 space/room
- 910.03.01.54 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.
- 910.03.01.55 Indoor entertainment, sports and recreation (theaters for movies and performing arts): 0.25 space/seat
- 910.03.01.56 Industrial, heavy: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.57 Industrial, light: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.58 Industrial, park: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.59 Instructional facility: 0.31 space/student
- 910.03.01.60 Junkyard: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.61 Manufactured housing sales: 2.1 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.62 Ministorage facility: 0.5 space/1,000 sq. ft. g.f.a.
- 910.03.01.63 Mobile home park: 2 spaces/dwelling unit
- 910.03.01.64 Motor vehicle wrecking facility: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.65 Open space: None required
- 910.03.01.66 Outdoor entertainment, sports and recreation: 0.25 space/seat
- 910.03.01.67 Parking lot: Not applicable
- 910.03.01.68 Parking structure: Not applicable
- 910.03.01.69 Parks/playgrounds: None required
- 910.03.01.70 Prerelease center: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.71 Public safety facility: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.72 Railroad yard: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.73 Recycling: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.74 Residence, single-dwelling unit: 2 spaces/dwelling unit
- 910.03.01.75 Residence, two-dwelling units: 2 spaces/dwelling unit
- 910.03.01.76 Residence, multiple-dwelling units (3 or more units): 1 space/dwelling unit (same requirement regarding housing for older persons)
- 910.03.01.77 Restaurant: 14 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.78 Restaurant, drive-in (21 or more seats): 14 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.79 Restaurant, drive-in (less than 21 seats): 0.5 space/seat
- 910.03.01.80 Sexually-oriented business: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.81 Shopping center: 3 spaces/1,000 sq. ft. g.f.a.



- 910.03.01.82 Silviculture: None required
- 910.03.01.83 Specialized food production (area used for on-site consumption): 14 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.84 Specialized food production (manufacturing/production area): 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.85 Tavern: 14 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.86 Utility, distributed power: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.87 Utility, major: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.88 Utility, minor: 1.19 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.89 Vehicle fuel sales (without convenience store): 2.1 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.90 Vehicle fuel sales (if combined with convenience store): 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.91 Vehicle repair: 2.1 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.92 Vehicle sales and rental: 1 space/1,000 sq. ft. g.f.a.
- 910.03.01.93 Vehicle services: 1 space/1,000 sq. ft. g.f.a.
- 910.03.01.94 Veterinary clinic, large or small animals: 3 spaces/1,000 sq. ft. g.f.a.
- 910.03.01.95 Warehouse: 0.5 space/1,000 sq. ft. g.f.a.
- 910.03.01.96 Worship facility: 0.25 space/seat

910.03.02 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.

910.04 ADA Accessible Parking

910.04.01 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.

910.04.02 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.

910.05 Off-street Parking Design Standards

910.05.01 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

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

910.05.02 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.

910.06 Non-conforming Parking

910.06.01 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.

910.06.02 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.

910.07 Off-site and Shared Parking

910.07.01 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.

910.07.02 Required off-street parking for buildings and uses located in the B-1, 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.

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

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

910.07.03.2 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 the lot, parcel, or tract containing the parking area; and



910.07.03.3 Adequate pedestrian access between the parking lot and the use is provided.

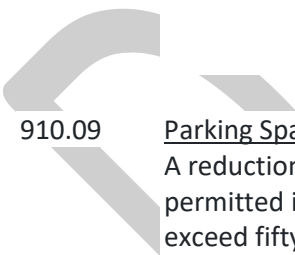
910.08 Pedestrian Access and Bicycle Space Requirements

910.08.01 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:

- 910.08.01.1 Limit conflict between pedestrians and vehicular traffic;
- 910.08.01.2 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
- 910.08.01.3 Must be a minimum of five (5) feet wide.

910.08.02 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.

910.08.03 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.



910.09 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 912.09.01.04 of this Section. Required off-street parking spaces may be reduced as follows:

910.09.01 Nonresidential uses:

910.09.01.1 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) 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.

910.09.01.2

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.

910.09.01.3

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.

910.09.02 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, B-1, 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) foot length used to determine a parking space, that intersected portion is considered one parking space, regardless of size.

911 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.

911.01 General Landscaping

911.01.01 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.

911.01.02 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 911.04.

911.02 Parking Lot Landscaping

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

911.02.01 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.

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

911.02.03 All qualified trees on a tract may be used to satisfy Subsection 911.02.02, whether installed as general landscaping pursuant to Subsection 911.01, screening pursuant to Subsection 911.03, parking lot landscaping pursuant to this Section, or any other required landscaping.

911.03 Screening



911.03.01 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.

911.03.02 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.

911.03.03 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.

911.04 General Landscaping and Parking Lot Landscaping Standards

911.04.01 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.

911.04.02 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 911.02.02. 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.

911.04.03 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.

911.04.04 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.

911.05 Site Plan Required

911.05.01 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:

911.05.01.1 Location of proposed general and parking lot landscaping drawn to scale, which scale must be appropriate to the size of the project;

911.05.01.2 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;

- 911.05.01.3 Location, installed size, species, and quantity of proposed trees, bushes, shrubs, or other vegetation, and organic and inorganic materials proposed for use; and
- 911.05.01.4 Estimated date of completion of the installation of the general and parking lot landscaping.

911.05.02 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.

911.06 Maintenance

- 911.06.01 Landscaping must be maintained to sustain healthy trees, bushes, shrubs, and other vegetation.
- 911.06.02 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.

911.07 Non-conforming Landscaping

- 911.07.01 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.
- 911.07.02 If the size of a building is changed or reconstructed, the landscaping requirements of this Section apply to the entire tract.
- 911.07.03 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.

912 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.

912.01 Residential Outdoor Lighting

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

912.02 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.

912.03 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.

912.04 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.

912.05 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.

912.06 Exemptions

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

912.06.2 American Flag illumination

912.06.3 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.

912.06.4 Seasonal Lighting

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

912.06.5 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.

912.07 Prohibited Lighting

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

912.07.1 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.

912.07.2 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.

912.07.3 When projected above a horizontal plane, beacons, laser source lights, strobe

lights, or any similar high intensity light used for promotional or entertainment purposes.

- 912.07.4 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.

NOTE: The following additional items are being considered for the UR Zone District: supplemental requirements (i.e. public hearings on placement of facilities, and marijuana dispensaries and grow operations); lot requirements; townhouses; mobile home parks; RV Parks and campgrounds; daycare facilities; sale of alcoholic beverages and casinos; and home occupations.

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